AMERICAN STATE PAPERS.

PUBLIC LANDS.

VOLUME VI.

AMERICAN STATE PAPERS.

DOCUMENTS

OF THE

CONGRESS OF THE UNITED STATES,

IN RELATION TO

THE PUBLIC LANDS,

FROM THE

FIRST SESSION OF THE TWENTY-FIRST TO THE FIRST SESSION OF THE TWENTY-THIRD CONGRESS,

COMMENCING DECEMBER 1, 1828, AND ENDING APRIL 11, 1834.

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 VI

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COMMUNICATED TO CONGRESS BY THE PRESIDENT OF THE UNITED STATES DECEMBER 8, 1829.

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Letter from the Secretary of the Treasury, with a report from the Commissioner of the General Land Office.

TREASURY DEPARTMENT, *December* 1, 1829.

SIR: I have the honor to lay before you a report of the Commissioner of the General Land Office, exhibiting the periods at which the quarterly accounts of the respective receivers in office have been returned and adjusted, with the balance on hand, agreeably to the last monthly return. Also, a statement of the quantity of land sold, and the amount of purchase money received under the credit and cash system for the year 1828, and for the first six months of 1829. And also the amount paid in cash and stocks within those periods, after deducting the incidental expenses, with some suggestions by the Commissioner as to the policy of the government in relation to the public lands. To which is appended a report of an investigation, made by your direction, to ascertain the character of certain claims to land in Arkansas, founded on Spanish grants.

All which is respectfully submitted for your consideration.

S. D. INGHAM, *Secretary of the Treasury.*

The PRESIDENT *of the United States.*

GENERAL LAND OFFICE, *November* 21, 1829.

SIR: I have the honor to submit the usual annual report in relation to the affairs of this office.

The paper marked A exhibits the periods to which the quarterly accounts of the respective receivers in office have been returned and adjusted, with the balances on hand, agreeably to the last monthly returns of the receivers of public moneys respectively.

The paper marked B exhibits the quantity of land sold, and the amount of purchase money received under the cash and credit systems, for the year 1828, and the first six months of 1829; and also the amounts paid into the treasury in cash and stock within those periods respectively, after deducting the incidental expenses.

The gross proceeds on account of the public lands for the years 1827, 1828, and the first six months of 1829, amount to $4,075,282, and the sums paid into the treasury and accounted for within the same period is $4,079,043, giving an average annual gross receipt of more than $1,600,000; but as a portion of these receipts was for lands heretofore sold under the credit system, this amount cannot be assumed as the permanent annual revenue to be derived from the sale of the public lands.

There is reason, however, to believe that there will be an annual demand for about one million of acres of the public lands, which, at the minimum price of $1 25 per acre, will give an annual revenue from this source of $1,250,000, which will probably be increased with the progress of population and improvement. That these causes create a demand for the public lands equal, if not superior, to that arising from their fertility, when taken in connexion with their locality, is evinced by the following facts: That the cash sales of land in the State of Ohio for the year 1828, where the lands have generally been in market for thirty years, equal those in any other State, with the exception of Indiana.

That the cash sales in the Steubenville land district, where the lands have been in the market for nearly forty years, and within which there is not more than two or three hundred thousand acres of public lands left for sale, and which of course are of the most inferior quality, amounted in 1828 to $35,000; whereas the sales in the Piqua district, in the same State, where the lands have only been in the market for six or eight years, and a very small portion of them sold, and within which there are extensive bodies of land of excellent quality, the sales for the same period amounted to only $2,000; and in the Territory of Arkansas, where there are immense bodies of land of very superior quality, subject to entry at the minimum price, the sales within the year 1828 amounted to only $2,000.

The act of Congress requiring that the public lands should be sold only for cash, and the immense quantity of those lands that has been brought into market in the States and Territories extending from

the northern lakes to the Gulf of Mexico, have had the effect not only of checking, but of almost entirely putting an end to the speculations in the purchase of the public lands, and it is believed that the purchases now made from the public are almost exclusively for the purpose of occupation and improvement—a result the most desirable from any system that may be devised for the disposition of the public domain.

On the 4th of July last the several laws relative to the lands that had been sold on a credit expired, and all lands purchased on credit, which had not been paid for or relinquished, reverted to the United States, and the money heretofore paid on them was forfeited. The amount of money thus paid and forfeited is estimated at $700,000. These forfeitures are confined exclusively to the amounts paid on lands further credited under the provisions of the act of March 2, 1821, and those supplementary thereto. From 1824 until July last the parties incurring these forfeitures had the privilege of settling their accounts by relinquishing a portion of the lands purchased, or by paying for the same at a discount of thirty-seven and a half per cent. without interest. Under these circumstances, it is contemplated to offer for sale the relinquished lands and those reverted as soon after April next as circumstances may make it expedient, unless Congress shall otherwise by law direct.

When the public lands were sold on a credit, which, in fact, extended to five years after the payment of one-fourth of the purchase money, it became indispensably necessary to protect the United States against improper combinations, by which the purchaser might permit the land to be sold for taxes, that an arrangement should be made with the people of the Territories, when those Territories were about to assume the form of States, by which the lands sold by the United States should be exempted from taxes for a period equal to that to which the credit given on them was extended; and, accordingly, a compact was entered into with the people of the new States, within which the public lands lie, by which the lands sold by the United States should be exempt from taxes for five years. The credit system being now entirely abolished, one of the reasons for this stipulation has ceased to exist, and, as those States complain of such exemption of the lands from taxes as a grievance, it is respectfully suggested whether it would not be advisable to exonerate them from this contract. Although the exemption of the lands sold by the United States from taxes for a given period has, no doubt, a tendency to promote emigration generally to the States within which the public lands lie, yet it is perhaps better that each of those States should have the option of deciding how far such exemption might comport with their own views of their own interests.

With the termination of the credit system, all legal objections to the entire consolidation of the land offices within the respective States has ceased, and on that subject I take leave to refer to the following extract from a report made from this office, and submitted to Congress by the Secretary of the Treasury in January, 1825: "After the lands in any State have been all surveyed and offered at public sale, and when the debt due for lands heretofore purchased in such State shall have been liquidated, a further and more extensive reduction of the land districts may be made by limiting them in such State to a single district, and locating the land office at the seat of government of the State.

"In any arrangement that may be made for the reduction of the number of land districts, the fact that a large debt is due on account of lands, the payments for which are to be made at the option of the debtors, either at the treasury of the United States or at the office where the lands were purchased, is entitled to much attention in respect both to the rights and accommodation of the purchasers; and when it is also taken into consideration that the disbursements of the public money are very limited in nearly all that section of country where the public lands lie, and that, from the force of circumstances, these disbursements will not probably be materially increased, it is submitted how far other considerations than those arising from the reduction of the expenses of collecting this branch of the revenue might make it inexpedient to reduce the land districts to the number proposed in this report, until those circumstances shall have occurred which would justify the reduction of them to a single district in each State."

A consolidation of the land offices would materially reduce the expenses incident to the collection of this branch of the revenue as well as those incident to this office; and should Congress, under all the circumstances belonging to the question, deem such an arrangement expedient, it might be immediately carried into effect in the State of Ohio, where the lands in each land district have all been offered at public sale, and gradually be extended to the other States, as the fact that all the lands in each of the land districts had been offered at public sale might occur.

Suspicions having been excited that extensive frauds had been practiced in the Territory of Arkansas, under the provisions of the acts of May 26, 1824, and May 22, 1826, authorizing the claimants to lands, whose titles were derived from the Spanish government, to institute proceedings in the court for the said Territory to try the validity of such claims, I was authorized by the President to instruct Colonel Isaac T. Preston, the register of the land office at New Orleans, who possessed, in an eminent degree, the qualifications necessary for making such an investigation, to proceed to Little Rock for the purpose of examining the Spanish documents that had been filed, and on which the court had confirmed a number of claims, and, by comparing them with documents that were known to be genuine, to ascertain the extent of the frauds that had been practiced. The communication from him, dated October 10, 1829, herewith transmitted, and marked C, exhibits the result of his investigation, from which it appears that one hundred and seventeen claims, covering sixty thousand acres of land, were confirmed by the court of Arkansas between the 19th and 24th of December, 1827; that seven claims, covering twenty thousand acres of land, were yet pending; and that one hundred and eighty-eight claims had been withdrawn or struck from the docket because security for the costs had not been given, and that there exists no doubt but that the whole of those claims are founded on forged evidences of title. And it further appears that, under an order of court made on October 9, 1828, the original papers, on which these claims were founded, have been withdrawn from the files of the court, with the exception of those filed in fifty-eight of the cases.

Application has been made to this office to issue patents on entries made at the land offices at Little Rock and Batesville for eighty-four of the claims confirmed by the court. For the first six cases presented for entries made at Batesville patents were issued, but as the number of applications for patents increased, as the patents were all required to be issued to assignees, and as, on a comparison of the assignments with each other, I was satisfied that they had been manufactured by a few individuals, my previous suspicions, as to the frauds committed on the court, were so far confirmed as to justify me in withholding the patents in all the other cases.

Two of the cases in which patents have issued were no doubt founded on fraudulent evidences of title.

Measures have been taken to procure, if possible, a revision by the court of Arkansas of all those cases which have been confirmed by the court, and the registers of the land offices at Batesville and Little Rock have been instructed not to permit any entry to be made on their books by virtue of such confirma-

tions, and to give public notice that no patents will be issued on entries heretofore made by virtue of such confirmations until Congress shall have acted upon the subject.

The powers of the court of Arkansas in relation to these cases will, by the provisions of the law, cease in May next. Some immediate legislative provision is therefore indispensably necessary, by which the powers of the court may be continued for the special purpose of acting on the cases now pending, and on the bills that may be filed to obtain a revision of the cases heretofore decided by the court. It may, perhaps, be deemed more expedient to repeal forthwith the acts of 1824 and 1826, so far as they respect the Territory of Arkansas, and at the same time to re-enact such provisions as may be necessary to enable the court to receive and act upon the bills that may be filed for a revision of the cases heretofore confirmed, and providing for an appeal on such bills of revision from the court of Arkansas to the Supreme Court of the United States. Some further legislative provisions will be also necessary in relation to the papers that have been withdrawn from the files of the court, and in relation to the admission of entries and granting of patents, so as to protect the United States from imposition by forged assignments from fictitious confirmees, should the court ultimately refuse to reverse the judgments heretofore rendered.

In relation to the fraudulent claims in Louisiana, alluded to in the communication of Mr. Preston, it is apprehended that they exist in a greater extent than is stated by him; but, acting upon the principle that forgery can form no foundation for a good title, the surveyor of Louisiana has been instructed not to survey, or to receive for record any survey, including lands claimed by virtue of written evidence of title emanating from the Spanish government, and confirmed by Congress, when there was good reason to believe that such written evidence of title had been forged, and to proceed to survey the lands so claimed as public lands. So soon, therefore, as any portion of these lands shall have been sold by the United States, the parties claiming under a title purporting to have emanated from the Spanish government, and confirmed by Congress, will have an opportunity of obtaining a judicial decision as to the validity of their claim, and also as to its proper location. In almost every one of these cases the original papers on which the claim was founded have been withdrawn from the land office in which they were filed; the expediency, therefore, of some legislative provision is suggested, by which the original papers shall be required to be produced in court in all cases of controversy relative to title, arising between parties claiming by purchase from the United States, and those claiming by virtue of an act of Congress confirming a claim purporting to have been founded on written evidence of title derived from the Spanish government, and which evidence of title has been withdrawn from the register's office.

All which is respectfully submitted.

GEO. GRAHAM.

Hon. SAMUEL D. INGHAM, *Secretary of the Treasury.*

A.

Land offices.	State or Territory.	Monthly returns.		Balance of cash in the hands of receivers, as per last monthly return.	Receivers' quarterly accounts.	
		Registers' period to which rendered.	Receivers' period to which rendered.		Period to which rendered.	Period to which adjusted.
Marietta	Ohio	Oct. 31, 1829	Oct. 31, 1829	$320 40	Sept. 30, 1829	Sept. 30, 1829.
Zanesville	..do	Oct. 31, 1829	Oct. 31, 1829	2,416 32	Sept. 30, 1829	Sept. 30, 1829.
Steubenville	..do	Oct. 31, 1829	Oct. 31, 1829	1,596 36	Sept. 30, 1829	Sept. 30, 1829.
Chilicothe	..do	Oct. 31, 1829	Oct. 31, 1829	1,000 33	Sept. 30, 1829	Sept. 30, 1829.
Cincinnati	..do	Sept. 30, 1829	Sept. 30, 1829	1,621 03	Sept. 30, 1829	June 30, 1829.
Wooster	..do	Sept. 30, 1829	Sept. 30, 1829	165 42	Sept. 30, 1829	Sept. 30, 1829.
Piqua	..do	Oct. 31, 1829	Oct. 31, 1829	693 96	Sept. 30, 1829	Sept. 30, 1829.
Tiffin	..do	Sept. 30, 1829	Sept. 30, 1829	232 62	Sept. 30, 1829	Sept. 30, 1829.
Jeffersonville	Indiana	Oct. 31, 1829	Oct. 31, 1829	307 42	Sept. 30, 1829	Sept. 30, 1829.
Vincennes	..do	Oct. 31, 1829	Oct. 31, 1829	8,540 28	June 30, 1829	June 30, 1829.
Indianapolis	..do	Oct. 31, 1829	Oct. 31, 1829	23,334 26	Sept. 14, 1829	*Sept. 14, 1829.
Crawfordsville	..do	Sept. 30, 1829	Sept. 30, 1829	20,760 18	Sept. 30, 1829	Sept. 30, 1829.
Fort Wayne	..do	Sept. 30, 1829	Sept. 30, 1829	6,206 98	Sept. 30, 1829	Sept. 30, 1829.
Shawneetown	Illinois	Oct. 31, 1829	Oct. 31, 1829	429 98	Sept. 30, 1829	Sept. 30, 1829.
Kaskaskia	..do	Sept. 30, 1829	Sept. 30, 1829	85 53	Sept. 30, 1829	Sept. 30, 1829.
Edwardsville	..do	Sept. 30, 1829	Sept. 30, 1829	161 40	Sept. 30, 1829	Sept. 30, 1829.
Vandalia	..do	Sept. 30, 1829	Oct. 31, 1829	16,794 87	Sept. 30, 1829	Sept. 30, 1829.
Palestine	..do	Sept. 30, 1829	Sept. 30, 1829	680 98	Sept. 30, 1829	Sept. 30, 1829.
Springfield	..do	Sept. 30, 1829	Sept. 30, 1829	.....	Sept. 30, 1829	Sept. 30, 1829.
St. Louis	Missouri	Oct. 31, 1829	Oct. 31, 1829	4,175 02	June 30, 1829	June 30, 1829.
Franklin	..do	Sept. 30, 1829	Sept. 30, 1829	14,057 33	Sept. 30, 1829	Sept. 30, 1829.
Palmyra	..do	Sept. 30, 1829	Sept. 30, 1829	1,262 70	Sept. 30, 1829	Sept. 30, 1829.
Jackson	..do	Sept. 30, 1829	Sept. 30, 1829	4,101 07	Sept. 30, 1829	Sept. 30, 1829.
Lexington	..do	Sept. 30, 1829	Sept. 30, 1829	883 35	Sept. 30, 1829	Sept. 30, 1829.
St. Stephen's	Alabama	Sept. 30, 1829	Sept. 30, 1829	4,347 36	Sept. 30, '29 Imperfect..	†Mar. 31, '29.
Cahaba	..do	Oct. 31, '29 Cash system	Oct. 31, '29 Cash system	.....	Mar. 31, 1829	‡Mar. 31, 1829.
Huntsville	..do	Oct. 31, 1829	Oct. 31, 1829	750 62	Sept. 30, 1829	Sept. 30, 1829.
Tuscaloosa	..do	Sept. 30, 1829	Sept. 30, 1829	5,574 95	Sept. 30, 1829	Sept. 30, 1829.

*Date of the final quarterly account of the late receiver.

†The accounts for the 2d and 3d quarters, 1829, received too late for adjustment.

‡No credit system returns received since March 31, 1829, from the receiver, who is absent without leave.

A—Continued.

Land offices.	State or Territory.	Monthly returns.		Balance of cash in the hands of receivers, as per last monthly return.	Receivers' quarterly accounts.	
		Registers' period to which rendered.	Receivers' period to which rendered.		Period to which rendered.	Period to which adjusted.
Sparta.....	Alabama	Sept. 30, 1829	Sept. 30, 1829	$1,334 98	Sept. 30, 1829	Sept. 30, 1829.
Washington...	Mississippi ...	Sept. 30, 1829	May 31, 1829	5,050 97	Mar. 31, 1829	*Mar. 31, 1829.
Augusta.....	....do.....	Sept. 30, 1829	Sept. 30, 1829	.....	Sept. 30, 1829	†Sept. 30, 1829.
Mount Salus...	....do.....	Sept. 30, 1829	Aug. 31, 1829	15,217 77	June 30, 1829	June 30, 1829.
New Orleans ..	Louisiana	July 31, 1829	Sept. 30, 1829	231 65	Sept. 30, 1829	‡Sept. 30, 1829.
Opelousas.....	....do.	Sept. 30, 1829	Sept. 30, 1829	15,095 98	Sept. 30, 1829	Sept. 30, 1829.
Ouachita.....	....do.....	Sept. 30, 1829	Sept. 30, 1829	2,260 38	Sept. 20, 1829	Sept. 30, 1829.
St. Helena.....	....do.....	No sales.				
Detroit.....	Michigan Ter'y.	Oct. 31, 1829	Oct. 31, 1829	5,736 62	Sept. 30, 1829	Sept. 30, 1829.
Monroe	....do.....	Oct. 31, 1829	Oct. 31, 1829	4,775 35	Sept. 30, 1829	Sept. 30, 1829.
Batesville.....	Arkansas Ter'y.	Sept. 30, 1829	Sept. 30, 1829	2,166 74	Sept. 30, 1829	Sept. 30, 1829.
Little Rock....	....do.....	Sept 30, 1829	Sept. 30, 1829	1,841 03	Sept. 30, 1829	Sept. 30, 1829.
Tallahassee....	Florida Ter'y..	Sept. 30, 1829	Aug. 31, 1829	9,867 99	June 30, 1829	§June 30, 1829.
St. Augustine..	....do.....	No sales.				

* No regular accounts received from the receiver since March 31, 1829.
† The receiver states a balance in his favor.
‡ The register absent with permission.
§ The receiver absent with permission.

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

TREASURY DEPARTMENT, *General Land Office, November* 21, 1829.

B.

Exhibit in relation to the public lands for the year 1828 *and the half year ending June* 30, 1829.

Periods.	Net quantity of land sold.	Purchase money.	Receipts under the credit system.	Aggregate receipts	Amount of forfeited land stock included in the aggregate receipts.	Incidental expenses.	Payments by receivers into the treasury of the United States.
	Acres.						
Year 1828.....	965,600.36	$1,221,357 99	$18,140 99	$1,239,498 98	$78,879 40	$95,765 58	$1,018,308 75
First and 2d quarters of 1829...	487,359.54	609,936 31	164,710 02	774,646 33	121,962 28	48,337 43	604,052 29
Aggregate.....	1,452,959.90	1,831,294 30	182,851 01	2,014,145 31	200,841 68	144,103 01	1,622,361 04

The column of "incidental expenses" includes salaries, commissions, and contingent expenses of the several land offices, also expense of examining land offices, and is increased by allowances made for clerk hire and transportation of public moneys, in pursuance of the provisions of the acts of Congress to that effect passed May 22, 1826.

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

TREASURY DEPARTMENT, *General Land Office, November*, 1829.

C.

LITTLE ROCK, *Arkansas Territory, October* 10, 1829.

SIR: It was impossible to induce such a person from New Orleans to attend at Little Rock as would have rendered the United States any service. I determined, therefore, though at a considerable sacrifice, to come myself, and arrived here last Monday, the day indicated in Mr. Roane's letter as that on which the court of this Territory would sit to try land claims; but the court adjourned until Monday next, without doing any business. I determined to stay until that day, although my engagements in Louisiana render it impossible I should stay longer.

I regret to inform you that the impositions practiced on the United States have been much more extensive than you supposed when you wrote to me. The adjudications in favor of what are called *Bowie* claims in the list, which you enclosed to me, amount to sixty-three ; but I find that decrees in favor of one hundred and seventeen of those claims were rendered from the 19th to the 24th of December, 1827. Enclosed you have a list of the names assumed and the quantities confirmed. The claims thus confirmed, amounting to upwards of 60,000 acres, are floating through the Territory, to be located on the best unappropriated lands in any quantities above eighty acres ; it having been proved and decreed in every case that the land conceded by the Spanish governor had been appropriated by the United States.

An order of court was made on the 9th of October, 1828, authorizing the claimants to withdraw their original papers on filing copies ; but fifty-eight of the originals are still on file, which I have seen. I have stated to Mr. Roane that, if he can by any means obtain a revision of the claims, and can send the original papers, which I have seen, and the others which have been withdrawn, (but which there is no doubt were precisely similar,) to New Orleans, with a commission to take testimony, I can prove them, by a great many witnesses of the highest character and standing, to be forgeries.

But you will see by the act of Congress that it makes no provision for further proceedings. The time limited for appealing has elapsed in all the cases. Whether the principles of practice in this Territory would authorize a revision in this court I am ignorant. The attorney of the United States seems to think it possible, but speaks hopelessly of the undertaking, on account of the number of the parties interested, some of them innocent purchasers, and the limited time during which the powers of the court will exist under the law. I have expressed to him the wish of the government that the revision should be attempted if there is a probability of success. This is the extent of my powers.

On the supposition that the only existing remedy is the exercise of the powers of government at Washington, I will now give you some information that may be useful, and perhaps more when I return to New Orleans.

The Bowie claims filed amounted to 117 that have been confirmed ; seven still on the docket, calling for upwards of 20,000 acres ; and 188 claims, which, on the 24th of October, 1828, were struck from the docket because the parties neglected to give security for costs. The whole of these claims were filed in November, 1827, and the 117 were confirmed within a month afterwards. It is unfortunate that but two of the judges of the Territory (Judges Trimble and Johnson) were present on the trial of the cases, their importance requiring the wisdom and care of a full court. The other judge was unavoidably absent. The attorney of the United States, as appears by a bill of exceptions, expressed his ignorance of the character of the claims, that he thought evidence might be obtained to resist them, and asked, unsuccessfully, time for investigation and to procure testimony. The depositions of three men, John Herberard, David Devore, and Lemuel Masters, were taken and filed in each of the 124 cases confirmed and pending. The depositions in every other case were but copies, substantially, and in general literally, of that filed in the first, except the name of the claimant. Enclosed you have copies of their depositions in one case, there being no other testimony in any of the cases. That every one of the confirmed claims should have happened to fall on lands in this Territory appropriated by the United States, and that these witnesses from Louisiana should have known it, ought to have excited surprise ; and the absurdity of the supposition that they should have personally known so many individuals who petitioned for lands in Upper Louisiana from 1785 to 1798, and who were all *living* petitioners by attorney before their court in 1827, should have struck the judges; and the depositions of these witnesses having been impeached by nature, should have been discredited by the court.

The claims are founded on pretended requêtes and orders of survey purporting to be signed by Governors Miro and Gayoso. I have stated to you that those governors kept journals of all their orders of survey, which are duly certified, and in my possession ; therefore, Heberard's belief that they were burnt or deported by the Spaniards is unfounded.

But the requêtes and orders of survey themselves exhibit abundant internal evidence of their falsity. The signature of Manuel Gayoso de Lemos, who always wrote his name in full, and in a fine hand, is but miserably imitated. I brought with me many of his genuine signatures to make the comparison.

Governor Miro generally wrote his name Estevan Miro in full, though sometimes he signed "Miro" alone. It is the last signature which has been counterfeited in every instance, and the counterfeiter, by long habit, (for it commenced just after the war, when Mr. Harper was first appointed, with the claims of Gabo Felice, Labvada and others,) has learnt to imitate those *four letters* very well. But Miro wrote a free, careless, quick hand; the counterfeiter has invariably written slowly, with great care, and generally pointed.

A comparison of the requêtes plainly proves that there could not have been employed more than four, and I think but two hands in draughting and signing them, although they purport to be the petitions of one hundred and twenty-four persons, written and signed by themselves at different times during fifteen years. They all purport to write good hands and sign their names well, although proved by Heberard, who swears he knew them to have been to a great extent hunters and trappers in Upper Louisiana, while it is notorious that, before the change of government, but few people at the posts of Arkansas and Ouachita, except the public officers, could write their names. In the writing of the requêtes scarcely any effort is made to imitate the Spanish character, although purporting to have been written by so many Spaniards ; the character of the writing is evidently American.

There is one class of these requêtes which, from the writing and other circumstances, I judge to have been executed by the same person, in which three of the most common words in business relative to lands are spelled erroneously—*tiera* for *tierra*, omitting an *r; ordiniaria* for ordinaria, adding a letter, and in fact a syllable; and profondidad for profundidad. The class in which this error appears runs through the whole period from 1785 to 1798. If they were genuine, then it would present this remarkable fact, that a great many different persons, residing at different places, and writing their petitions at different times, during fifteen years, should have committed the same error in spelling the same three words, which they happen to use in their petitions : for bear in mind that these petitions all purport to have been written by the petitioners themselves, and are signed in the same handwriting in which they are written.

I took a petition or requête, purporting to have been addressed to Miro in 1788, and laid it by the side of one purporting to have been written and signed by another individual, addressed to Gayoso, in 1798, and they were as evidently in the same handwriting, *signatures* and all, as two signatures of the same cashier. The same good language was used, and the same bad words in the same places, and the same words in the same places were spelled erroneously in the same particulars. I repeated this comparison with the same result in several instances.

You will observe that, of the claims presented to you for patents, a great many are for 560 arpents, and of the confirmed claims not reported to you many are for the same quantity. The petitioner in these cases prayed for 14 arpents front, by the ordinary depth, which, multiplied, produces the quantity of 560 arpents. The Spanish word for fourteen is catorce; the spelling in the requêtes for this quantity is invariably cartose con profondidad ordinaria. But what is, if possible, more conclusive of the forgery, the Spanish governors in their orders of survey invariably adopt the same bad spelling contained in the requête, cartose profondidad ordinaria. The spelling of numbers is generally bad in the governor's orders of survey, the counterfeiters having, probably, a genuine order to copy from, but not calling for the quantities he wished; thus, he writes dose for doce, trese for trece, dies for diez, and in almost all of them there are other inaccuracies; thus, marso is written for marzo, estableser for establecer, ciendo for siendo, esta-parta very often for esta parte, and los limetes almost always. Uneducated as the Spaniards generally were, I have never seen a genuine order of a Spanish governor which contained an erroneous word or letter. In one series of these orders of survey, (I call a series those written in the same hand,) the name of Laveau Trudeau, the surveyor general, is invariably spelled Lavieau Trudieau, and Orleans, Orlians, errors that no clerk in the office of a Spanish governor ever committed, and which at least would have been corrected before signing.

I laid orders of survey, purporting to have been given by Miro in 1788, by the side of orders purporting to have been given by Gayoso in 1798. They were, word for word and letter for letter, (orthographical errors not excepted,) alike, and the comparison left no doubt that they had been written by the same hand, with the same pen, and with the same ink. If the same clerk had served both Miro and Gayoso at those different periods, (which, however, is not the fact,) it is impossible that his hand should not have changed more in ten years. Moreover, these orders of survey are not in the handwriting of any clerk of either Miro or Gayoso whose writing I have ever seen, and I think I have seen the handwriting of all who had any connexion with the land department. Every one of these orders of survey, through a series of fifteen years, were directed to Trudeau, although he never was in this Territory, nor directed the surveys here; the few orders of survey that were really given for lands within the Territory of Arkansas were invariably given to the commandants of the posts.

These orders of survey are for lands above this place, also on White river, on the Cache Black river, St. Francis, &c. It is almost as notorious that the Spanish governors never made concessions in those countries as that they never granted lands in the District of Columbia. Those countries were unknown, except to the natives and demi-savages, *in the time of Miro.* I have conversed with Colonel Sylvanus Phillips, who settled at the mouth of the St. Francis about the year 1797. He ascended the Arkansas about that time; there were no settlements above this place. There were two Frenchmen, named Tessier and Duplasse, living at the mouth of Cache river, and no other settlements in that direction. He did not at that period hear any person inquiring for lands in the interior, and never heard of any of the persons mentioned in the enclosed list. In fact, the commandants, by direction of the governor, restrained the settlements to the vicinity of the posts for the security and convenience of the whole. Colonel Phillips was himself ordered in to the post of Arkansas from the mouth of the St. Francis as late as the year 1799. Having been a good deal engaged in land speculations himself, he would certainly have known it if any attempts had been made to appropriate the lands up these rivers. Major François Vaugine was the son-in-law of the Commandant Valiere, and the Commandant Chalmitte married his sister. He must possess ample information to refute all these claims. He lives near Mr. Roane, and I have urged the latter to acquire from him, and to communicate to you or the Attorney General all the information he can.

I have copied, and enclosed herewith, a Spanish order of survey, which is substantially, and almost literally, the form of nine out of ten of all the orders of survey issued by Miro, Gayoso, or Carondelet. Under it is a literal copy of one of the orders in the Bowie claims, from which all the others filed scarcely vary, as far as I have examined them, and the examination has been indiscriminate; by which you observe that in these pretended orders the conditions that the land is vacant, that the grantee shall not injure the adjacent proprietors, that he shall make the road in one year, and that the concessions shall be null if the land is not settled in three years, all prescribed by the general regulations of the province, are invariably omitted. And this omission was designed, because, if the conditions had been expressed on the face of the orders, adjudications could not have been made in their favor without proof of compliance with the conditions. The attempt to antiquate and disfigure the paper are awkward and manifest. I saw some sheets in which the first or interior page which contained the writing was very old, while the fourth or exterior page, which was exposed, was quite fresh; others had manifestly been dipped in Red river or Arkansas; in two that I saw the coloring matter had scaled off in spots, and left the writing and paper as fresh as when new; in some the folds were rubbed through, while the outside leaf, within an inch of the rent, was as stiff and strong as ever. The *tout ensemble,* to an eye accustomed to see ancient Spanish documents, would produce the instant and undoubted conviction of their falsity.

Another evidence of the falsity of these claims is, that an individual came here some time ago with one hundred similar claims, which were seen by several citizens, and was deterred from filing them by the suspicions that had been excited as to those already filed.

The fact that 188 of those claims filed have been abandoned proves the falsity of the whole. It is true Bowie has an agent here now, and I heard the clerk of the court read a letter from him, requesting that these claims might be reinstated, and offering security for the costs. But this cannot be done now, the time for filing petitions under the law having elapsed. The limited time surely would not have been permitted to pass without an effort on behalf of the claimants, if there had been any reality in their claims. Why the law creating this tribunal was extended by the act of the 24th of May, 1828, I cannot conceive; except the Bowie claims, there were but two adjudications at the December term in 1827, and not an adjudication has been made, or a petition filed since. There were not fifty other claims presented to the court since its organization, and most of them, as far as I can learn, without any just foundation. So that the law establishing the tribunal was a bad one, as the result has awfully proved; and so are all laws establishing tribunals before which individuals may cite their government. The government of a country should act for itself, and as it is presumed to be just, and even generous to individuals, otherwise it should be dissolved. The judges of such tribunals too often adopt the baneful principle that, as judges, they *may see,* through the lights of law and evidence, that to be true, which as individuals, they know to be false; and to conceive that these lamps were given to lead them into darkness instead of illumination.

I shall stop here until Monday, to obtain, if possible, a continuation of the Bowie cases pending in

court, and commissions in each of them to examine witnesses in New Orleans. There are seven of those cases still pending, embracing upwards of twenty thousand acres of land. The attorney of the United States has no doubt the court will reject them, although the deposition of the same three witnesses is on file in each of the cases, as strong and unimpeached, as in any of those that have been confirmed. I have, however, urged him not to go to trial, if possible, but to require the original concessions to be filed, to obtain orders for commissions to New Orleans, accompanied by the original, and have them thoroughly proved counterfeits; for, even if they are rejected, the claimants will certainly appeal, and there is no doubt with success, if a transcript of the record goes up in its present state. Men of the deepest thought, as well as the Bowies, are embarked in this business.

I fear they are meditating something to increase and sanction their claims just as the law expires. Depend upon it, an ounce of prevention will be worth a world of cure. In my opinion, the appeal that has already been taken in the case of Francis Degue against the United States, and is now pending before the Supreme Court, should not be tried on its merits; it must necessarily be decided against the United States, not for 1,600 arpents, the quantity which the judges have thought expressed in the supposed order of survey, (as you will see by their opinion,) but for 3,200 arpents, the real quantity expressed. It would necessarily be decided against the United States, because nothing but a transcript of the papers has been sent to the Supreme Court. The copy of the order of survey will appear fair, and nothing in the transcript casts a shade of suspicion upon it. On the contrary, three witnesses swear to the genuineness of the governor's signature; and their character and their testimony is entirely unimpeached. The decree would necessarily be affirmed, and thus the sanction of the Supreme Court of the United States would be given to all these spurious claims. It is the very thing in which the claimants desire and intend to overreach us, and will succeed in this, or some other shape, if our vigilance is not ever on the alert.

It is for our superiors at Washington to devise the remedy for the evil already done. I question much if it is not a subject of sufficient importance to occupy the attention of Congress. The government have been defrauded out of 60,000 acres of land in this Territory. The parties have the right to select the lands, by the decrees of the court, and are doing so in quantities as small as eighty acres, enabling them to pick the Territory. The government were, in like manner, at the land office in New Orleans, defrauded out of 60,000 acres of as good lands as are in Louisiana. Whether similar practices were attempted at the other land offices in Louisiana and the States of Mississippi and Alabama, I know not; but when I reflect on the insatiable character of successful fraud, I cannot doubt but that similar attempts will be made in Florida, and at every other place which may afford the least prospect of success.

A resolution of Congress might be adopted, directing the Commissioner of the General Land Office not to issue patents in suspected cases, until the original requêtes and orders of survey were deposited in your office, and ascertained to be genuine; and that the Land Committee of Congress should inquire into the frauds practiced in relation to the public lands, with power to send for persons and papers. The clerk of this court should be sent for, with the minutes of the court, and all documents of every description on file in the list of claims I have sent you. The journals of the orders of survey in my office, kept by Governors Miro and Gayoso, should be sent for; and also the Hon. Charles Tessier, of Baton Rouge, and Jean Mercier, of New Orleans, the land clerks of Governor Gayoso, and such other persons and papers as might afford useful information.

The expense would be great; but if it is not incurred, or some other means adopted of successfully resisting these frauds, the lamentable fact will be established that this government, with all its resources and powers, can be successfully plundered by the most unparalleled forgery, perjury, and subornation; and that great actors in the villany may roll in wealth, whilst an honest man and woman may labor their lifetime in these woods to acquire a quarter section of land for their children, and perhaps finally fail because they could not accumulate $200 in addition to the support of their families. And this fact will be practiced upon by the vicious, or rather is now practiced upon in shapes beyond the ken of our imagination, to the incalculable corruption of the morals of the country. As to the fact that many of these claims have fallen into the hands of innocent purchasers, it is worthy of serious consideration, for the greatest efforts have been made to distribute them; but I have no doubt, where one is in the hands of an individual entirely deceived, three are in the possession of persons who had sufficient reason to be on their guard, and prudence plainly dictated to all to purchase of the United States. Forgery creates no rights (the most ignorant man knows) in contests between individuals, but taints all subsequent transfers. Why, then, should it be taken for granted that it can create rights where the government is concerned? If a single patent should be delivered, it will corrupt a community, and embark them on the side of the actors in these crimes against the public officers. If it is declared at once that no patents will be issued on account of the forgery, those who suffer will turn their anger against the true cause of their injury. But what is to be done should be done at once. Every day's delay increases the evil, and renders it more difficult to redress. It should be at once determined to prohibit investigation, and quiet the fears of those who are innocent purchasers, or to pursue it with energy to success.

I have the honor to be, very respectfully, &c.,

ISAAC T. PRESTON.

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

Extract of a letter from Colonel I. T. Preston to the Commissioner of the General Land Office, dated October, 19, 1829.

"THE MISSISSIPPI RIVER, *October* 19, 1829.

"SIR: I wrote you at length from Little Rock, giving you all the information I could obtain relative to the spurious land claims which had been confirmed at that place, and will thank you to acknowledge the receipt of my letter.

"The court of the Territory of Arkansas sat on Monday, the 12th instant. Finding fifty-eight orders of survey on file in the clerk's office, out of the 117 that had been confirmed, I determined, after the best reflection I could give the subject, that it was for the interest of the United States, and my duty, to make affidavit that they were counterfeited, and the foundation of an order of court that they should be detained

in the custody of the court; for there was on record an order of court authorizing the parties interested to withdraw them, and fifty-nine had already been withdrawn. I therefore made and deposited in court an affidavit, the substance of which is enclosed, and the court made an order that those original documents should remain on file until the further order of the court.

"The attorney of the United States also obtained orders of the court that the original papers should be filed in the cases pending, and that commissions should be sent to New Orleans, accompanied by them, to obtain testimony.

"ISAAC T. PRESTON."

The affidavit referred to in the aforegoing letter is as follows, to wit:

TERRITORY OF ARKANSAS, *Pulaski county:*

Isaac T. Preston, of the city of New Orleans, being duly sworn, doth depose and say that he has been employed by the government to investigate certain claims to lands confirmed under the act of Congress of the 26th of May, 1824, and the 22d of May, 1826. In that capacity deponent has examined the records of the superior court of Arkansas, in which decrees have been rendered in favor of the claimants; by which search he has been able to find and see the supposed original requêtes and orders of survey, which are the foundations of the claims in the following cases:

George Leonard,	Thomas Waller,	Sastheu Clontier,
Cyprien Metoyer,	Michel Fontenaut,	José Duralde,
Zeno Grillette,	Manuel Lastrop,	Morice Moro,
James Huard,	George Jinks,	Thasemond Laudry,
Juan Vachier,	John B. Moussar,	August Genet,
Joseph Talbot,	Louis La Branch,	Leander Bayon,
Louis Arnaud,	Pierre Lattier,	Gialgo Moro,
Allen Butter,	Valentine Beau,	Baptiste Thibodeau,
Estevan Escallian,	Joseph Cannon,	Nicholas Babillian,
José Currino,	Isaac McDaniel.	Martin Burgart,
Valdre Duplessis,	Martin Duraldo,	Charles Laudro,
Charles Oliver,	Jacques Bossier,	Juan Duburgh,
Celistin Poiret,	Jacques Escophia,	Julian Ducros,
Juan Luis Deviel,	Edmond De La Housa,	Michel La Burgois,
Marafrete Dubois,	Jacques Lastrop,	Hugh Howard,
Francis Rachal,	Bernardo Sompryrac,	Jean Aubert,
Ceprien Dupre,	Valdre Martin,	John Innis,
Marcellin Fontenaut,	Jeno Bordalou,	Marcellin Laysard,
Juan Toledano,	John Morian,	James Jones.

Deponent is well acquainted with the genuine signatures of Governors Miro and Gayoso, having a great many genuine records signed by them in his office as register of the land office at New Orleans, and, moreover, with the form, writing, and spelling of orders of survey issued by them. Deponent further says that he has in his charge, at Montgomery's Landing, a regular journal, kept by Governor Miro, of the orders of survey issued by him, certified by his secretary, D. Lopez de Armesto; and also a regular journal, kept by Governor Gayoso, of the orders of survey issued by him, certified by himself. The supposed orders of survey in the above cases are not noted in either of those journals, as deponent believes, after diligent search for concessions in Arkansas. Deponent further annexes to this affidavit three genuine orders of survey, signed by Governor Gayoso, and states, for the information of the court, that the orders of survey now on file in this court, in the case of John Kepler and heirs *vs.* The United States, and Miguel Gumbecot *vs.* The United States, are genuine, and signed by Governor Miro. Deponent further states that the internal evidence of the falsity of said orders he will exhibit to the court, in open court if desired. He prays the attorney of the United States may put his application in due form, that the originals on file may be kept in the custody of the court, and transmitted to New Orleans, with commissions, to take the testimony of Jean Mercier and the Hon. Charles Tessier, the clerks of Governor Gayoso, attached to the land office, and of other persons in New Orleans of the highest character, and whom deponent can produce, acquainted with the signatures of Governors Miro and Gayoso, and also with the laws and customs of the Spanish government of Louisiana, and forms and manner of concessions.

Sworn to and subscribed, in open court, this 12th of October, 1829.

ISAAC T. PRESTON.

D. MCKENNEY.

REPORT OF THE PROCEEDINGS OF THE BOUNTY LAND OFFICE FOR THE YEAR ENDING SEPTEMBER 30, 1829.

Return of the claims which have been deposited at the bounty land office for the year ending September 30, 1829, *for services rendered during the revolutionary war.*

Claims suspended, on file September 30, 1828	10
Claims received from October 1, 1828, to September 30, 1829, inclusive	717
Total	727
Claims for which warrants have issued	174
Claims previously satisfied	131
Claims not entitled to land	252
Claims in which regulations were sent to enable the claimants to produce proof	84

Claims in which further proof was required	44
Claims in which the inquiries were answered	36
Claims on file, suspended	6
	727

Abstract of the number of warrants issued for the year ending September 30, 1829.

1 lieutenant colonel	450	450	
1 major	400	400	
8 captains	300	2,400	
15 lieutenants	200	3,000	
2 ensigns	150	300	
1 regimental surgeon	400	400	
146 rank and file	100	14,600	
Total 174		21,550	acres.

The number of land warrants signed by Generals Knox and Dearborn, which remain on file, is	55
The number of claims for pay under the act of May 15, 1828, presented by the Treasury Department for examination	456

Return of claims which have been deposited at the bounty land office for the year ending September 30, 1829, for services rendered during the late war.

Claims suspended per last report	460
Claims received from October 1, 1828, to September 30, 1829, inclusive	277
Total	737
Claims for which warrants have issued	85
Claims previously satisfied	55
Claims not entitled to land	144
Claims in which further evidence was required	30
Claims in which regulations were sent	98
Claims on file, suspended	325
	737

Abstract of the number of warrants issued for the year ending September 30, 1829.

First class, authorized by acts of December 24, 1811, and January 11, 1812	83
Second class, authorized by act of December 10, 1814	2
Total	85
Whereof, of the first description, 83 granted of 160 acres each	13,280
Whereof, of the second description, 2 granted of 320 acres each	640
Total acres	13,920

WAR DEPARTMENT, *Bounty Land Office, November* 1, 1829.

SIR: I have the honor to lay before you the foregoing report of the business and proceedings of this office for the year ending September 30, 1829.

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

WILLIAM GORDON.

The Hon. SECRETARY OF WAR.

21st Congress.] No. 749. [1st Session.

APPLICATIONS OF ALABAMA FOR RELIEF OF PURCHASERS, POSTPONEMENT AND CHANGE OF SALES, AND FOR GRANTING PRE-EMPTION RIGHTS TO OCCUPANTS OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE DECEMBER 21, 1829.

JOINT MEMORIAL to the Congress of the United States, asking relief for the purchasers of public lands, and for other purposes.

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 Alabama respectfully represents unto your honorable body that in the years 1818 and 1819, for the purpose of contributing to the revenue of the general government, large quantities of the public lands in the State of Alabama were offered for sale, and sold to numerous purchasers, resident citizens thereof, in many instances at the most extravagant and exorbitant prices, the said lands having then commanded prices which are justly and correctly estimated at four times their fair and intrinsic value, inasmuch as in their present improved condition they would scarcely bring the fourth part of the amount at which they were originally sold; that the said citizens who thus purchased at the said sales became involved in heavy pecuniary responsibilities to the government, which they solaced themselves with the hope that industry and economy would remove. This expectation has proved delusive. A sum of money far beyond their means of repayment has been accumulated upon them, until they are constrained to contemplate their impending and irretrievable ruin, unless the kind and liberal hand of a protecting and munificent government should be extended to them.

Impressed with the truth of the foregoing statement, your memorialists deem it unnecessary to enter into a minute detail of the series of causes and events which have produced this most unhappy result: many of them will be found portrayed in striking and impressive colors in the memorials heretofore presented to your honorable body, to which, with becoming deference, they again refer you. But they feel they would be doing the greatest injustice to the citizens of Alabama if they were wholly to omit the exposition of some of the most prominent circumstances which preceded their unfortunate purchases of land, at the then most exorbitant prices. It is a matter which none can controvert that a few years previous to the sales of public lands above adverted to our country had been involved in an extensive war, which drained the treasury of the United States of a large portion of its available funds, which, thus withdrawn and forced into a promiscuous circulation, afforded more money to our citizens than their necessities required; that cotton, the great staple of this State, commanded between twenty and thirty cents per pound; that an unhappy banking mania then pervaded the greater part of the Union; that numerous banks were then established, which emitted paper that proved, in the sequel, to be the mere representation of money, to a very large amount, and which then formed in a great measure the circulating medium of the country; that several millions of Mississippi stock were, at the same time, offered for sale, and purchased at heavy discounts, which, in the hands of the holders, could only be employed or invested in the purchase of public lands in Alabama; and that the value of lands in the cotton-growing part of the country was, by the most prudent, estimated by the price of cotton—to which may the rage for land speculation, and, indeed, speculation of every description, which pervaded this and every other country, be attributed; the anticipated products of which promised to gratify the avarice of the most covetous and miserly. The causes combined subjected many of our best and most prudent citizens, who were desirous of securing to themselves settlements, (which they then hoped would be permanent,) to all the disadvantages incident to unequal competition in the purchase of lands. To secure their lands, they promised more than they afterwards were found to be able to perform—a part thereof in cash, and the balance on short credits. Before the second instalment became due the cotton market sustained a depression of upwards of twenty cents per pound, which awakened them to the sober realities of their situations, and convinced them that their pleasing anticipations of future advancement and prosperity were not only fallacious, but that, without adequate relief from the general government, the sun of their prosperity was forever set. From the difficulties and perplexities of their unhappy situation they were, however, relieved by the liberal interposition of Congress, which, in applying the corrective, permitted the purchasers of public lands to retain such portion of the lands purchased by them respectively as the amount of the payments they had severally made would pay for at the stipulated price, to relinquish the remainder to the government, or to retain it, subject to a liberal and generous deduction of thirty-seven and a half per cent. of the principal they had contracted to pay. This liberal measure was calculated to produce, and did elicit, the warm gratitude of the citizens of our State: they felt that the policy of the government strictly accorded with the true interests of the nation; that in the policy it had pursued towards them it tacitly recognized the orthodoxy of the doctrine that the true interest of the nation is best consulted in parcelling out its lands to its citizens, and thereby multiplying the number of its freeholders. That it better comports with the true interests of the nation to sell its lands (the most valuable of all property) to its citizens for a fair price, or even below it, in preference to disposing of it beyond its value; that thereby you enable the middling classes of the community, who are the bone and sinew, the main pillars of this and every other country in times of danger and emergency, to become the permanent lords of the soil they inhabit, and to connect and identify their interests with those of the country in which their all is at stake; that the prosperity of the citizen is the foundation of the wealth and prosperity of the nation, and that it illy comports with a just and enlightened policy, which so strongly characterizes every measure of the government in relation to the sale, disposal, or allotment of public lands, to hold its debtors, rendered such by unfortunate purchases of lands, to ruinous contracts, entered into, it is true, in good faith, merely because they have placed themselves within its power.

Your memorialists further represent unto your honorable body that the laws passed for the relief of the citizens of Alabama will soon expire by their own limitation; that although they have partially extended relief, yet they have failed to effect much of the good designed by them, so powerful has been the combination of speculators upon the public lands, under the auction system; so extensive and artful in its windings and various ramifications, that the first purchasers were deterred, by the dangers of their situation, from availing themselves of the benefit of relinquishment secured to them by the act of Congress as

related either to their improved or timbered lands, as far as the same were necessary to them; because, when the same were thrown into market under the auction system, the combination arrangement, art, and cupidity of the speculators, would begin to operate; their lands would be *pushed* greatly above the government minimum, unless by a heavy bonus to the speculators, extorted from their actual wants, the occupant secured from them a tacit permission to purchase his home.

Your memorialists further respectfully represent that the history and experience of the past furnish the melancholy truth that, although the citizens of Alabama have been greatly impoverished by the excessive high prices they have been constrained to pay for public lands, yet they believe that, in Alabama, the United States, upon an average, for the last eight years, have not received the one half part of the amount paid by the settlers for their lands; that the balance has been filched from them, and went into the pockets of the artful and designing speculators who attended the sales, not to purchase lands with the view of retaining them, but to speculate on the wants or too confiding credulity of the honest settler.

Your memorialists believe that a corrective remedy to the existing evils they have but faintly delineated may be found in the wisdom and power of Congress. They believe that the proper antidote would be applied if Congress were to pass the bill graduating the price of public lands, as proposed by Mr. Benton, of Missouri, and to secure by law a pre-emptive right to all actual settlers of public land, subject to the following modifications and restrictions, to wit: to permit one class of the purchasers of the public lands, who were actual settlers, and had relinquished a part of their necessary purchases, to enter the relinquished part at the minimum price established by the government, provided the part so retained and entered should not exceed six hundred and forty acres. To permit a second class, who were actual settlers at the time of relinquishing, to enter, at the minimum price, as many acres of unappropriated land, unoccupied by third persons, as he, she, or they had paid for, at a price above ten dollars per acre; and to admit an entry, in like manner, of the number of acres as he, she, or they, had paid for at a price above five dollars per acre.

Your memorialists believe that the general government, in extending the terms of relinquishing and securing preferences to lands, in the manner above specified, will sustain no serious pecuniary loss; and should it, in its wisdom, allow its debtors to relinquish, and to receive stock, in lieu of the amount they have paid for lands, to be re-invested in the purchase of the same lands, and other lands, (if there should be a residuum,) whilst the citizens of our State would be rendered prosperous and happy, the public debt in Alabama would, in a short time, be extinguished, the deleterious credit system no longer be felt, and the foundation of demoralizing speculation be entirely removed.

Your memorialists further represent that there is another class of our citizens having, in their opinion, an equitable claim upon the liberality of the government. They allude to those citizens the extent of whose means and facilities enabled them to pay up the amount of their purchases, at the exorbitant prices at which their lands sold, as is aforesaid. These, by their punctuality to the government, lost the deduction of the thirty-seven and a half per cent. on the amount of their purchases, which was accorded to those less punctual. Your memorialists believe that the due measure of justice would be meted out to them if they, or their heirs, were permitted to enter, at the minimum price, as many acres of unappropriated land, unoccupied by third persons, as they paid for at a price above five dollars per acre; or by issuing stock in their favor equal to the amount of the difference such purchasers lost by not obtaining the thirty-seven and a half per cent. discount extended to others.

Your memorialists humbly hope that the facts and suggestions embodied in this memorial will receive the attentive consideration of your honorable body, that, if found true and just, our citizens may receive relief commensurate and co-extensive with the grievances complained of. They therefore request that your honorable bodies will be pleased to bestow upon this important subject the attention it may be esteemed to deserve. And, as in duty bound, your memorialists will ever pray, &c.

Resolved, That our senators be instructed, and our representative be requested, to use their best exertions to procure the relief mentioned in the foregoing memorial; and that his excellency, the governor, be requested to forward, as soon as practicable, a copy of the foregoing memorial to the President of the Senate of the United States, and to the Speaker of the House of Representatives, and one to each of our senators and representatives in the Congress of the United States.

C. C. CLAY, *Speaker of the House of Representatives.*
NICHOLAS DAVIS, *President of the Senate.*

Approved, January 27, 1829:

JOHN MURPHY.

Joint memorial to the Congress of the United States, asking a postponement of the land sales in Jackson and Madison counties, and a change of the law regulating such sales, and to allow to occupants a pre-emption right.

The legislature of the State of Alabama, in general assembly convened, respectfully represents, by memorial, that they are induced, from a late communication from George Graham, esq., Commissioner of the General Land Office, to the Hon. Gabriel Moore, a member of Congress, to expect the public lands in Jackson and Madison counties will be exposed to sale some time in the month of November next, which is viewed with some concern by the general assembly.

Your memorialists believe, if their lands are then exposed at auction, because of the great scarcity of the means with which to purchase, owing to the very reduced price of the staple commodity of the country, but little will be realized from the sales. They therefore respectfully advise a postponement of the sales until the pressure of the times shall be in some degree removed. If such postponement should not be thought expedient, your memorialists respectfully ask a delay until some time in the month of February next; and for this reason: that earlier than February the cultivators of your lands, who may wish to become purchasers, will not have realized money for their crops; and hence many, who, with such indulgence, will be enabled to make purchases, will not have it in their power to procure for themselves a home if the sales should be as early as November.

Your memorialists, with much earnestness, respectfully urge a change of the law regulating the manner of disposing of public lands. They highly approve of the plan proposed in the bill introduced and advocated by the honorable Thomas H. Benton, in the Senate of the United States, providing for the future sales of public lands by entry, at fixed graduated prices, and reserving to the actual settler or occupant, in all cases, the right of pre-emption, for a limited time, to any quantity not exceeding one entire section.

Your memorialists deprecate the auction system, because it is the weapon of oppression in the hands of, and in every instance wielded by, speculators; and, frequently, to the utter ruin of the honest planter. Your memorialists ask leave to state that, at the late land sales in the Cahaba district, the lands were generally purchased by a company of speculators, at the minimum price, and immediately afterwards transferred to others who wished to reside upon them, at from three to eight dollars per acre, in pursuance of a previous agreement, extorted at the mercy of the merciless, from the sub-purchaser, under duress of losing his home or submitting to the terms. The terms are, you must pay the price which we ask, and must not bid against our phalanx; for our combined purses are strong, and we will overreach you, break asunder every tender tie which binds you to your home, and drive you from it. This destroys competition in bidding, and the government gets one dollar and a quarter per acre for best lands, under this speculating system; if the lands were at graduated prices, according to quality, this temptation to speculation would be removed, the government would receive a fair price for her lands, and the honest citizen would not be oppressed by the merciless speculator. If it should be thought inexpedient to pass such a general law, let the experiment be tested by confining its operation to the lands in the above-mentioned counties. Your memorialists have full confidence that this small experiment would so recommend the system as that all would unite with one voice to make it a general law.

Resolved, therefore, by the Senate and House of Representatives of the State of Alabama in general assembly convened, That his excellency the governor be requested to transmit to each of our senators and representatives in Congress a copy of the foregoing memorial, and that our senators be instructed, and our representatives requested, to use their utmost endeavors to obtain such amendment of the law, and such postponement of the land sales, as are asked for in said memorial.

C. C. CLAY, *Speaker of the House of Representatives.*
NICHOLAS DAVIS, *President of the Senate.*

Approved, January 29, 1829:

JOHN MURPHY.

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

Your petitioners, citizens of Lawrence county, Alabama, respectfully represent that they are holders of certificates of purchase of public lands, upon which further credit has been taken, under the several laws of the United States passed for the relief of the purchasers of public lands. Those lands were purchased in the years 1818 and 1819 by your petitioners or their assignors—a period of the greatest prosperity to cotton growers known in their history. The unparalleled high prices obtained for cotton during these years were of themselves sufficient to induce high prices for new and fertile cotton lands; and had no other causes contributed to that result, your petitioners might now be told, with some degree of propriety, that they were, at the time of contracting for the lands, to judge for themselves of the certainty and stability of the prices of cotton.

But, unhappily for them, other causes, over which they had no control, emanating directly from the policy and laws of the United States, have involved them in their present difficulties and distress. Five millions of dollars of Mississippi stock, issued by the United States to the claimants under the Yazoo purchase, and made receivable in payment of the public lands in Alabama and Mississippi only, created an artificial capital, the effects of which could not easily have been foreseen, and certainly were not anticipated by the plain-dealing planter, who expected to purchase land for cultivation with his own money. The Bank of the United States had then but recently gone into operation, with an immense real or artificial capital; its branches had been liberally extended to the southern and western States; the directors were seeking to withdraw the customers from the State banks, then extremely numerous, the directors of which were, with equal zeal, endeavoring to sustain these local institutions. This competition put it into the power of every one possessing credit to borrow any amount of money he desired. Mississippi stock was then selling at a considerable discount, and frequently upon credit, Armed with these facilities, and attracted by the exaggerated accounts of the soil, the high price of cotton, and the expectation of realizing great profits, those sales were thronged by speculators, literally loaded with Mississippi stock and bank notes. With this fearful odds against them, your petitioners had to enter the unequal competition for the purchase of their homes. The consequences were such as the causes were naturally calculated to produce; lands sold for prices unheard of even in the oldest and best inhabited portions of the Union—prices which astonished all but the infatuated actors in this scene of artificial excitement.

Towards the close of the year 1819 cotton fell in price to less than half its former value, and has continued to decline, with but transient exceptions, down to the present period, and is now not worth more than one-fourth of what it sold for when the lands now occupied by your petitioners were purchased. The diminution of price induced your petitioners to increase the growth of cotton, in the vain hope of thereby obtaining, by increased industry and exertion, funds to pay for their lands. This, they now perceive, has only augmented the evil of their condition. The increased growth of the article, in the United States and elsewhere, having exceeded the demand, has only tended to diminish the price, and leaves your petitioners no nearer the consummation of their wishes.

Your petitioners beg leave to suggest that the late tariff of duties passed by Congress is, to their apprehension, another act of the United States calculated to diminish greatly the value of the lands they have purchased, as it will, in all probability, induce Great Britain to seek her supplies of cotton from some other country than the United States, and as it compels your petitioners to pay a much higher price for the imported articles they are obliged to purchase. In the midst of these evils, the laws heretofore passed for the relief of the purchasers of public lands have been permitted to expire by their own limitation, leaving your petitioners in the bare possession of lands, without the semblance of title, for which they have already paid their full cash value, and upon which they have expended much money and labor

in clearing up plantations and erecting many useful and necessary buildings. No alternative is now left your petitioners but to abandon to the United States the money and labor thus expended and seek another home, or to ask of the justice of Congress such relief as the nature and equity of their case seems to them to demand. Embracing with great confidence the latter alternative, they pray that a law may pass authorizing them to pay for the lands thus held, by some equitable scale of graduation of price, to be regulated by the original cost; with the alternative right of taking, in lieu of the land, certificates for the amount already paid by them, and now forfeited to the United States, to be received in payment for any lands hereafter to be sold, or for any debt due for lands already sold, by the United States. And, as a fair criterion of the comparative value of the lands now and when purchased by your petitioners, they beg leave to refer to the accompanying lists of lands and certificates of the registers of the land offices, showing the prices at which they were originally sold, and at which they have recently been valued by sworn commissioners appointed by the State of Alabama, under the authority of a law passed for the disposal of the 400,000 acres of land granted to the State for the improvement of the navigation of the Tennessee and other rivers, a copy of which law they also beg leave to refer to.

And to prevent combinations by speculators against those in the occupation of the public lands, by which the occupant is compelled to pay to the speculator a high price, and the government is defrauded of large sums of money, your petitioners pray that a law may pass giving to the occupant the right of taking the land he occupies at the price at which it may be sold at the public sale, no matter who may be the best bidder. Your petitioners humbly conceive that such a regulation would disarm the speculator of all power to tamper with and force the occupant into unjust and illegal contracts with him, to the injury of the United States, and would insure to them the fair value of the lands sold.

And, finally, your petitioners beg leave to call the particular attention of Congress to the peculiar hardship of their situation, resulting from the causes before enumerated; and if it should not be thought advisable to pass a general law on the principle here suggested, embracing all purchasers of public lands where these peculiar causes have not operated, your petitioners pray that a special law may pass for their relief. And, as in duty bound, they will ever pray.

21st Congress.] No. 750. [1st Session.

APPLICATION OF ILLINOIS FOR AN EXCHANGE OF UNPRODUCTIVE SCHOOL LANDS AND MILITARY BOUNTY LANDS UNFIT FOR CULTIVATION.

COMMUNICATED TO THE SENATE DECEMBER 22, 1829.

Resolved by the people of the State of Illinois, represented in the general assembly, That our senators and representatives in Congress be requested to use their best exertions to obtain the passage of a law by Congress, granting to this State the right to surrender to the United States the unproductive sixteenth sections, or the lands selected in lieu thereof, for the use of schools; and to locate other land equivalent to the lands so surrendered, by quarter sections; said land to be applied to the same purpose as the lands surrendered.

THOMAS MATHER, *Speaker of the House of Representatives.*
WILLIAM KINNEY, *Speaker of the Senate.*
Attest: W. Lee D. Ewing, *Clerk of the House of Reps.*
Attest: E. J. West, *Secretary of the Senate.*

To the Congress of the United States:

The general assembly of the State of Illinois respectfully represent to your honorable body, that a part of the land granted for military bounties, in this State, has been found, upon examination, to be unfit for cultivation. It is therefore respectfully submitted to Congress that a law should be passed, similar to that approved May 22, 1826, authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, to apply to the lands granted for military bounties in this State.

THOMAS MATHER, *Speaker of the House of Representatives.*
WILLIAM KINNEY, *Speaker of the Senate.*
Attest: W. Lee D. Ewing, *Clerk of the House of Reps.*
Attest: E. J. West, *Secretary of the Senate.*

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 land heretofore granted to the State for the use of the inhabitants of each township, for the use of schools, having proved unavailable to the State or the people for the objects contemplated in the grant, your memorialists respectfully solicit the passage of an act of Congress giving the

assent of the United States to this State to make sale of said land by consent and for the use of the inhabitants of each township, to invest the money arising from such sales in some productive fund, and to apply the proceeds thereof to the purposes of education.

There is another subject connected with the lands reserved to the State for education to which we beg leave to call the attention of Congress, and one which deeply interests the people of this State. The entire township of land heretofore reserved for the purpose of a seminary of learning was located in 1816, when the country was comparatively unexplored, upon township five north, one west, situated in Fayette county, in this State. A large part of this township of land is now found to be filled with lakes and swamps, while other parts of it are barren and sterile, so that it has been found impracticable to lease the same or to apply it in any manner to the objects contemplated in the grant. This township now is, and ever will continue to be, totally valueless for a seminary of learning. Your memorialists, therefore, respectfully request, on behalf of the State, that a law of Congress may be passed authorizing the State to surrender the above-described township, five north, one west, to the United States, and that a like quantity (to wit, one township or thirty-six sections) may be selected by sections and half sections for the use of a seminary of learning; and that the same, when selected, may be patented to the State in like manner as other grants.

JOHN McLEAN, *Speaker of the House of Representatives.*
WILLIAM KINNEY, *Speaker of the Senate.*

Attest: W. LEE D. EWING, *Clerk of the House of Reps.*
Attest: R. M. YOUNG, *Secretary of the Senate pro tem.*

21ST CONGRESS.] No. 751. [1ST SESSION.

RELINQUISHMENT OF PART OF LAND FORFEITED FOR NON-PAYMENT, AND RETAINING THE BALANCE BY PAYING THE RESIDUE OF THE PURCHASE MONEY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1829.

Mr. IRVINE, from the Committee on Public Lands, to whom was referred the petition of the administrators of John Wilson, deceased, reported:

That John Wilson and Samuel Martin some years ago entered at the land office of the United States at Chilicothe the southwest quarter of section 13, in township 12, and range 7, lying in Knox county, and wishing to gain further credit, they surrendered the original certificate, and received a new one, under the provisions of the act of Congress of the 2d of March, 1821. Subsequent thereto, the said Martin transferred his interest in said quarter section to the said Wilson, who departed this life without paying the residue of the purchase money. His administrators were informed, and believed such to be the fact, that at any time before the expiration of the 4th day of July last they could relinquish a part of the said quarter section and make payment for the residue. They accordingly made application to the register of said land office, on said 4th day of July, and finding the time allowed by law expired on the preceding day, by the advice of the register they executed a relinquishment for the west half of said quarter section, and tendered the residue of the purchase money to the receiver of said land office. The committee are of opinion that the petitioners are entitled to relief, and have reported a bill for that purpose.

21ST CONGRESS.] No. 752. [1ST SESSION.

CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 23, 1829.

Mr. GURLEY, from the Committee on Private Land Claims, to whom was referred the petition and documents of Arund Rutgers, reported:

That petitioner claims one league square of land on the waters of the Dandauere, in the now State of Missouri, in virtue of a Spanish grant or concession made in 1799, and located and surveyed, in conformity thereto, on the 1st of February, 1800, and which was duly certified and recorded by the surveyor general of the then province of Upper Louisiana on the 5th of March, 1800; that petitioner immediately after settled on said land, and made valuable improvements—built dwelling-house, saw and grist mill; that petitioner presented his claim to the commissioners of land titles in that district, a majority of whom recommended its rejection; that afterwards he presented his claim to Frederick Bates, *recorder* of land titles, and to whom the powers of the commissioners had been transferred by act of Congress of

1813, who recommended it for confirmation, and which was accordingly confirmed by Congress. That between the periods of these two reports one John Welden obtained the confirmation of a settlement claim for 640 acres, the location of which included 500 arpents, equal to 425 26-100 acres, of the land claimed by the petitioner.

Your committee are satisfied of the truth of the foregoing facts, and without deciding upon the merits of these two conflicting claims, both of which have been confirmed, and believing that the United States would, in equity, be bound, in any event, to make good the deficiency in quantity to either, and being also unwilling to take the improvements of Welden and give them to petitioner unasked for, herewith report a bill authorizing the petitioner, upon relinquishing to the said John Welden all claim to the 500 arpents of land located within his grant, to locate the same quantity upon any lands of the United States within the State of Missouri which are subject to private entry.

21st Congress.] No. 753. [1st Session.

APPLICATION OF MICHIGAN FOR GRANT OF A SECTION OF LAND TO EACH COUNTY THEREIN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 23, 1829.

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

The legislative council of the Territory of Michigan respectively pray your honorable bodies to grant to each of the counties in this Territory one section of land, to be located in quarter sections in the several counties and sold under the direction of the governor of this Territory, and the avails to be laid out in building a court-house and jail in each of said counties.

Your memorialists believe that the general government will, by granting this petition confer upon the infant settlements in this Territory benefits far greater than can be properly estimated at the first view, except by those who have experienced the embarrassments and difficulties in erecting public buildings in new settlements.

This Territory has no funds from which it can afford any aid to the several counties in erecting their necessary public buildings, and with a sparse population in the several counties, with little means, they cannot do it unaided. This council looks with confidence to the general government, who own the soil, for assistance in providing for the permanent administration of justice in our new counties, and the granting of this petition will appear more important in view of the following facts:

The Territory of Michigan now contains twenty-six counties: of these, fourteen are organized—five in the country extending from Lake Huron to the Mississippi, and nine in the peninsula, with the exception of the counties of Wayne, Monroe, and Oakland. All these are without any permanent buildings to serve as court-houses and jails. Your memorialists trust, under these circumstances, that Congress will afford the aid they have requested.

Resolved, That the governor be requested to transmit a copy of the foregoing memorial to the President of the Senate, the Speaker of the House of Representatives, and to the delegate in Congress from this Territory, at the ensuing session of Congress.

Adopted by the legislative council November 5, 1829.

JOHN P. SHELDON, *Clerk.*

21st Congress.] No. 754. [1st Session.

APPLICATION OF MICHIGAN FOR GRANT OF A TOWNSHIP OF LAND TO ESTABLISH A HOSPITAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 23, 1829.

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

The memorial of the legislative council of the Territory of Michigan respectfully represents: That the peculiar situation of this frontier occasions to the citizens a heavy expenditure in the support and relief of sick, indigent, and distressed persons. Many disabled soldiers are discharged from the army at the posts on the upper lakes, and being utterly unable to maintain themselves, and there being no provision for assisting them on the part of the United States, they are thrown upon the community for that support, which must be charitably yielded to them, or they must be left to perish.

In the mercantile marine upon the lakes a large body of seamen are employed, and who are liable to all those accidents which belong to their profession, and which have rendered the establishment of hospitals upon the seaboard for their relief an object of solicitude to the government. These persons, as is well known, generally spend their wages as fast as they are received, and when disabled, or attacked by sickness, they resort to the principal ports along the lakes for the benefit of the poor laws, or for assistance from individuals.

The port of Detroit, from its local situation, uniting the upper with the lower lakes, and from the extent of its trade, is peculiarly exposed to these demands, and the citizens have found, not only that they press too heavily upon them, but that they are rapidly increasing.

Your memorialists respectfully request that a township of land may be granted for the establishment and endowment of a hospital, in Detroit or its vicinity, for the relief and support of discharged soldiers and sick and disabled seamen.

Resolved, That the governor of the Territory be, and he is hereby, requested to transmit a copy of this memorial to the President of the Senate, the Speaker of the House of Representatives, and to the delegate from this Territory, at the next Congress.

Adopted by the legislative council October 29, 1829.

JOHN P. SHELDON, *Clerk.*

21st Congress.] No. 755. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1829.

Mr. Hunt, from the Committee on Public Lands, to whom was referred the petition of Samuel W. D. Clark, reported:

That the said Samuel W. D. Clark, in his petition, represents that the Spanish government granted to James Lullards a certain tract of land, on which the petitioner now resides, in the State of Louisiana, and that the petitioner claims the same by purchase from the assignees of said Lullards. He further states that the certificate of said land being vacant at the time said grant was made, together with the plot and certificate of survey, were deposited in the land office of St. Helena on the 14th of August, 1814, for record; and that the clerk of said office neglected to record said papers, or if he did, the book in which said record was made was destroyed by fire, and that the original papers have never been returned; and the petitioner seems also to represent that they cannot be found, although search has been made for them. He also produces evidence to show that the aforesaid tract of land has been cultivated and inhabited ever since the year 1808, and prays for a donation of land, or other just and equitable relief.

The petitioner, however, does not offer evidence to prove that the Spanish government made a grant of the aforementioned tract of land to said James Lullards, or that he ever acquired a title to the same by purchase from the assignees of said Lullards.

The occupancy of the land as represented in the petition, and supported by evidence, cannot, in the opinion of your committee, give to the petitioner any claim for a donation of land.

The committee recommend that the prayer of the petitioner be not granted.

21st Congress.] No. 756. [1st Session.

QUANTITY OF LAND REVERTED TO THE UNITED STATES IN ALABAMA, FOR NON-PAYMENT—THE AMOUNT FORFEITED, THE PROPORTION IN THAT STATE TO THE WHOLE AMOUNT FORFEITED ELSEWHERE—THE WHOLE AMOUNT SOLD, THE PRICE, AMOUNT PAID, &c.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1829.

Treasury Department, *December* 28, 1829.

Sir: In compliance with a resolution of the House of Representatives of the 23d instant, directing the Secretary of the Treasury to make a report to the House, "showing the quantity of land in the State of Alabama which has *reverted* to the United States for non-payment, and the amount of money forfeited, with the average sum per acre which has been paid for said reverted land, and the proportion which the entire amount of forfeitures in said State bears to the total amount of forfeitures incurred elsewhere than in that State; the number of acres which have been *relinquished* in said State now remaining unsold and unappropriated, and the average price per acre at which said relinquished land was sold; the number of acres which have been sold at the several land offices in said State during the last three years, with the average price per acre; and also the *whole* amount which has been paid for lands situated in said State of Alabama," I have the honor to transmit a report from the Commissioner of the General Land Office, which, with the accompanying statements, contains the information desired.

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

S. D. INGHAM, *Secretary of the Treasury.*

Hon. the Speaker *of the House of Representatives of the United States.*

GENERAL LAND OFFICE, *December* 26, 1829.

SIR: In compliance with a resolution of the House of Representatives, passed the 23d instant, I have the honor to state that the quantity of land in the State of Alabama, further credited, and which has reverted to the United States, is 402,180.88 acres; that the amount of money paid and forfeited on the said land is $558,564 01, which makes the average amount paid on each acre $1 39; that the proportion which the entire amount of forfeitures in the State of Alabama bears to the entire amount of forfeitures incurred elsewhere than in Alabama is as three to one; with the exception of the amount of money forfeited at the land office at Washington, Mississippi, on the first class of lands further credited, the returns for which have not been received; that the number of acres of land relinquished in said State, and which now remain unsold and unappropriated, is 947,329.78 acres; and the average price per acre for which they were originally sold is $5 03; that the number of acres which have been sold at the several land offices in Alabama during the last three years, to wit, 1826, 1827, and 1828, is 413,607.55, for which $576,087 97 have been paid, giving an average of $1 39.3 per acre; that the whole amount which has been paid for lands situated in the said State of Alabama, to the 1st of January, 1829, is $7,450,408 42. I have also the honor to submit the tables marked No. 1 and No. 2, which exhibit the amount of forfeitures in each separate land district, and in each State and Territory.

All which is respectfully submitted.

GEO. GRAHAM.

Hon. S. D. INGHAM, *Secretary of the Treasury.*

No. 1.

Statement of the lands which have reverted to the United States, and of the amounts paid thereon and forfeited, and which were further credited under the act of March 2, 1821, *and the acts supplementary thereto.*

States.	Land offices.	Quantity.	Purchase money.	Amount paid and forfeited.	Balance due.
		Acres.			
Ohio	Marietta	2,034.09	$5,188 19	$1,536 97	$3,651 22
	Zanesville	8,310.65	16,621 38	5,602 50	11,018 88
	Steubenville	3,473.95	7,110 36	2,105 12	5,005 24
	Chilicothe	7,719.70	17,326 44	4,657 64	12,668 80
	Cincinnati	35,272.89	76,552 10	20,707 25	55,844 85
	Wooster	10,443.96	60,001 59	16,915 61	43,085 98
	Total	67,255.24	182,800 06	51,525 09	131,274 97
Indiana	Jeffersonville	42,859.40	85,718 81	24,625 54	61,093 27
	Vincennes	55,563.12	113,697 26	29,697 58	83,999 68
	Total	98,422.52	199,416 07	54,323 12	145,092 95
Illinois	Shawneetown	39,211.55	78,431 92	23,077 00	55,354 92
	Kaskaskia	19,594.14	39,188 19	11,605 81	27,582 38
	Edwardsville	14,272.92	28,619 39	8,406 03	20,213 36
	Total	73,078.61	146,239 50	43,088 84	103,150 66
Missouri	St. Louis	6,172.35	16,034 03	5,038 94	10,995 09
	Franklin	12,679.33	29,051 48	7,616 28	21,435 20
	Total	18,851.68	45,085 51	12,655 22	32,430 29
Alabama	St. Stephen's	82,061.92	175,849 69	54,805 30	121,044 30
	Cahaba	83,663.05	236,699 24	63,502 14	173,197 10
	Huntsville	236,455.91	1,676,746 58	440,256 57	1,236,490 01
	Total	402,180.88	2,089,295 42	558,564 01	1,530,731 41
Mississippi	Washington*	11,570.49	23,140 98	12,013 29	11,127 69
Louisiana	Opelousas	9,529.53	16,259 06	4,902 92	14,356 14
Michigan	Detroit	6,495.37	15,543 50	4,218 22	11,325 28

* No return has yet been received of the amount forfeited, in the district of Washington, in the first class. The above is the amount of the second and third classes only.

DECEMBER 26, 1829.

No. 2.

Consolidated statement of reverted lands which were further credited under the act of March 2, 1821, and the acts supplementary thereto, and of the amounts paid thereon and forfeited.

States.	Quantity.	Purchase money.	Am't of money paid and forfeited.	Average rate per acre of amount forfeited.
	Acres.			
Ohio	67,255.24	$182,800 06	$51,525 09	$0 76½
Indiana	98,422.52	199,416 07	54,323 12	55½
Illinois	73,078.61	146,239 50	43,088 84	59
Missouri	18,851.68	45,085 51	12,655 22	67
Alabama	402,180.88	2,089,295 42	558,564 01	1 39
Mississippi*	11,570.49	23,140 98	12,013 29	.....
Louisiana	9,529.53	19,259 06	4,902 92	51½
Michigan	6,495.37	15,543 50	4,218 22	65
Total	687,384.32	2,720,780 10	741,290 71	

* Amount of the second and third classes only. No return yet received of the first class.

21st Congress.] No. 757. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1829.

Mr. Gurley, from the Committee on Private Land Claims, to whom was referred the petition and documents of Antoine Prudhomme, Louis Closeau, and Gilbert Closeau, reported:

That Antoine Prudhomme claims a tract of land of 640 acres, situated on the right bank of the Rigolet de Boudieure, in the parish of Natchitoches, and State of Louisiana; that Louis Closeau claims 640 arpents of land upon the right bank of Red river, in said State; and Gilbert Closeau 400 arpents of land, and adjoining above the land of Louis Closeau. From the testimony and documents accompanying the petition it satisfactorily appears that the land claimed by Antoine Prudhomme was settled in or before the year 1787 by one Pre. Dubanne; that said Dubanne lived on the land until he died, in the year 1796 or 1797; that at the sale of his succession the land was purchased by Joseph Dubanne, one of his heirs, who sold it to petitioner, who immediately took possession of the property, and has lived on it from that period to the present. It also appears from the evidence furnished that Louis and Gilbert Closeau have constantly inhabited and cultivated the lands respectively claimed by them for about 40 years, or since the year 1787.

Without referring to other parts of the evidence, intended to show the equity of the case, your committee are of opinion that the petitioners are entitled to relief under the principles established by the act of March 3, 1807, and that the commissioners for the adjustment of land titles would have recommended the confirmation of petitioners' claims had they been presented to them.

The reason assigned by the petitioners for not having entered their claims before the board is, that they were ignorant of the necessity of doing so. The parties and witnesses appear to be men of fair character, and highly respectable for truth and veracity. In support of this assertion they annex, as part of this report, a certificate from General Overton, the representative from the district in which they reside, and herewith report a bill for their relief.

Washington City, *December* 9, 1829.

To relieve the committee from any apprehensions of fraud in the claim of Antoine Prudhomme, I will briefly state that I know, personally, the witnesses that testify, as well as Mr. Prudhomme. They are as respectable men as any in Louisiana in point of honesty and probity.

Respectfully.

W. H. OVERTON.

Committee on Private Land Claims.

21st Congress.] No. 758. [1st Session.

CONDITION OF THE TOMBECKBEE ASSOCIATION FOR THE CULTIVATION OF THE VINE AND OLIVE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 30, 1829.

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

The memorial and petition of the undersigned, who, at a general meeting of the Tombeckbee Association, held at Greensborough on the 10th of August, A. D. 1829, were appointed a committee on behalf of said association, and of others holding and occupying lands under assignment from members of said association, to represent to Congress such facts connected with the history and present situation of the owners of land within what is commonly called the "French Grant" as they may deem material, and to solicit such indulgence as may be compatible with their situation, and not inconsistent with the objects and provisions of said grant, respectfully showeth:

That the correspondence between the Treasury Department and Charles Villars, late agent of the French company, and also with Frederick Ravesies, his successor, the present agent, will exhibit many of the causes, as they occurred, which tended to retard and to prevent the specific performance of the conditions of the contract made between the honorable Wm. H. Crawford, late Secretary of the Treasury, and Mr. Villars, in pursuance of an act of Congress passed in March, 1817. To this correspondence the undersigned beg leave to refer your honorable bodies, as containing details now beyond their control, and in part only to be found in the proper office of the Treasury Department, the former agent, Mr. Villars, having omitted to leave any copies or records of the transactions of his agency with his successor. With a view to supply the defect of information arising from the absence of these documents, the undersigned, in pursuance of the objects of their appointment, have resorted to such other sources of evidence as are still accessible. Before they proceed further in this memorial and petition, the undersigned have no hesitancy in stating that they have sought information from sources of unquestionable authority only, and that the facts they are about to relate are not such as apply exclusively to individual cases, but such as involved the general interest of the French emigrants—such as essentially affected all who were concerned. In tracing the progress of the attempts made by the French emigrants and their assigns to avail themselves of the advantages which were generously offered by the grant from Congress, a series of difficulties and disasters, and not unfrequently of ignorance and mismanagement, is presented to the inquirer. This indeed is too often the history of almost every human enterprise, and thus it is that the most liberal purposes of philanthropy, the most confident anticipations of political wisdom, and the most skilful efforts of industry, are frustrated and disappointed. These reflections naturally intrude themselves on the minds of the most unreflecting and careless examiner of the concerns of the Tombeckbee company. We therefore make no apology for them, but hasten to request the attention of Congress to a few of the most prominent and important circumstances accompanying the disastrous attempt of the French emigrants to Alabama. Soon after the passage of the act of Congress entitled "An act for the encouragement of the cultivation of the vine and olive, &c.," before the contract was consummated between the Secretary of the Treasury and the French agent, and indeed before the survey of the land intended for the company, a large number of French emigrants interested in the grant, finding their situation becoming daily more embarrassing in Philadelphia, New York, and elsewhere; finding also that their pecuniary resources were continually diminishing, and anxiously desiring to find and to enjoy a *home* for themselves and families, immaturely abandoned their places of temporary residence. Having at length assembled in the interior of Alabama, they determined to establish themselves on a spot where the village of Demopolis now stands, on the bank of the Tombeckbee. This determination originated in the belief that the situation they had selected was within the limits of the French grant. At this place, therefore, they proceeded to erect the necessary buildings for the accommodation of their families. Their number soon amounted to about three hundred persons, and it may be safely affirmed that three hundred more helpless beings were never before assembled. They were without provisions, and every article of subsistence was enormously dear; they wanted advice, encouragement, and assistance, and were unacquainted with the language and habits of those whose friendship was so essential. Their situation at once imperiously demanded the products of agriculture and of the mechanic arts, of which they were alike ignorant. Some of them had been trained in camps and battle fields; some of them had been in the city and at the court. There were, however, a few who were acquainted with the cultivation of the vine as practiced in the west of France, and purposed to communicate their skill to their unfortunate countrymen, but they were without vines, and the land destined for their use had not been designated. Here they remained, the subjects of every calamity incident to man—poor, helpless, and strangers, the pity of the humane, the scorn of the unfeeling, and the prey of the dishonest. Some of them died of diseases, the consequence of accumulated privations and of the climate, and some fled in despair to other regions. The survey of the lands intended for these unfortunate emigrants was at length completed, and it was ascertained that Demopolis, the place of their residence, was not within the French grant. But, in the meantime, a considerable number of those who remained had exhausted their very limited funds in making necessary improvements and in procuring subsistence at that place. A new town, called Aigleville, was laid off, and parcels of land in proportion to the respective individual allotments, within the general grant, were designated; many additions were made to the colony by arrivals from Philadelphia and elsewhere; and under the encouragement and patronage of General Lefebvre Desnouelty and a few others, the purposes of the settlement were commenced. Many persons, however, to whom allotments had been made never arrived. A considerable number of them by this time were reduced to extreme poverty, and many of that number had been imprisoned in Philadelphia for debt. To relieve themselves from actual want, and to obtain a release from prison, they sold their land claims to their more wealthy countrymen. And here we will for a moment interrupt this narrative by remarking that by and through these purchasers many of the most thriving settlements and valuable improvements within the grant have been made. Another portion of the persons interested were intimidated from proceeding to Alabama from the alarming accounts which reached them of the difficulties experienced by the first adventurers, and some were prevented from making any attempt at settlement from the informa-

tion that their lands were already in possession of intruders. This last circumstance has certainly had an influence much more direct and extended than from hasty consideration might be imagined. The cases of intrusion by squatters on the French grants were not very numerous, but this unlawful possession was maintained, and defended, and continued, by all the arts and with all the success which wealth and influence too frequently command in their contests with friendless poverty. It was not until some time in the year 1825 that a judicial decision of the supreme court of Alabama recognized the right of possession in the French claimants. Of these claimants it will be conceded that few, if any, were prepared to encounter the expense of a protracted lawsuit; and the fact is, that lands allotted to several of the French company have been and still continue in possession of intruders, without color of title. It is true that a prompt and effectual remedy may now be had by procuring the interference of the marshal, but the exercise of this remedy would be always invidious, and it would much more accord with the inclination and the interest of those who are thus excluded from the enjoyment of their rights to be placed in a situation which would enable them to sell or lease their lands, for a valuable consideration, to others, who would improve and cultivate them in such way as to meet the purposes of the original contract.

The undersigned committee, on behalf of their constituents, have now communicated to your honorable body some of the principal causes which have prevented the general occupancy of the lands granted to the Tombeckbee Association. Many other causes might be enumerated. It is hoped, however, that those now offered, together with such as will necessarily be presented, in treating of the failure in cultivating the vine, may be satisfactory and sufficient; and here the committee will barely suggest that all the reasons which prevented the settlement of the emigrants necessarily prevented the cultivation of the vine. But there are other facts and circumstances connected with this part of the subject which it may not be improper briefly to represent. The French emigrants very naturally, and, no doubt, very correctly believed, that the Congress of the United States, which granted the land to them for the purpose of cultivating the vine, as well as for other objects, contemplated the culture of *vines from France.* With this impression, means were speedily adopted to procure vines from that kingdom. Several large and expensive importations were made, sufficient in quantity, it is asserted by respectable individuals, to have supplied the whole of the colony. Of these importations a very considerable part, after various delays on the ocean, at Mobile, and on the river, reached its destination without vegetable life; a much more considerable part arrived at seasons of the year so advanced that it would have been an idle waste of labor to plant. Large parcels, however, were received, apparently in good order, and were planted in proper time. Large parcels were cultivated with care, and with such skill as was possessed by the planters. They almost universally perished, or grew feebly and without fruit. These attempts were persisted in until many, hopeless of success, discontinued planting or cultivating; others persevered, and continue to persevere. Vine-dressers have, at different times, arrived from France; various experiments have been made, and the result of the whole matter has been that the foreign vines are not adapted to the climate and soil of this part of Alabama. These experiments have not been made hastily or injudiciously. Time, skill, and expense have been devoted to this interesting object; but the planters of the vine have been equally disappointed in their hopes of profit, and their wish to realize the just expectations of Congress. The cultivation of the vine is still continued; but the opinion which now generally prevails on this subject is, that success can only be obtained by planting the best vines which are indigenous in the United States, together with such exotic grapes as may have become assimilated to its soil and climate. Under the influence of this opinion inquiries have been made, and information and vines have been obtained from different parts of the United States where the grape has been successfully reared; and experiments are at this time in progress, with flattering prospects of a favorable result. But to ascertain this result time is required, and this committee are confident in declaring, that if reasonable time is granted to effect the contemplated object, honest and skilful efforts will be made to comply with the proposition contained in the second article of the resolution submitted to your consideration. This committee deem it unnecessary to enlarge upon the reasons which induced the land proprietors, whom they represent, to adopt the three several articles of the resolution which is herewith transmitted. The first is obviously intended to avoid a forfeiture until the time therein specified. The object of the second is to be collected from the remarks already offered. It is distinct and specific in its character, and directly calculated to obtain one of the primary objects of the grant, by encouraging not only the cultivation of the grape but the production of wine. As respects the third resolution, this committee take leave respectfully to represent, that the report of the agent from the late Secretary of the Treasury was made on credible evidence, and that the testimony upon which it is founded still generally exists. They deem it not immaterial to state, since the report was made several sales of various parcels of land have taken place at an enhanced price, upon the principle that the facts certified in the agent's report were true, and had been deposited among the archives of the treasury as an authentic document. This report, they humbly conceive, contains, in itself, no evidence of partiality or concealment; on the contrary, it presents an alarming account of a total abandonment of all attention either to their own interest or to the objects of the grant on the part of numerous individuals to whom allotments of land have been made—an abandonment which, we trust, has been sufficiently accounted for in the preceding part of this memorial. In fine, the great objects which the undersigned have in view in thus addressing your honorable body are respectfully to urge the propriety of placing the claimants of land within the French grant, and their heirs and assigns, on the footing of *certainty;* that therefore a mode may be pointed out by which they may obtain titles in fee, and at the same time that the terms of the original contract may be so altered and modified as to insure the *bona fide* performance of its most important conditions. The absence of this certainty is seriously felt by every cultivator of land within the French grant; from this cause comfortable buildings of durable materials are not erected, and from this cause a system of agriculture is pursued having for its object immediate profit, without regard to the preservation of the soil. To this uncertainty may doubtless be attributed the unoccupied state of a very considerable part of the land. Let these difficulties be removed, and in a short time almost the whole of the arable soil will be cultivated by respectable citizens, possessing every inducement for improvement in manners, morals, and intelligence. These views of this subject, so important and interesting to the parties, are founded on unquestionable facts; and the remarks and inferences offered are such as are obviously derived from these facts; they are therefore confidently, but respectfully, submitted to the liberal and enlightened *legislators* of a *free people.*

Your honorable bodies are humbly requested to pass an act in conformity with the resolutions herewith

transmitted, or in conformity with the principles generally contained in them, and to afford such other and further relief as the circumstances of your petitioners may require. And your petitioners, as in duty bound, will every pray, &c.

FREDERICK RAVESIES,
President of the Tombeckbee Association and chairman of the Standing Committee.
H. BAYOS.
ROBERT W. WITHERS.
JNO. MARRAST.
S. STRUDWICK.

AIGLEVILLE, *November* 18, 1829.

Resolved, That a petition be presented to the Congress of the United States praying relief in favor of the grantees under the French grant, to the following effect, viz:

1st. That all the allottees under the contract made between Charles Villars, agent, &c., and the Secretary of the Treasury of the United States, on January 18, 1819, and their heirs, devisees, or assigns, be allowed further time, until March 3, 1833, to comply with the conditions of said contract, and that the time for the performance of the said conditions be extended until said day.

2d. That all said allottees, their heirs, devisees, or assigns, who shall by that time have complied with the said conditions of settlement and cultivation, shall be entitled to a further credit of five years from and after March 3, 1833, in the payment of their lands, provided they shall produce one barrel of wine for each quarter section, and that they shall be entitled to a patent on the production of said wine and the payment of $1 25 per acre at any time within said extended term of five years.

3d. That all said allottees, their heirs, devisees, or assigns, who have been reported by William L. Adams, the agent of the United States, as having already complied with the conditions of settlement and cultivation by said contract of them required, be entitled to obtain a patent for their allotments at any time anterior to March 3, 1833, upon the payment of $1 25 per acre.

21ST CONGRESS.] No. 759. [1ST SESSION.

CLAIM TO LAND IN MISSISSIPPI DERIVED FROM GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1829.

Mr. WICKLIFFE, from the Committee on the Judiciary, to whom had been referred the case of Francis Tennill, reported:

There was issued, January 12, 1795, to Zachariah Cox, by virtue of an act of the legislature of the State of Georgia passed January 7, 1795, (vesting in the said Zachariah Cox and Matthias Maher an undivided portion of a certain tract of territory lying in the great *bend* of the Tennessee river,) a certificate, No. 196, evidencing and declaring that said Cox was entitled to the one four hundredth and twentieth part of the said territory, provided the one four hundredth and twentieth part of the full purchase money for said territory was paid to Matthias Maher, or his agent, on or before the first day of August next ensuing the date of said certificate. This certificate appears to have been assigned by Cox to Thomas Gilbert without date, who assigned it without date to Francis Tennill.

On April 24, 1802, the State of Georgia ceded to the United States the jurisdiction and right of soil to the whole of that tract of country south of the Tennessee river, which embraced within its boundaries the district of land referred to in the above certificate to Cox, upon certain conditions.

The United States by the terms of the cession had the privilege of setting apart five millions of acres, or the net proceeds arising from the sales of five millions of acres, within twelve months after the said decree of cession shall have been ratified by the State of Georgia, (and not after,) "for the purpose of satisfying, granting, or compensating for any claims other than those therein before enumerated" which may be made to the said lands or any part thereof; of this latter description of claim is the one embraced by the certificate aforesaid to Cox.—(See vol. 1 Laws United States, page 488.)

By the act of Congress passed March 3, 1803, (vols. 3 and 5, page 46,) provision for adjusting those claims arising under the acts of the legislature of Georgia, which were not recognized as valid by the State of Georgia out of the five millions of acres, was made, in part, by authorizing the Secretary of State, the Secretary of the Treasury, and Attorney General, to receive such propositions of compromise and settlement as might be offered by the same companies or persons claiming public lands lying south of the State of Tennessee and west of the State of Georgia, and report their opinion thereon to Congress at the next session.

In 1814 Congress passed the law providing for the indemnification of certain claimants of public lands in the Mississippi Territory.—(Vol. 4 Laws United States, 671.) Under the provisions of this act of Congress the petitioners assert their claim to ask relief.

By this act a board was constituted of the Secretaries of State, Treasury, and the Attorney General, and, by a subsequent law, of other individuals, "who were authorized and required to adjudge and determine upon the sufficiency of the releases and assignments and powers to be executed and deposited in the office of the Secretary of State," contemplated by the first section of the said act.

This law also provides for the issuing of $5,000,000 of stock, known as the Mississippi or Yazoo stock, to such persons as might avail themselves of the conditions of said act, in the following proportions:

To the Upper Mississippi Company	$350,000 00
To the Tennessee Company	600,000 00

To the Georgia Mississippi Company	$1,550,000 00
To the Georgia Company	2,250,000 00
To persons claiming under citizens' rights	250,000 00
	5,000,000 00

The certificate aforesaid, now claimed by Francis Tennill's representative, attaches itself to that fund which was to be created for the indemnification and satisfaction of the Tennessee Company; the whole of which has been expended except the sum of $2,857 73.

At what time Francis Tennill died does not appear, but it is manifested by the documents that within the time prescribed by the acts of Congress, and during the existence of the board organized under the law aforesaid, the Hon. Bowling Hall, a representative from the State of Georgia, as acting, in fact, for Joseph Blackshear and Mary Tennill, administrator and administratrix of Francis Tennill, deceased, tendered releases, according to the requisitions of the acts aforesaid, (as to form and authentication,) to the United States, of certificates No. 196, 207, and 208.

It appears by an endorsement upon the original papers, now on file in the Secretary of State's office, that the board of commissioners decided that "the release as to William A. Tennill, who had also united with the persons aforesaid, (and who was sole proprietor of the two certificates Nos. 207 and 208,) was good," but "*bad* as to the administrators, who cannot release unless the *deceased* was insolvent. There must be *sent on* either *proof that the estate of Francis Tennill is insolvent, or a release, assignment, and power* from the heirs." This release, assignment, and power, or the proof of insolvency from some, was never sent on or tendered to the board, or filed in the State Department. The one decided to be defective is still on file in the office of State.

The petitioners assign their infancy and remote situation from the seat of government as the cause why this release, &c., or proof was not furnished in time to enable the board to award to them the proportion due to the said certificate, No. 196, then, as now, owned by them, and ask Congress to pass a law for their relief. Without inquiring into the correctness of the decision made by the commissioners, the committee are of opinion that the equitable circumstances of this case address themselves forcibly to the justice of the government, and that relief ought to be granted, for which purpose they report a bill.

21st Congress.] No. 760. [1st Session.

APPLICATION OF ARKANSAS TO EXTEND TIME FOR LOCATING LAND UNDER TREATY WITH THE CHEROKEE INDIANS FOR AN EXCHANGE OF SCHOOL LANDS, AND FOR THE SALE OF LAND IN FORTY-ACRE LOTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1830.

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

The memorial of the legislature of the Territory of Arkansas respectfully showeth: That the law of the 24th of May, 1828, granting a donation of three hundred and twenty acres of land as an indemnity to the actual settlers who were removed by the treaty of 23d of May, with the Cherokee Indians, from that tract of country called Loveley's purchase, in the Territory of Arkansas, has been so unfortunately procrastinated by many unforeseen circumstances, but particularly on account of the land officers refusing to act for want of instructions, that more than a year of the time allowed by the law to locate those claims expired before the claimants were enabled to have their claims proved up and properly authenticated for location according to law. The consequences have been that much of the lands subject to location at the date of the law, and much which has since become subject to location, has been appropriated to the location of Spanish claims, and a great part of it selected for seminary land for the use of the Territory, agreeably to a law of Congress, thereby debarring those claims from their proper right of location, as intended by the law of Congress which granted them. Many of those claims have passed into the hands of other persons, and are now located. A number of them yet remain in the hands of the claimants, and if the time for locating them is not extended until lands are in market to locate them on, they must be lost to the owners. Your memorialists respectfully represent that the surveys of the country acquired of the Cherokees by the above treaty are now progressing. Many of the persons who have received donations are now settled in that country, with an expectation of locating their claims on the improvements which they occupy. We therefore most respectfully pray your honorable bodies to extend the time for locating those claims, so as to give the claimants an opportunity of locating on their improvements, as above specified.

And your memorialists, as in duty bound, will ever pray.

JOHN WILSON, *Speaker of the House of Representatives.*
CHAS. CALDWELL, *President of the Legislative Council.*

Approved October 31, 1829:

JOHN POPE.

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 Territory of Arkansas respectfully represents to your honorable bodies, that of the lands designed by the laws of the United States for the benefit of common schools, there are within this Territory, to the knowledge of your memorialists, several tracts or sections,

number sixteen, which have been appropriated or confirmed to individuals under Spanish grants; that when the legal subdivisions or surveys are made of the residue of the public domain in this Territory, doubtless other occurrences will appear, to remedy which, and carry into effect the beneficent designs of the United States, your memorialists ask for the passage of a law similar to the act of Congress relative to the school lands in the State of Missouri, passed in March, 1823, authorizing the governor of this Territory to designate and set apart unimproved lands in the Territory of Arkansas, in lieu of the sections or parts of sections number sixteen which now are, or may hereafter appear, appropriated or otherwise, on view may be found of little value, or deemed unavailing to the funds intended by the United States to be raised from those reservations for the support of common schools, and to be for the use and benefit of the townships where such reserved sections have been appropriated, or may appear of little value.

And your memorialists, as in duty bound, &c.

JOHN WILSON, *Speaker of the House of Representatives.*
CHAS. CALDWELL, *President of the Legislative Council.*

Approved April 31, 1829:

JOHN POPE.

To the Congress of the United States:

The memorial of the legislative council and house of representatives of the Territory of Arkansas, in general assembly convened, respectfully represents: That it would operate with peculiar benefit to numerous indigent families in this Territory to have the privilege of entering a less quantity of public land than eighty acres, say forty acres; and that they have also the privilege, whether they enter eighty acres or a less quantity, to run east and west, or north and south, at the option of the person entering the land. Your memorialists, therefore, respectfully ask your honorable body to pass a law extending to the citizens of Arkansas the above-named privilege.

And your memorialists, as in duty bound, &c.

JOHN WILSON, *Speaker of the House of Representatives.*
CHAS. CALDWELL, *President of the Legislative Council.*

Approved October 31, 1829:

JOHN POPE.

21ST CONGRESS.] No. 761. [1ST SESSION.

CLAIM OF JOHN EDGAR TO LAND IN ILLINOIS.

COMMUNICATED TO THE SENATE JANUARY 5, 1830.

Mr. BURNETT, from the Committee on Private Land Claims, to whom was referred the memorial of John Edgar, reported:

That the said Edgar alleges in his memorial that John Wilkins, a lieutenant colonel in the service of Great Britain, on April 12, 1769, granted to Baynton, Wharton, and Morgan a tract of land in the Illinois country, supposed to contain about thirteen thousand acres, of which he, the said Edgar, afterwards became the owner by purchase at public sale. He further states that prior to the year 1797 he purchased twelve tracts of land of four hundred acres each, which had been given by the United States to the following named persons, being heads of families in the Illinois country, to wit: Maria Labrose, Jean B. Richard, Jean Maria Lefevre, Archarge Cherier, Catharine Casson, Jean Flanders, Jaques Boutillel, Antoine Coutinoult, Antoine Lomire, Pierre Lomire, the heirs of Detaill, and Antoine Lavigre; and that in 1793 he purchased an improvement right of four hundred acres from John Cochran. The said Edgar has exhibited to your committee assignments from all the original claimants of the above-mentioned tracts of land, which appear to be regularly executed, and to vest in him the right which they severally possessed. He has also proved to the satisfaction of your committee that his claim to the said several tracts of land were submitted to Arthur St. Clair, esq., governor of the Northwestern Territory, and approved and confirmed by him, in the years 1791 and 1796, of which confirmations entries were made in a book kept for that purpose, and surveys were ordered at the expense of the said Edgar.

The memorialist further states that after his claims had been confirmed, as aforesaid, he took possession of the lands, and regularly paid the taxes assessed thereon till the year 1813, at which time he was dispossessed by a decision of the board of commissioners appointed under the act of 1812; and he prays that Congress will grant him an indemnity, either in money or in land.

In order that the grounds on which the claim of the said Edgar depends may be fully understood, the committee further report that the Commonwealth of Virginia stipulated in her act of cession to the United States of 1794 that the French and Canadian inhabitants, and other settlers of the Kaskaskia, St. Vincennes, and the neighboring villages, who had professed themselves citizens of Virginia, should have their possessions and titles confirmed, and be protected in their rights and liberties.

In conformity with that stipulation, Congress, by their resolution of June 20, 1788, directed that separate tracts should be reserved for satisfying the claims of the settlers named in the said act of cession, and that measures should be immediately taken for confirming in their possessions and titles the said French and Canadian inhabitants and other settlers, who, on or before the year 1783, had professed themselves citizens of the United States, or either of them, and for laying off the several tracts which they

rightfully claimed. They also directed that three additional tracts should be laid off for the benefit of the said inhabitants, of such extent as should contain four hundred acres for each of the families then living at either of the villages of Kaskaskias, La Prairie du Rochers, Kahokia, Fort Chartres, or St. Philip's; and that these additional donations of four hundred acres each should be distributed by lot, and immediate possession given.

It was further provided by the said resolution that the governor of the Western Territory should repair to those settlements, examine the titles and possessions of the settlers, in order to determine the quantity of land they might severally claim, which should be laid off to them at their own expense; and that he should take an account of the several heads of families, in order that he might determine the quantity of land to be laid off.

In further performance of the condition in the said act of cession, Congress, by their act of March 3, 1791, directed that four hundred acres of land be given to each of those persons who, in the year 1783, were heads of families at Vincennes, or in the Illinois country on the Mississippi, and that the governor of the Northwestern Territory should cause the same to be laid out for them at their own expense.

The same act further provided that where lands had been actually improved and cultivated at Vincennes, or in the Illinois country, under a supposed grant by any commandant or court claiming authority to make such grant, the governor of the said Territory should be empowered to confirm to the persons who made such improvements, their heirs or assigns, the lands supposed to have been granted, or such part thereof as he might think reasonable, not exceeding to any one person four hundred acres.

On the construction of these laws must depend the validity of the acts of the governor in confirming the claims of the memorialist.

By the act of the 20th February, 1812, the register and receiver of public moneys at Kaskaskia, and such other person as the President should appoint for that purpose, were authorized to examine and inquire into the validity of claims to land in the district of Kaskaskia, derived from confirmations made, or pretended to be made, by the governors of the Northwest and Indiana Territories, and were directed to report to the Secretary of the Treasury their opinion on each of the said claims, to be laid before Congress at their next session.

In conformity with the construction given by the commissioners to the last-mentioned act, they proceeded to examine and reject the claims of the said John Edgar, set out in his memorial, as appears by their report to the Secretary of the Treasury, made in 1813, not on the testimony on which the confirmations of the governor had been made in the years 1791 and 1796, but on such testimony as it was in the power of the claimant to procure in 1813, more than twenty years after his claims had been examined and confirmed. It appears to the committee that the governor was not required to reduce the testimony to writing on which he acted, and that no provision was made by law for preserving it, in consequence of which parol evidence was received, of which no record remains; it was, therefore, impossible for the commissioners, at the time they examined these claims, to ascertain on what evidence they had been confirmed. Many of the witnesses examined by the governor, being the most aged men in the settlement, were dead and others had removed before the examination was made by the commissioners; the necessary consequence of which was, that their opinion was founded on a part of the testimony only, and therefore was more liable to error than the original decision. The committee believe that the provision made for the settlers in question by the Commonwealth of Virginia, and by the subsequent acts of Congress, was not intended to receive a rigid construction; but that the governor was purposely vested with power to confirm definitively, and without appeal, all claims which, in his opinion, came within the spirit of the provision. This opinion is strengthened by the fact that he was not directed to require written testimony, and that no provision was made for recording or otherwise preserving any testimony which he might see proper to receive. But admitting that his decisions were subject to revision and reversal, the safety of the parties would seem to require that a revision, with a view to a reversal, should have been made within a reasonable time, and while there was a rational probability that the facts on which the decisions had been made, could be again obtained. It will be recollected that the claimants had no agency in deciding the manner in which the governor proceeded in the discharge of his duty. It cannot, therefore, be imputed to them as a fault that the evidence was not perpetuated, although the omission to do so may have rendered it impossible to review the grounds on which the decisions were made; and, for the same reason, it would be unjust to subject them to the penalty of a forfeiture because such a consequence may have resulted from that omission.

The committee are of opinion that it would be as inconsistent with the common practice of the government as it is with the established principles of equity to give such a construction to the act of 1812 as would vacate all the decisions of the governors of the Territories, and subject the settlers to the necessity of establishing their claims anew, as if they had never been examined or decided. The claimants were illiterate men, and generally unacquainted with the nature of titles and with the legal forms of establishing and preserving them, from which it is a natural conclusion that to sustain the construction given to the act by the commissioners must be fatal to the titles of a large portion of those who are intended to be its beneficiaries; and yet it appears to the committee that such was the view which the commissioners took of the act in question, and of the powers with which it invested them.

If it was the intention of Congress, by the act of 1812, merely to create a tribunal of revision for the purpose of examining and revising the grounds on which former decisions had been made, for the purpose of ascertaining whether those decisions were correct or otherwise, it is very evident that the commissioners mistook their powers, because they viewed the claims as being then presented to them for adjudication for the first time, and proceeded to decide their merits on the testimony then submitted. Opinions thus formed were more liable to be incorrect than the original decisions, because the latter were made in the life of the witnesses most likely to know the facts, while the former were made after many of those witnesses were dead.

There is another consideration which ought not to be overlooked: The commissioners were not authorized by the law of 1812 to reverse the decisions of the governor. They were directed to examine and inquire, and report their opinion to the Secretary of the Treasury, to be laid before Congress; and here their power ceased. The validity of the former decisions were to be decided by Congress. The commissioners did report in 1813, but Congress have not acted on that report, so that the question is still open, whether the decisions of the governor shall be affirmed or reversed.

In relation to the merits of the claim set up by the memorialist to the several tracts of land described in his memorial, the committee report that the tract first described is claimed under a pretended grant from Lieutenant Colonel Wilkins, in the year 1769. The grant was alleged to contain about thirteen

thousand acres, but from a subsequent survey, made under the superintendence of the claimant, it was found to contain upwards of twenty-four thousand acres.

The committee are of opinion that this claim cannot be sustained, for various reasons:

First. Because Colonel Wilkins had no power to make the grant, as appears from the royal proclamation of October 7, 1763, by which all such grants were expressly forbidden.

Second. The validity of the grant, by the terms of it, was made to depend on the confirmation of the King or of his commander-in-chief, neither of which has been obtained.

Third. The grant was fraudulent, having been made, in part, for the benefit of the grantor himself, who, as appears by an instrument of writing executed on the 25th of June, 1769, was to have an equal interest with the grantees.

Fourth. The land intended to be granted is described with such a want of precision that neither its situation, quantity, nor limits can be ascertained with any reasonable degree of certainty.

Fifth. The governors of the Territories have no power to confirm British grants, as such; but in cases where such grants have been settled and improved, they were permitted, in virtue of the settlement and improvement, to grant to the settlers as much of the land as they might think reasonable, not exceeding four hundred acres to any one individual. In this case the governor undertook to confirm the entire grant as conveying a right *per se*, and, in so doing, exceeded the authority which Congress had given him.

In relation to the donation tracts of four hundred acres each, your committee report that it appears from statements obtained from the Commissioner of the General Land Office that the memorialist has been confirmed in his title to three of those tracts which are claimed to have been purchased of Jean Maria Lefevre, Archange Cherier, and the heirs of Detaile, but that the remaining ten tracts have been, and still are, withheld from him.

It is the opinion of your committee, under all the circumstances of the case, that the decision of the governor, on the claim of the memorialist to those ten tracts, ought to be confirmed. Should such be the opinion of Congress, it will be necessary to provide for locating them, as the tracts heretofore surveyed by order of the governor have been otherwise disposed of; and for that purpose the committee ask leave to report a bill.

21ST CONGRESS.] No. 762. [1ST SESSION.

THE AMOUNT OF MONEY AND LAND GRANTED TO THE NEW STATES FOR THE PURPOSES OF EDUCATION AND THE CONSTRUCTION OF ROADS AND CANALS.

COMMUNICATED TO THE SENATE JANUARY 5, 1830.

To the Senate of the United States:

I submit herewith a report from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 24th December, 1828.

ANDREW JACKSON.

JANUARY 5, 1830.

TREASURY DEPARTMENT, *January* 4, 1830.

SIR: In the fulfilment of your directions under a resolution of the Senate of the 24th December, 1828, "requesting the President of the United States to cause to be laid before the Senate at the next session a statement showing the amount of moneys appropriated, the quantity of the public lands, with their value at the minimum prices, which have been granted, and the amount of the percentage on the proceeds of lands sold by the United States reserved and pledged to the several States admitted into the Union since the adoption of the Constitution, for the purposes of *education* and the construction of *roads and canals* within and leading to said States, specifying the amount received by each State, as far as practicable," I have the honor to submit the accompanying statements, marked A and B, the former (including tables Nos. 1 and 9) prepared by the Commissioner of the General Land Office, and the latter by the Register of the Treasury.

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

S. D. INGHAM, *Secretary of the Treasury.*

The PRESIDENT *of the United States.*

GENERAL LAND OFFICE, *December* 14, 1829.

SIR: In obedience to a resolution of the Senate of the United States, passed on the 24th December, 1828, in the words following, to wit: "*Resolved*, That the President of the United States be requested to cause to be laid before the Senate at the next session a statement showing the amount of moneys appropriated, the quantity of public lands, with their value at the minimum price, which have been granted, and the amount of the percentage on the proceeds of the lands sold by the United States reserved and pledged to the several States admitted into the Union since the adoption of the Constitution, for the purposes of *education* and the construction of *roads* and *canals* within and leading to said States, specifying the amount received by each State, as far as practicable," and which has been referred to this office, I have the honor to submit the accompanying tables, marked No. 1 to No. 9, inclusive.

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

GEORGE GRAHAM.

Hon. S. D. INGHAM, *Secretary of the Treasury.*

A.—*Tables showing "the quantity of public lands, with their value at the minimum prices, which have been granted, and the amount of the percentage on the proceeds of the lands sold by the United States, reserved and pledged to the several States admitted into the Union since the adoption of the Constitution, for the purposes of education and the construction of roads and canals within and leading to the said States, specifying the amount received by each State as far as practicable," in tables numbered 1 to 9, inclusive, in obedience to a resolution of the Senate of the United States passed on the 24th of December,* 1828.

No. 1.—OHIO.

	Quantity.	Value at the minimum price	Three per cent. fund.	Two per cent. fund.
	Acres.			
By the act of March 3, 1803: Appropriation of the one-thirty-sixth part of the public lands within the State (excluding lands to which the Indian title has not been extinguished) for the support of common schools	677,465.16	$846,831 45		
By the act of March 3, 1803: Appropriation of one township of land for the purpose of establishing an academy, in lieu of a township formerly appropriated to the same object, in the purchase made by John Cleves Symmes and his associates	23,040.00	28,800 00		
Appropriation of two townships of land for the support of a university	46,080.00	57,600 00		
By the act of February 28, 1823: Appropriation of land to enable the State to open and construct a road from the lower rapids of the Miami of Lake Erie to the western boundary of the Connecticut Western Reserve, exclusive of lands previously sold	49,177.45	61,471 81		
Amount paid to the State under the same act, being the purchase money of such portion of the lands appropriated by the act as had been previously sold		10,206 41		
By the act of April 17, 1828: Appropriation of forty-nine sections of land for the purpose of making a road from Columbus to Sandusky	31,360.00	39,200 00		
By the act of May 24, 1828: Appropriation of land to enable the State to extend the Miami canal from Dayton to Lake Erie. The line of the canal from Dayton to the mouth of the Auglaize river is estimated to run through the public lands for 78 miles, embracing five sections of land for each mile, equal to	249,600.00	312,000 00		
By the same act there is appropriated to the State, in aid of the construction of canals authorized by law	500,000.00	625,000 00		
By the act of March 2, 1827, there is appropriated to the State of Indiana for the purpose of aiding in the opening of a canal to connect the waters of the Wabash with those of Lake Erie a quantity of land equal to the one-half of five sections in width on each side of the canal, reserving each alternate section to the United States. The portion of the line of this canal, situate within the limits of Ohio, is estimated at 55 miles, embracing a quantity of land appropriated, equal to 176,000 acres, (valued at $220,000,) which the State of Indiana is authorized to relinquish and convey to Ohio by the act of May 24, 1828. Should the relinquishment and conveyance authorized by this act take effect, the quantity of land in Ohio appropriated to this canal will have to be added to this table.—(See note under the head of Indiana.)				
By the act of April 20, 1802, there is appropriated the one-twentieth part, or five per centum of the net proceeds of the sales of public lands within the State, to be applied to the laying out and making of public roads leading from the navigable waters emptying into the Atlantic to the Ohio				
By the act of March 3, 1803, three-fifths of this appropriation are made applicable to the State; the residue is under the control of Congress. On the 31st of December, 1828, these appropriations amounted to			$324,183 67	$216,122 45
Aggregates	1,576,722.61	1,981,109 67	324,183 67	216,122 45

No. 2.—INDIANA.

By the act of April 19, 1816: Appropriation of the one-thirty-sixth part of the public lands within the State (excluding lands to which the Indian title has not been extinguished) for the support of common schools	475,667.13	$594,583 91		
By the act of April 19, 1816: Appropriation of one entire township for the benefit of a seminary of learning, in addition to the one formerly appropriated to the same object, making a total of	46,080.00	57,600 00		
By act of May 7, 1822: Appropriation for the support of common schools for the reservation commonly called "Clark's Grant"	4,160.00	5,200 00		
By the act of March 2, 1827: Appropriation of land for the purpose of aiding in the opening of a canal to connect the waters of the Wabash river with those of Lake Erie, (being a quantity equal to the one-half of five sections in width on each side of the canal, preserving each alternate section to the United States.) The portion of this appropriation within the confines of Indiana is estimated at	355,200.00	444,000 00		
That portion situate within the limits of Ohio, and which the State of Indiana is authorized to relinquish and convey to Ohio by the 4th section of the act of Congress of May 24, 1828, is estimated at	*176,000.00	220,000 00		

*If the relinquishment and conveyance from Indiana to Ohio, authorized by the act of May 24, 1828, should take place, this quantity will have to be deducted from this table and added to that for Ohio.

No. 2.—INDIANA—Continued.

	Quantity.	Value at the minimum price.	Three per cent. fund.	Two per cent. fund.
	Acres.			
By the act of March 3, 1827: Appropriation of the strip of land ceded to the United States by the 2d article of the treaty with the Pottawatomies of October 16, 1826, for the purpose of making a road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river, being 100 feet wide; also, one section of good land contiguous to such road for each mile thereof. This is a treaty stipulation; the quantity cannot now be estimated	----------	----------	----------	----------
By the act of April 19, 1816, there is appropriated five per cent. of the net proceeds of the sales of public lands lying within the State for making public roads and canals, of which three-fifths are applicable to those objects within the said State, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the State, under the direction of Congress. These appropriations amounted, on the 31st December, 1828, to	----------	----------	$115,067 48	$76,711 66
Aggregates	1,057,107 13	$1,321,383 91	115,067 48	76,711 66

No. 3.—ILLINOIS.

	Acres.			
By the act of April 18, 1818: Appropriation of the one-thirty-sixth part of the public lands within the State (excluding lands to which the Indian title has not been extinguished) for the support of common schools	819,923. 96	$1,024,904 95	----------	----------
By the act of April 18, 1818: Appropriation of one entire township of land for the benefit of a seminary of learning, in addition to the one formerly appropriated to the same object, making a total of	46,080. 00	57,600 00	----------	----------
By the act of March 2, 1827: Appropriation of land to aid in opening a canal to unite the waters of the Illinois river with those of Lake Michigan, being a quantity equal to the one-half of five sections in width on each side of the canal, reserving each alternate section to the United States estimated at	480,000. 00	600,000 00	----------	----------
By the act of April 18, 1818: Appropriation of five per centum of the net proceeds of the sales of public lands, to be applied as follows: two-fifths to be disbursed under the direction of Congress in making roads leading to the State; the residue to be appropriated by the legislature of the State for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university. These sums amounted, on the 31st of December, 1828, to	----------	----------	$21,273 56	$14,182 38
Aggregates	1,346,003. 96	1,632,504 95	21,273 56	14,182 38

No. 4.—MISSOURI.

	Acres.			
By the act of March 6, 1820: Appropriation of the one-thirty-sixth part of the public lands within the State for the support of common schools	1,086,639. 41	$1,358,299 26	----------	----------
By the act of March 6, 1820: Appropriation of one entire township of land for the benefit of a seminary of learning, in addition to the one formerly appropriated to the same object, making a total of	46,080. 00	57,600 00	----------	----------
By the act of March 6, 1820: Appropriation of five per cent. of the net proceeds of the sales of public lands within the State, for making public roads and canals, of which *three-fifths* are applicable to those objects within the State, under the direction of the legislature thereof; and the remaining *two-fifths* to be applied, under the direction of Congress, in defraying the expenses to be incurred in the making of a road or roads, canal or canals, leading to the State. These funds amounted on 31st December, 1828, to	----------	----------	$27,943 85	$18,629 24
Aggregates	1,132,719. 41	1,415,899 26	27,943 85	18,629 24

No. 5.—MISSISSIPPI.

	Quantity.	Value at the minimum price.	Three per cent. fund.	Two per cent. fund.
	Acres.			
By the act of March 3, 1803: Appropriation of the one-thirty-sixth part of the public lands in the State to which the Indian title has been extinguished to the support of common schools	394,123.72	$492,654 65		
By the act of February 20, 1819: Appropriation of one entire township of land for the support of a seminary of learning, in addition to the township formerly appropriated for the support of Jefferson College, making a total of	46,080.00	57,600 00		
By the act of March 1, 1817: Appropriation of five per centum of the net proceeds of the sales of public lands lying within the State for the purpose of making public roads and canals, of which *three-fifths* are to be applied to those objects within the State, under the direction of the legislature thereof, and *two-fifths* to the making of a road or roads leading to the State, under the direction of the Congress. The funds amounted, on the 31st December, 1828, to			$30,291 38	$20,194 26
Aggregates	440,203.72	550,254 65	30,291 38	20,194 26

No. 6.—ALABAMA.

	Quantity.	Value at the minimum price.	Three per cent. fund.	Two per cent. fund.
	Acres.			
By the act of March 2, 1819: Appropriation of the one-thirty-sixth part of the public lands within the State (excluding lands to which the Indian title has not been extinguished) for the support of common schools	680,059.99	$850,074 99		
By the act of May 24, 1828: Appropriation of land for the support of the Lafayette Academy	480.00	600 00		
By the act of March 2, 1819: Appropriation of one entire township of land for the support of a seminary of learning, in addition to the one previously appropriated to the same object, making a total of	46,080.00	57,600 00		
By the act of May 23, 1828: Appropriation of certain relinquished and unappropriated lands for the purpose of improving the navigation of the Tennessee, Coosa, Cahaba, and Black Warrior rivers	400,000.00	500,000 00		
By the act of March 2, 1819: Appropriation of five per centum of the net proceeds of the sales of public lands within the State for making public roads, canals, and improving the navigation of rivers; of which *three-fifths* shall be applied to those objects within the State, under the direction of the legislature thereof; and *two-fifths* to the making of a road or roads leading to the said State, under the direction of Congress. On the 31st December, 1828, these appropriations amounted to			$75,872 44	$50,581 63
Aggregates	1,126,619.99	1,408,274 99	75,872 44	50,581 63

No. 7.—LOUISIANA.

	Quantity.	Value at the minimum price.	Five per cent. fund.
	Acres.		
By the act of March 3, 1811: Appropriation of one township of land for the support of a seminary of learning in addition to the one heretofore reserved for that object, making a total of	46,080.00	$57,600 00	
The one-thirty-sixth part of the public lands within the State appropriated for the support of common schools	873,981.66	1,092,477 07	
By the act of February 20, 1811: Appropriation of five per centum of the net proceeds of the sales of public lands within the State, to be applied to the laying out and constructing public roads and levees in the State as the legislature may direct. On the 31st December, 1828, this fund amounted to			$16,284 29
Aggregates	920,061.66	1,150,077 07	16,284 29

No. 8.—TENNESSEE.

	Quantity.	Value at the minimum price.
	Acres.	
By the act of Congress passed on the 18th of April, 1806, the United States ceded to the State of Tennessee all the lands north and east of a line "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 7th 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 1783;) 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 of the State of Tennessee," appropriating within the limits of the cession 100,000 acres of land for two colleges, one in East and one in West Tennessee; and 100,000 acres for the use of academies, one in each county, to be established by the legislature of the State; and also 640 acres to every six miles square in the territory thereby ceded, where existing claims will allow the same, for the use of schools:		
This office possesses no means of estimating the amount of *unappropriated* lands thus granted	200,000	$250,000
	200,000	250,000

No. 9.—CONSOLIDATED TABLE.

States.	Quantity of land appropriated.	Value at minimum price.	Three per cent. fund.	Two per cent. fund.
	Acres			
Ohio	1,576,722.61	(1) $1,981,109 67	$324,183 67	$216,122 45
Indiana	1,057,107.13	1,321,383 91	115,067 48	76,711 66
Illinois	1,346,003.96	1,682,504 95	21,273 56	14,182 38
Missouri	1,132,719.41	1,415,899 26	27,943 85	18,629 24
Mississippi	440,203.72	550,254 65	30,291 38	20,194 26
Alabama	1,126,619.99	1,408,274 99	75,872 44	50,581 63
Louisiana	920,061.66	1,150,077 07	(2) 16,284 29	----------
Tennessee	200,000.00	250,000 00	----------	----------
Grand totals	7,799,438.48	9,759,504 50	610,916 67	396,421 62

(1) Including the sum of $10,206 41 paid to the State under the act of February 28, 1823, as explained in table No. 1.
(2) Amount of *five* per cent. appropriated to Louisiana for the purpose of constructing public roads and levees, to be expended under the direction of the legislature of the State.

NOTE.—In the foregoing tables the lands appropriated for schools and colleges are estimated at the minimum price of $1 25 per acre. Although they were granted previously to the reduction of the price of the public lands, there was no authority given to any of the States to dispose of them until after such reduction. The other appropriations having been made since the reduction of the price of the public lands, are also estimated at the present minimum of $1 25 per acre.

GEORGE GRAHAM, *Commissioner.*

TREASURY DEPARTMENT, *General Land Office.*

B.

Statement showing, as far as practicable, the amount of moneys expended in each State and Territory, for the construction of roads and canals, since the adoption of the Constitution to the close of the year 1828; *prepared in obedience to a resolution of the Senate of the United States of December* 28, 1828.

Maine	$9,500 00	
New York	4,156 79	
Tennessee	4,000 00	
Ohio	6,000 00	
Illinois	8,000 00	
Arkansas	45,055 79	
Michigan	45,430 14	
Florida	83,417 93	
		$205,560 65
Subscription to the Delaware and Chesapeake canal	300,000 00	
Do.....Ohio and Chesapeake canal	10,000 00	
Do.....Dismal Swamp canal	150,000 00	
Do.....Louisville and Portland canal	90,000 00	
		550,000 00
Road from Cumberland to the Ohio	1,721,845 75	
Continuation of road from Cumberland to the Ohio	453,547 36	
Repairs of road from Cumberland to the Ohio	55,510 00	
		2,230,903 11
Carried forward		2,986,463 76

Brought forward		$2,986,463 76
Road from Nashville to Natchez	$3,000 00	
Do....Wheeling to the Mississippi river	10,000 00	
Do....Missouri to New Mexico	30,000 00	
Do....Mississippi to the State of Ohio	5,539 35	
Do....Georgia to New Orleans	5,500 00	
Do....Nashville to New Orleans	7,920 00	
Road in Tennessee, Louisiana, and Georgia	15,000 00	
		76,959 35
Surveys of roads and canals		169,029 89
Opening the old Natchez road		5,000 00
Road through the Creek nation		3,621 01
		3,241,074 01

T. L. SMITH, *Register of the Treasury.*

TREASURY DEPARTMENT, *Register's Office, December* 29, 1829.

21ST CONGRESS.] No. 763. [1ST SESSION.

QUANTITY OF PUBLIC LAND REMAINING UNSOLD IN TENNESSEE IN 1829.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1830.

TREASURY DEPARTMENT, *January* 6, 1830.

SIR: In compliance with a resolution of the House of Representatives of the 20th of January, 1829, directing the Secretary of the Treasury "to procure information, and report to the House, what quantity of vacant land, belonging to the United States, yet remains in that part of the State of Tennessee lying south and west of the line established by the act of Congress, approved April 18, 1806, commonly called the 'Congressional Reservation Line;' what quantity of the land south and west of said line has been appropriated to the satisfaction of North Carolina claims, and what portion has been otherwise appropriated; what portion of the land now vacant south and west of said line is of any, and of what, value; whether it is in compact bodies, or detached parcels, or small pieces; and whether the same could, in his opinion, be surveyed and brought into market, according to the present land system of the United States, so as to defray the expenses of doing so, or so as to yield any profit from the sales, or according to the land system of Tennessee, or any other plan he may suggest," I have the honor to transmit a communication from the Commissioner of the General Land Office, with the accompanying letter and map, received from the secretary of the State of Tennessee, which contain all the information collected by the department in relation to the several matters included in the direction of the House. On the point upon which the opinion of the Secretary of the Treasury is required, I have the honor to state that I concur in the views presented in the communication of the Commissioner of the General Land Office.

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

S. D. INGHAM, *Secretary of the Treasury.*

The honorable the SPEAKER *of the House of Reps. U. S.*

GENERAL LAND OFFICE, *December* 17, 1829.

SIR: In compliance with a resolution of the House of Representatives, dated the 20th January, 1829, requiring the Secretary of the Treasury "to procure information, and report to the House of Representatives, at the next session of Congress, what quantity of vacant land, belonging to the United States, yet remains in that part of the State of Tennessee lying south and west of the line established by the act of Congress, approved April 18, 1806, commonly called the 'Congressional Reservation Line;' what quantity of the land south and west of said line has been appropriated to the satisfaction of North Carolina claims, and what portion has been otherwise appropriated; what portion of the lands now vacant south and west of said line is of any, and what, value; whether it is in compact bodies, or in detached parcels, or small pieces; and whether the same could, in his opinion, be surveyed and brought into market according to the present land system of the United States, so as to defray the expenses of doing so, or so as to yield any profit from the sales, or according to the land system of Tennessee, or any other plan he may suggest," which was referred to this office, I addressed to Daniel Graham, esq., secretary of state for the State of Tennessee, the letter marked A; and in reply thereto, I have received the accompanying communication, marked B, from which it would appear that the quantity of land in the State of Tennessee lying west and south of the line commonly called the Congressional Reservation Line is 6,840,000 acres, of which 942,378 acres were granted by North Carolina previous to the act of cession, and the amount of the adjudications under the laws of Tennessee is equal to 3,550,413* acres, warrants for which have been, or may be, entered within the limits referred to, leaving the quantity of 2,383,824 acres of unappropriated lands subject to the disposition of the United States. In a report made from this office, dated January 18, 1828, and submitted to Congress, the quantity of land lying in the State of Tennessee, south and west of the Congressional Reservation Line, was estimated at 8,500,000 acres. The whole of this portion of the State of Tennessee has been surveyed and divided into ranges and sections, or townships of five miles square, a connected plat of which accompanies the communication of Mr. Graham. If that plat be correct, it will be found to contain upwards of five hundred and twenty-eight sections or townships, including the fractions, and estimating an entire section at 16,000 acres. The quantity of the land in the whole district will be

* There is a discrepancy in Mr. D. Graham's statement as to this item. He states it in one part of his communication as 2,550,413 acres, and in another at 3,550,413. Which latter amount is assumed as the correct one, because it corresponds with his balance of the unappropriated lands.

found to correspond very nearly with that heretofore reported from this office, and would make the quantity of unappropriated land upwards of 1,500,000 more than that stated in the communication from Mr. Graham. Whether this discrepancy arises from error in calculation, or from error in laying down the connected plat of the whole district, I am unable to say.

From an inspection of the plat furnished by Mr. Graham it will appear that the unappropriated lands lie in detached parcels; and as 3,500,000 acres of this land have been entered by selection at the option of the claimants, there can be no doubt that very nearly all the lands of the best quality have been appropriated, and that a very small portion of the residue could be sold at the minimum price of the United States lands, until further progress shall have been made in the settlement and improvement of the country, and a greater demand thereby created for the inferior lands.

By a law of the State of Tennessee, passed October 23, 1819, (see Laws of Tennessee, vol. 2, p. 555,) which is very special and particular in its injunctions, this district of country has been divided into ranges and sections of five miles square, varying from the present system of surveying the lands of the United States as to the extent of the sections or townships, but corresponding in this respect with the military townships in Ohio, and which are readily divisible into lots of 100 and of 50 acres. These surveys having been made at the expense of the United States, (that is, the surveyors were paid the amount of their respective accounts in land warrants, at two dollars per acre, which were subject to be entered in this district of country,) there would be no necessity to resurvey the ranges and townships agreeably to the existing laws of the United States; and by employing the surveyor appointed by the State of Tennessee in each separate surveying district, and making him or some other person in each district the entry taker, allowing a percentage on the amount of money paid into the treasury, and no salary; and by adopting, in part, the existing regulations of the State of Tennessee, it is believed that these lands may be brought into market without any extraordinary expense as to the surveying of them, and that they will sell at the minimum prices in due proportions, and in equal periods, with the public lands of similar quality in the adjoining States and Territory of Arkansas. Any disposition of the public lands in a State by which they can be brought into market at a price less than the minimum price of the other public lands operates injuriously on all the other States and Territories where the public lands may lie, and is in contravention of the general principle heretofore pursued, by which equal encouragement has been afforded to the progress of population in each State and Territory in which the public lands are, so far as it respects the sale of those lands.

The construction given to the act of Congress approved April 4, 1818, by the State of Tennessee, and the laws passed by that State in pursuance of such construction, have virtually annulled the provisions of the first condition of the second section of the act of Congress approved April 18, 1806, and those of the third section of said act. It may, however, be proper to add, that no contract between the State of Tennessee and the United States could impair the rights of the holders of land warrants *bona fide* issued, or of the claimants to lands granted under the laws of North Carolina, passed previous to the act of cession, and that the whole tenor of the legislation of Tennessee has been in a spirit not only of good faith, but has manifested great liberality in relation to the claims derived from the State of North Carolina.

By the act of Congress approved April 18, 1806, provision was made for the reservation of lands for the use of schools from that portion of the lands thereby ceded to the State of Tennessee; and whatever disposition may be made of the unappropriated lands south and west of the congressional boundary line, the uniform practice of the government would require that a quantity of land equal to one thirty-sixth part of the whole district should be appropriated for the use of schools.

All which is respectfully submitted.

GEO. GRAHAM.

Hon. SAMUEL D. INGHAM, *Secretary of the Treasury.*

A.

GENERAL LAND OFFICE, *April* 24, 1829.

SIR: Having been informed that your office can furnish most if not all the information required by the enclosed resolution of the House of Representatives, I have taken the liberty to address you on the subject, and to request that you will furnish to me, so far as the records of your office will enable you, answers to the following questions:

1. What quantity of land is contained in that part of the State of Tennessee lying south and west of the line established by the act of Congress approved April 18, 1806?

2. What quantity of lands south and west of said line has been appropriated to the satisfaction of the North Carolina claims?

3. What portion of these lands has been otherwise appropriated?

4. What is the estimated value of the unappropriated lands lying south and west of the line above referred to?

Having been informed that the surveying districts into which the State of Tennessee has been divided (those numbered 8, 9, 10, 11, 12, and 13) correspond with the boundaries of, and include the whole of the lands reserved to the United States by the act of April 18, 1806; and being also advised that there is a connected plat of each of the above land districts in your office designating, from actual surveys, the boundaries of each, I have, if this information be correct, to request that you will furnish copies of the connected plats of each of these land districts. If there are no such connected plats in your office, it is probable that they can be furnished by the surveyors of the respective districts, of which fact you will please advise me.

In answering the fourth question, as stated above, it will probably be expedient to ask for information from the surveyor of each of the districts, or other persons having competent knowledge on the subject.

A reasonable compensation for the expense and trouble of procuring and furnishing the information required will be allowed to you when an appropriation is obtained, and which will be asked for on the account that may be rendered by you.

With great respect, your obedient servant,

GEO. GRAHAM.

DANIEL GRAHAM, Esq., *Secretary of the State of Tennessee, Nashville.*

B.

SECRETARY'S OFFICE, *Nashville, Tennessee, August* 20, 1829.

SIR: In answering the various interrogatories contained in your letter of the 24th of April last, I have the honor to state:

1. That the whole quantity of land in that part of Tennessee lying south and west of the established line, by the act of Congress approved April 18, 1806, amounts to		6,864,000
2. The quantity granted by North Carolina previously to the cession act.....	942,375	
Adjudicated by Tennessee up to the 1st day of January, 1820.....	2,550,413	
Adjudicated from January 1, 1820, to August 28, 1829.....	17,388	
		3,510,176
Leaving a balance of		2,353,824

Two millions three hundred and fifty-three thousand eight hundred and twenty-four acres of vacant and unappropriated land south and west of the line referred to.

The estimate of the quantity of land contained within the whole reservation is made from the official returns of the surveyors of the 7th, 8th, 9th, 10th, 11th, 12th, and 13th districts, on file in my office.

The quantity granted by North Carolina within that district of country may be a little over the amount here stated, as my researches have not included all, especially in the 7th and 8th districts; but it is sufficiently accurate for any object of general computation.

The item of 3,550,413 acres, adjudicated as valid warrants by the commissioners of Tennessee from 1807 to 1828, is ascertained by careful computations and additions, in which I have employed much time since the receipt of your communication. The warrants thus adjudicated have been all, or nearly all, located upon vacant lands of that country from time to time since the month of December, 1820.

The item of 17,388 acres is the amount of unsatisfied warrants adjudicated by me, as commissioner of land claims, since January, 1828, and none of these have been located or granted, as the surveyors' offices have not been open for receiving entries since 1827; but the unappropriated soil south and west of the line is considered pledged for their satisfaction, and there is no doubt but the general assembly will, at the approaching session, direct the offices to be re-opened for their location.

3. There has been very little of that country appropriated in any other manner—none, perhaps, but a site for the town of Pulaski, in the county of Giles, which was given by Congress to commissioners for that purpose previously to 1819, and the donation to General Green, of 25,000 acres, made by the government of North Carolina at the close of the revolutionary war.

4. In forming an estimate of value on the unappropriated lands we have very little assistance, except from the price of those warrants which have been issued since the surveyors' offices were closed, and which we expect will be admitted to entry in a few months. Of these I have heard of a sale to the amount of 5,000 acres by a gentleman of North Carolina to another of this place, at the price of 12½ cents per acre. This may be considered the minimum price, as smaller quantities have uniformly sold proportionably higher whenever a purchaser could be found, though cash sales are seldom effected at any price. In the summer of 1826 a large stock of 91,000 acres, claimed by the University of North Carolina and the colleges and common schools of this State, was, by direction of the legislature, divided into small parcels of 25 acres each, and sold at 50 cents per acre in cash.

You will herewith receive a connected plan of the whole congressional reservation, which I have formed from the returns of the principal surveyors of the different districts; and to meet, as near as may be, the idea contained in the latter part of the resolution of Congress, I have, with as much accuracy as practicable, laid down every survey made within the 11th and 12th districts. These returns do not come down as late as 1826, and, of course, none of the small entries made on any part of the 91,000 acres above alluded to are here represented. As the labor of laying down the surveys in all the districts would be unnecessarily great, I selected one on the Mississippi border and one on the Tennessee, as exhibiting very nearly an average aspect of the whole. The 7th, 8th, and 9th districts have, perhaps, a larger proportion of vacant land; the 10th is about equal to the 12th; and the 13th is almost entirely appropriated, except in the Mississippi, Reelfoot, and Obion swamps, and on a small portion of its eastern boundary.

A single glance at the face of the 11th and 12th districts, as here fairly represented, must confirm the opinion that the vacant residuum cannot, with any reasonable probability, "be surveyed and brought into market, according to the present land system of the United States, so as to yield any profit from the sales;" but according to the plan adopted by Tennessee north and east of the reservation line, it is probable that one-twentieth part would be granted at 12½ cents per acre, and perhaps one-fifth of the residue at one cent. A larger proportion has not been granted north and east of the line at those prices, where offices of entry and survey have for many years been open in each county.

In making appropriations heretofore, both under the laws of North Carolina and Tennessee, the holders of warrants were permitted to act on very ample discretion. They were confined by nothing but natural boundaries and the lines of older appropriations; and, in the exercise of their discretion, they laid down and shaped their locations so as to include the greatest possible quantity of good land within their several boundaries. In very few instances could it now be found that an entire section of 640 acres could be laid down on vacant land that would sell, in cash, for as much as would pay the expense of surveying, especially when it is considered that the lines of the different tracts already appropriated could not be sufficiently known to the government surveyor without the expense of a resurvey.

No one can safely venture a positive opinion as to the quantity or portion of the remaining 852,237 acres that might be granted at a graduated price by opening offices for entry in each county, as now practiced by us; but no one at all acquainted with the true situation of the country can for a moment doubt the impracticability of laying off and selling what now remains, upon any system like the present, as practiced by the United States, without positive loss to the government.

Respectfully submitted.

DANIEL GRAHAM, *Secretary of State, Tennessee.*

GEORGE GRAHAM, Esq., *Commissioner, &c., Washington City.*

21st Congress.] No. 764. [1st Session.

APPLICATION OF ARKANSAS FOR PRE-EMPTION RIGHTS TO ACTUAL SETTLERS, AND THE APPOINTMENT OF A SURVEYOR GENERAL FOR THAT TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1830.

A MEMORIAL to the Congress of the United States, praying a pre-emption right to every actual settler in Arkansas.

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

Your memorialists, bound by obligations which no consideration can induce them to forego, would humbly suggest to your honorable bodies the propriety of granting to every actual settler now within the limits of our Territory the right of pre-emption. When they reflect upon their remote situation from the protecting arm of the general government; their weakness in point of population; their almost total want of the means of defence; and their proximity to the fearless and vindictive savages, they feel, perhaps, a too certain confidence in the success of their application. Secure to the citizens of Arkansas a right to them so invaluable, and you at once create a love of country which no disadvantage can abate. Give to them a security that their homes are their own, and bravely will they defend them. A few years since Arkansas was a remote and unexplored wilderness, and many, indeed, were the difficulties which opposed the progress of emigration. Those difficulties have, however, been measurably surmounted by the bold and the fearless. Here they came when all was gloom; here they established their homes, and here they are rearing a hardy race of sons. Exposed to all the privations of the wilderness, they have settled upon the public domain, because, upon their arrival here, no lands had been surveyed or offered for sale. The advantages of civilization, the society of friends and relations were abandoned by them under the fullest conviction that here they could obtain farms for their children, and justly claim the soil which yielded them support. In making these observations, however, they acknowledge, with the best feelings, the generosity of the general government in making appropriations for the internal improvement of Arkansas. The western wilds are daily advancing in population, and would it not be policy in the general government to cheer the labors of the honest settler? What will more effectually do so than a grant of a pre-emption right? Other countries have made donations to her settlers; and the country adjoining our territory has offered land as an inducement to emigration. Arkansas has felt the effect of this Mexican liberality, because some of her most flourishing settlements have been drained of their population. The settlers of Arkansas have made lasting and valuable improvements, which tend to enhance the value of her lands; and it not unfrequently happens that they are made the prey of unprincipled speculators. Will the general government, we say, can they, deny to us this request? Will they say to this poor and honest settler that he shall be driven from his home and his fireside by the remorseless speculator? Believing, as we do, in the bold and liberal policy of the present general government, we cannot entertain, we spurn the idea that this protection will be withheld, particularly when we reflect that at least two-thirds of our settlers will be benefited by it. We ask not of the general government a donation of the land; we ask not a diminution of the price; we ask only a preference in paying that price. Actuated by no sordid motive; conscious of the justness and reasonableness of our request, we present this subject to the consideration of the national assembly, with an honest conviction that it will meet with that liberality which has ever characterized that body.

JOHN WILSON, *Speaker of the House of Representatives.*
CHAS. CALDWELL, *President of the Legislative Council.*

Approved November 5, 1829.

JOHN POPE.

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 Territory of Arkansas humbly represents to your honorable bodies that the establishment of a surveyor general's office at some suitable place in Arkansas will not only be of great importance and benefit to the Territory, but certainly much conducive to the interest of the United States, so far as that interest may be connected with the unsurveyed public lands within the Territory of Arkansas. The general assembly will briefly unfold to the view and attention of Congress some of the reasons which have induced them to present this their memorial; from a due and attentive consideration of which by Congress, they conceive the propriety and reasonableness of their present application will appear manifest. In the first place, they will observe that a great portion of the public lands yet to be surveyed within this Territory are remote from the present surveyor's office from *four* to *six* hundred miles. This being the fact, a consequence resulting from it is, that the deputy surveyors who contract to survey those lands, and who are frequently under the necessity of calling on the surveyor general for instructions after they commenced their labors, must meet with great difficulty and inconvenience on account of the great distance between the lands to be surveyed and the surveyor general's office. The difficulty and inconvenience here suggested create a suspension of the deputy surveyor's operations until the necessary communications can be made to and from the surveyor general at St. Louis, which is not only ruinous to the deputy surveyors, but detrimental to the United States and the Territory, on account of the great delay thus occasioned by the execution of the surveys. In the second place, the general assembly will further observe that there are large portions of unsurveyed lands on the borders of our great water-courses which ought to have been surveyed years ago; but the almost impenetrable *canebrakes*, with numerous other obstacles, will always deter surveyors from undertaking at the *present prices*, especially when it is well known that they would have, in addition, to encounter the same inconvenience and difficulty; the same ruinous expense as that herein above mentioned, occasioned by the time occupied in necessary communications from the theatre of their operations *to the office of the surveyor general at St. Louis.* The price for surveying land in Arkansas is three dollars per mile, and without the great advantage of having a surveyor general's office within her borders. In the Territory of Florida it is *four* dollars per mile, with the office of a surveyor general within her bosom. It then appears that the contractors or practical surveyors in *Florida* have a greater incentive to execute their contracts with fidelity than

those of Arkansas, inasmuch as they receive more pay, and have a public instructor, comparatively speaking, within a few links of their compass; yet, as a reason for giving to Florida this two-fold advantage, it is not demonstrated that the public lands within her borders are more arduous and difficult to survey than those in Arkansas. Thirdly. From what has previously been stated in this memorial, the general assembly would respectfully propound to your consideration whether the *vast* quantity of land yet to be surveyed in this Territory does not seem urgently to require at your hands the establishment of a surveyor general's office therein? Whether the very remote situation of the surveyor general from the unsurveyed lands in this Territory does not render it highly improbable to suppose that he can possess that accurate and correct information of the country so absolutely necessary to the judicious letting of contracts? The surveys of the public land hitherto made in this Territory have been executed principally by surveyors from Missouri and Illinois. Arkansas has, within her Territory, a sufficient number of resident competent surveyors to execute the surveys of the public lands within her borders. In concluding this memorial, it is submitted whether the number and respectability of the population of the Territory, and its daily increase, do not entitle it to the office of a surveyor general?

JOHN WILSON, *Speaker of the House of Representatives.*
CHAS. CALDWELL, *President of the Legislative Council.*

Approved November 2, 1829.

JOHN POPE.

21st Congress.] No. 765. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom were referred the petition and documents of John McDonogh, of the city of New Orleans, reported:

That petitioner claims a tract of land on the river Mississippi, in the State of Louisiana, of 14 arpents in front by 80 in depth, equal to 1,120 arpents. That, in support of his claim, he exhibits a deed of sale from Julian Poydrass to Francis Pausset, dated March 20, 1797; a copy of the appraisement of said land, after the death of Pausset, at $3,000, and made February 12, 1803; copy of the probate sale of the same to Michel Mahier for $5,500, on June 2, 1804; a copy of sale from said Mahier to Thomas Dunford, of said land, for $5,500, on July 26, 1806; and, lastly, a sale from said Dunford to petitioner of the land, in consideration of $6,500, dated October 10, 1823.

The petitioner also claims another tract of land, situated on the river Amite, of 1,200 arpents, as having been granted to Domingo Assaretto, by Governor Miro, on February 18, 1788. It appears that the said land was, at different periods, sold for the taxes due thereon, by the sheriff of the parish of St. Helena. That the first sale made for that purpose was of 300 arpents, which was adjudicated to Shepperd Brown & Co., of which petitioner was a partner. The second sale of the remainder of the tract now claimed appears to have been sold to Shepperd Brown, under whom petitioner claims title, but no evidence of the fact appears.

In regard to the first claim, your committee cannot recommend its confirmation, inasmuch as there is no evidence offered of the existence of a title in Poydrass, under whom petitioner claims the land. The several transfers from him to petitioner are satisfactory; and, from the prices paid by the successive vendees, and especially by the last, they cannot doubt that the title, at the respective periods of sale, was considered as good. They are fully induced to this favorable opinion of the claim from the fact that the sale from Poydrass to Pausset, and the appraisement and sale of the land after his death, was made under the government of Spain. Your committee, therefore, report a bill, authorizing the register and receiver of the land office at St. Helena to receive evidence, and report on the claims in the same manner as if they had been entered during the time that the office was open for that purpose.

21st Congress.] No. 766. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom were referred the documents and accompanying testimony of the heirs of Alexander Boyd, deceased, to 300 arpents of land, situated on the river Amite, in the State of Louisiana, reported:

That it appears that said tract of land was regularly surveyed for Alexander Boyd, on the 29th August, 1799, by Carlos Trudeau, royal surveyor of the province of Louisiana, and, as he states, in virtue of an order from Don Carlos de Grand Pré, governor of the district, under date of November 6, 1798.

On the 24th March, 1804, the ancestor of claimants obtained a regular patent for said land from Don Juan Ventura Morales, intendant of the province of West Florida, in which he declares that the same had been surveyed by Trudeau, and that it had been *granted* to the claimant by Manuel Gayoso De Lemos, governor of the provinces, on the 31st October, 1798.

The first section of the act of Congress of March 3, 1819, recognizes all complete grants as valid made by the Spanish government prior to December 20, 1803, being the period of the delivery of Louisiana by France to the United States. The question then is, whether such complete grant, in favor of said Boyd, for the land now claimed did exist prior to that date?

The customary mode of obtaining land from the Spanish government was by petitioning the governor of the district or post, specifying the land and quantity prayed for. This petition, accompanied with such remarks as he might think proper to make, was forwarded by him or petitioner to the governor of the provinces, who made an order directing the land to be surveyed, and, if found to be vacant, &c., that the prayer of the petitioner be granted.

The survey in this case having been made, in 1799, by order of the governor of the district, together with the practice and usage of the province that required a previous grant or order from the intendant of the provinces, added to the declaration of Morales, who succeeded De Lemos as intendant, that the said land had not only been surveyed by the royal surveyor, but *granted* by his predecessors on the 31st October, 1798, induces your committee to come to a conclusion favorable to the claimants. Your committee are, however, of opinion that no power existed in the government of Spain after December 20, 1803, to make any valid disposition of the public domain in the territory in which this claim is situated, the same having been conveyed by the treaty of April 30, 1803, to the United States as a part of Louisiana.

Your committee, though not perfectly satisfied with the testimony to show the existence of a grant previous to December 20, 1803, for the land claimed, yet, considering the strong presumption of the fact raised by the evidence and circumstances of the case, the small quantity of land claimed, and the antiquity of the origin of title, recommend its confirmation as a donation, and for that purpose report a bill.

21ST CONGRESS.] No. 767. [1ST SESSION.

CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1830.

Mr. TEST, from the Committee on Private Land Claims, to whom was referred the petition of Moses E. Levy, reported:

The petitioner sets forth in his petition that he purchased a tract of land of one Catalina de Jeues de Los Hijuelos, of two thousand acres, in the year 1824; that the land lies in and forms a part of that tract of country in East Florida called the Big Hammock, or Big Swamp, near the head of the Oklewaha river, and which he says has been duly confirmed to him under the acts of Congress in that case made and provided; that the land was very valuable; that he had intended to make an immediate settlement on the same; that to facilitate his design, he disposed of a moiety of the land. He further sets forth in his petition that, since his purchase, and since the treaty of Moultrie with the Florida Indians, (which appears to have been made in the year 1823, one year before his purchase,) the United States have extended the Indian limits so as to include his two thousand acres of land, and that it has accordingly been assigned to the Indians, whereby it is totally lost to him. He therefore prays that, as by the act of the government he has lost his land, they will make him compensation for his loss.

The petition shows a fair case for relief if the proof corresponded with the statement. The only proof, however, submitted to the committee by the petitioner was the survey of two thousand acres of land, situate on the river Oklewaak, made in 1819 for the benefit of Catalina de Jeues Hijuelos. A certificate signed by Mr. Drysdale, (not under oath,) who certifies "that the foregoing is a plat and certificate of survey of a tract of land, which is part of a purchase of about 70,000 acres of land in East Florida, made by Moses E. Levy, in 1824, and that, with the exception of this 2,000 acres, and three other small tracts, the whole of the said 70,000 acres were held by grants of a larger quantity than the land commissioners were authorized to confirm; and this knowledge, he says, is derived from his having been employed as an attorney by him to draw the conveyances, and having, as his agent, paid a part of the purchase money," together with a deed from Catalina de Jeues de Los Hijuelos to the petitioner, made and executed by William Travers, her attorney in fact, (without showing the letter of attorney,) on the 10th day of February, 1825, for the same 2,000 acres of land, as the committee presume from the description. The above is all the evidence presented to the committee, as before mentioned.

The apparent fairness of the case presented in the petition induced the committee, with great labor, to seek among the records of the country for evidence in his behalf. Their search, however, has been fruitless; they have not been able to discover among these records any land of the description of those set forth in the petition confirmed by the commissioners to the petitioner. They do find that, in their returns made to the Secretary of the Treasury on the 31st day of December, 1825, 2,000 acres of land of the above description, recommended by them for confirmation to Catalina de Jeues de los Hijuelos, and which the act of Congress of February 8, 1827, (see Land Laws, page 926,) duly confirms to her. Then, in the first place, the petitioner fails in making out his title to the land, but it rather appears to be in another person. Suppose, however, his title to be good, it does not appear from any testimony before the committee that the land lies within the country lately assigned to the Indians.

Therefore, resolved that the said petitioner is not entitled to relief in this case.

21st Congress.] No. 768. [1st Session.

ON AN APPLICATION TO BE ALLOWED TO SELL INDIAN RESERVATIONS IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1830.

Mr. Clay, from the Committee on Public Lands, to whom were referred the petitions of Conaleskee, (commonly called Challenge,) James Ore, Giles M'Anulty, and George Stiggins, reported:

That the three first named individuals, being heads of Cherokee Indian families, claiming and possessing reservations under a treaty made with that tribe of Indians on the 8th day of July, 1817, state they are dissatisfied with their residence among the whites, by whom they are viewed as inferiors, and treated with contempt and contumely; that they are desirous to remove beyond the Mississippi, and reside among their brethren and equals; that they cannot do so without incurring a forfeiture of the interest they hold under that treaty; and some of them state that they have not the means of removal, unless, by a relinquishment from the United States, they are enabled to sell the lands which they hold. George Stiggins states, in substance, that he holds a like reservation under the treaty made with the Creek Indians, at Fort Jackson, on the 9th of August, 1814; that he has a family of children, whom he is desirous to rear and educate, but is poor and without the means to do so, unless the United States will make a like relinquishment and enable him to sell. His petition is accompanied by a certificate in favor of his pretensions to character and intellect; and that it would be of great benefit to himself and family to grant the prayer of his petition.

Your committee beg leave to state that, by reference to said treaties, it appears a forfeiture would occur, under that with the Cherokees, *by a removal of the individual to whom the reservation has been allowed;* but the title would vest in his heirs, without such condition of forfeiture, if he remained on the reservation during his life. Under the treaty with the Creek Indians a forfeiture would occur *by the removal of the reservee or his descendants.*

Your committee are satisfied of the correctness of the views presented by the petitioners in regard to the disadvantages under which they labor among the whites. By the constitution and laws of Alabama they are denied a participation in the privileges of citizenship, common to others, and consequently are viewed and treated as inferiors. From a situation so unpleasant, if not insupportable, it is reasonable they should desire to be relieved. The government of the United States can have no interest in refusing to grant the prayer of the petitioners, except on the contingency of their removal, as above stated, to which they might be compelled, in process of time, by the disagreeable circumstances which attend, and which must continue to attend, their residence among the whites. The contingency alluded to is remote, and altogether in the power of the reservees; and your committee believe that neither the interest nor policy of the United States requires the continuance of the restraint imposed by the terms of the treaty. They therefore ask leave to report a bill.

21st Congress.] No. 769. [1st Session.

PROVISION FOR MAKING EMBANKMENTS, BRIDGES, AND ROADS ON THE PUBLIC LANDS IN LOUISIANA.

COMMUNICATED TO THE SENATE JANUARY 12, 1830.

Mr. Livingston, from the Committee on Public Lands, to whom was referred a resolution of the Senate, directing them to inquire whether justice and the interests of the United States do not require that provision should be made by law for constructing embankments and bridges and making roads on the lands belonging to the United States in the State of Louisiana, reported:

That the United States own large tracts of land, situated on the banks of the Mississippi, or those of several of its outlets into the lakes and the sea, and on the water-courses, called bayous, in that State; that all these lands are subject to be inundated by the annual rise of the Mississippi until they shall be protected by a levee or embankment; and until that work is performed will be of little or no value.

That such embankment is not only necessary to give value to the lands on which it is erected, but also to protect the adjoining plantations from inundation, and their proprietors, in many instances, from the loss of their crops and consequent ruin.

That every individual owning land so situated is obliged, under very heavy penalties, to make the levee in front of his land, and keep it in repair, on account of the great injury that would result to the community from a breach being made in any part of it. That each grantee of land, under the successive governments of France and Spain, in Louisiana, was also obliged to make and keep in repair a road, of forty feet wide, across the front of his plantation, and make and sustain bridges over the ditches, necessary for carrying off the water that leaked through the levee; all these being matters of the utmost consequence to the whole settlement, were ordered to be performed under heavy fines and forfeitures; and have always been placed under the care of a vigilant police, created for that purpose. When the lands were not granted, and the making of the levee was expensive, it was done, under the Spanish government, at the expense of the crown.

Since the change of government no provision has been made for this purpose by the United States. They own the lands, but are subject to none of the burdens that are imposed on individuals for its

improvement, or to prevent its becoming the means of ruin to the adjoining planters. They pay no taxes, and their property is increased in value solely at the expense of the State, which has no interest in the lands, or of individuals less able to bear it; or, if this is not done, the lands remain unimproved, and injure the value of those which have previously been granted.

Under these circumstances, the committee think, in answer to the inquiries they have been directed to make, that both "justice and the interest of the United States require that provision should be made by law for making embankments, roads, and bridges, on the lands owned by the United States in the State of Louisiana," for which purpose they report a bill.

21st Congress.] No. 770. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 13, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs of Baptiste Le Gendre, reported:

That petitioners claim six arpents of land in front, by forty in depth, on the river Mississippi, in the parish of West Baton Rouge, as having been granted to their ancestor by the Spanish government in the year 1785, and that the same has been constantly inhabited and cultivated by him and his heirs ever since.

From the testimony offered in support of this claim it appears that the said Baptiste Le Gendre received a grant for said land in 1785, and that the same has been, since that period to the present, cultivated by him and his heirs, the petitioners. It also appears that the said land was surveyed on March 9, 1806, by Ephraim Davidson, deputy surveyor, pursuant to an order from the surveyor of the lands of the United States south of the State of Tennessee, and in conformity with the request of the claimants.

Your committee are of opinion that the petitioners bring their claim within the principle established by the second section of the act of Congress of March 3, 1807, and that, had it been entered before the commissioners during the period in which they were authorized to receive them, it would have been confirmed under that act, in common with others resting upon no better evidence or higher title. The fact that this claim was not so entered is not, in the opinion of your committee, a sufficient cause for rejecting it, especially as the petitioners represent, as is probably the fact, that it was owing to want of intelligence in the individual who was then intrusted with the management and administration of their property.

Being of this opinion, your committee report a bill for their relief.

21st Congress.] No. 771. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 13, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom were referred the petition and documents of Alexander Fridge, reported:

That the petitioner claims six hundred and forty acres of land in that part of Louisiana lying east of the Mississippi and Island of New Orleans, in virtue of habitation and cultivation, under the act of March 3, 1819. It appears from the testimony adduced in support of this claim that John Fridge, the father of petitioner, settled upon said land in the year 1799, and continued to inhabit and cultivate the same from that time until 1810, when it came into the possession of petitioner, who has inhabited and cultivated the same ever since; that by the act of Congress of April 25, 1812, the commissioner appointed to ascertain title and claims to land in the district in which this claim is situated was required to collect and report to Congress a list of the actual settlers who had no claim to land derived from the governments who had previously possessed the country.

The third section of the act of March 3, 1819, provides that the persons embraced in the list of actual settlers reported by the said commissioner not having any written evidence of claim, reported as aforesaid, shall, when it appears by the said list that the land claimed or settled on had been actually inhabited and cultivated by such person or persons in whose right he claims on or before the 15th day of April, 1813, be entitled to a grant for the land so claimed or settled on, as a donation, provided that the same shall not exceed six hundred and forty acres, &c. Your committee are of opinion that this claim is embraced in the principle established by the third section of the act before referred to, and, had it been entered upon the list of actual settlers, that it would have been confirmed by the same. The petitioner states that there has been no intentional neglect on his part; that he intrusted the entry of his claim to one of his neighbors, and that he remained, until lately, ignorant that he had neglected to do so. Your committee are of opinion that the petitioner is entitled to relief, and for that purpose report a bill.

21st Congress.] No. 772. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 13, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom were referred the petition and documents of François Isidore Tuillier, reported:

That the petitioner claims six arpents of land in front, by forty in depth, on the river Mississippi, in the parish of West Baton Rouge, State of Louisiana, as having been given to him in the year 1785 by the Spanish government, and constantly inhabited and cultivated by him from that time to the present. It appears from the evidence produced that the said land has been in possession of petitioner from 1785 to the present time; that the same was surveyed in 1806 by E. Davidson, United States surveyor.

Your committee recommend the confirmation of this claim, as similar to that of the heirs of Baptiste Le Gendre. They therefore report a bill.

21st Congress.] No. 773. [1st Session.

REMEDIES FOR PREVENTION OF FRAUDS IN THE ADJUSTMENT OF LAND TITLES IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 14, 1830.

Mr. Storrs, of New York, from the Committee on the Judiciary, who were instructed by a resolution of the House of Representatives of the 22d day of December last to inquire into the expediency of extending the time for appeals from the decisions of the courts in the Territory of Arkansas, under the acts of May 26, 1824, and May 22, 1826, and providing such remedies as it may be in the power of Congress to adopt for the prevention of frauds on the United States under the said acts, reported:

That they have examined the subject so referred to them, and respectfully refer the House to the papers accompanying this report, and the documents communicated to the House with the President's message at the commencement of this session, (Doc. No. 2, pp. 317 to 328,) for the history of the proceedings in the superior court of the Territory of Arkansas under the said acts.

As doubts appear to have been entertained in the court of Arkansas of the power of the court to proceed by bills of review to examine how far any of the decrees under these acts were obtained by fraud, arising out of forgeries imposed on the court, the committee have reported a bill for confirming the jurisdiction of the court to proceed in that way to revise their decrees in cases where bills of review have been already filed, or may be hereafter filed, for that purpose, and to continue the powers of the court until the 1st day of July, 1831. The former acts, creating and continuing their powers, would otherwise expire on the 26th day of May, 1830; and, as the court has adjourned until the first Monday in April next, the remedy to the United States, founded on bills of review, would probably be substantially defeated without continuing them for a period which shall afford ample time to detect, and establish by proof, the numerous forgeries on which most of these claims were founded.

Under circumstances which clearly show that the liberal and generous policy of the government has been greatly abused by claimants under these laws, the committee have deemed it to be their duty further to recommend to the House, in the bill herewith submitted, several provisions, which shall more effectually defeat the success of fraudulent claims. It is manifestly proper that, until a revision of the decrees of the court can be obtained, the right of entering lands under them should be suspended; and that in every case the original warrants, orders of survey, grants, and concessions, on which the claims are founded, should be returned to the files of the court, or deposited in some public office of the government, before the lands are patented. The second section of the proposed bill brings the subject, hereafter, within the further review of Congress, where it can be more satisfactorily determined what further measures may be necessary for securing to fair claimants, only, the privileges granted by the acts in question. In the meantime, the investigations before the court in Arkansas, on the bills of review to be instituted there, will enable Congress to determine, from the evidence produced to the court, the true character of every claim.

A.

STATEMENT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

A statement for the Judiciary Committee.

Previous to January, 1828, there were but four applications to this office for patents for lands confirmed by the court of Arkansas, under the provisions of the act approved May 26, 1824. The entries, in these cases, had been made at the land office at Batesville, and patents were issued. In the months of February and March, 1828, the land officers at Little Rock transmitted the papers in relation to seven claims that had been confirmed by the court, and on which patents were claimed. The letter from those officers, marked No. 1, and dated March 1, 1828, produced an impression on my mind that many of these

claims were spurious; and, as a bill was then before the Land Committee for extending the provisions of the act of May, 1824, I enclosed a copy of this communication to the chairman of that committee.—(See letter No 2.) The provisions of the act of 1824 having been extended by the act of May 24, 1828, immediately after the adjournment of Congress I returned to the land officers at Little Rock the papers in all the cases which they had transmitted to this office, for the reasons assigned in the letter No. 3, dated June 3, 1828. In the month of September, 1828, the papers in five other cases were transmitted by the land officers at Batesville to obtain patents. In two of these cases patents were issued, and the others disposed of as stated in the letter No. 4, dated October 9, 1828. Subsequent investigation, however, has satisfied me that those two patents have been improperly issued. It thus appears that in October, 1828, all the applications for patents made to this office had been either patented or the papers returned for further evidence of title. In the months of December, 1828, and January, 1829, thirty or forty claims were received from the land officers at Little Rock and Batesville. By a comparison of the papers in those cases, it appeared that the assignments generally were proved by the same persons before the same officers, and that the signatures purporting to be those of the individuals to whom the land had been confirmed were evidently written by not more than two or three different persons. It was these circumstances which confirmed my previous suspicions of the fraudulent character of nearly all of those claims, and caused the suspension of issuing patents until further investigation. I was informed by the Attorney General that he had made, or would make, an application to the Supreme Court for a mandamus to bring up a number of cases from Arkansas, and that it would be advisable to await the result of that motion. The application was refused by the court, on the 16th of March, 1829, and the course as pointed out in my letter to Mr. Roan, No. 5, dated April 30 last, was then decided on and pursued.

No. 1.

REGISTER'S AND RECEIVER'S OFFICE, *Little Rock, March* 1, 1828.

SIR: We have been applied to for the location of some Spanish claims in this land district, confirmed by the supreme court for this Territory at their last (December) term. At first we had an idea of not taking any steps relative to their location until we had communicated with you upon the subject, for the reason that those assignments by the original claimant are of a date long anterior to the decrees of the court confirming the land to, and in the name of, said original claimants.

Now, we are bound to presume that those assignments never were presented to the court; or if presented, were deemed insufficient by the court.

We have, however, on more mature reflection, made out three certificates, embracing all the applications of the kind at present before us, which we have the honor herewith to enclose you, together with a monthly abstract of the same. You will also herewith receive the three decrees of confirmation, with all the evidence of the transfer of title, such as it is.

Our motive for this course was to bring all the papers before you as they were presented to us; we will make no entry of them on our books until we hear from you. Whether or not the circumstance above referred to shall interpose any bar to the location of those claims is respectfully submitted to your consideration.

We are informed that there were about fifty thousand acres of land confirmed by the court at their last December term; and from the disposition that is making of those claims there will likely be little or no land sold at this office for some years to come, unless there should be an increased demand for it.

We are, very respectfully, sir, your obedient servants,

BEN. DESHA.
B. SMITH.

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

No. 2.

GENERAL LAND OFFICE, *April* 28, 1828.

SIR: As there is a bill now before your committee extending the time for filing petitions under the provisions of 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," I enclose for your information a copy of a letter received from the register and receiver of the land office at Little Rock.

Should it be deemed expedient to extend the time of filing claims under the above-mentioned act, I would suggest the propriety of so amending the existing law as to permit no claims to be hereafter filed except such as had been submitted to the tribunals which had been constituted by law for the adjustment of land claims in the present limits of Missouri and Arkansas, and to authorize the district attorney to enter an appeal in *all* cases where he might deem it necessary.

The three particular cases referred to in the letter of the register and receiver do not appear, from the records of this office, to have been submitted to any of the former tribunals for adjusting land claims.

With great respect, &c.,

GEO. GRAHAM.

Hon. J. C. ISACKS, *Chairman of Committee on Public Lands, H. R.*

No. 3.

GENERAL LAND OFFICE, *June* 3, 1828.

GENTLEMEN: I have to acknowledge the receipt of your letter of the 1st ultimo, with the papers therein stated.

The following certificates, with the assignments, are herewith returned, for the reasons hereinafter stated:

Certificate No. 2, issued in favor of Allen M. Oakley and John Clark. The copy of the decree of confirmation should be under the seal of the court. The assignment from Sevier to Robert Crittenden must be properly acknowledged, and the assignment from Crittenden is defective, inasmuch as the name of Allen M. Oakley is mentioned in one part of the assignment only.

Certificate No. 3, issued in favor of Allen M. Oakley and John Clark. The copy of the decree is not attested by the seal of the court. There is no evidence that John Dodge, before whom F. Vaugine acknowledged his transfer to R. Crittenden, was at that time a justice of the peace. The assignment from Crittenden is to John Clark only, and is neither acknowledged nor witnessed. The name of Allen M. Oakley is not mentioned in any of the assignments, and therefore ought not to appear in your patent certificate.

Certificate No. 4, issued in favor of Edward Johnson. The assignment from James Scull to Allen M. Oakley and John Clark is dated the 28th of November, 1826, and is neither acknowledged nor proven On the same paper there is an assignment, without date, from D. E. McKenney, as attorney in fact of James Scull, to John Clark, neither witnessed nor acknowledged. The assignment from Oakley and Clark is not acknowledged nor witnessed, and, being dated one day prior to Scull's assignment to them, to wit, the 27th November, 1828, cannot be recognized.

Certificate No. 5, in favor of Robert D. Gibson; No. 6, of Elijah Stuart, and No. 7, of Allen M. Oakley, are all dated the 29th of February, 1828. In these cases the persons to whom the certificates were issued claim in virtue of assignments dated prior to the confirmation by the court to the original grantees. *Your certificate should always be issued in favor of the persons to whom the court confirms the claims, or to their assignees, under transfers dated subsequent to such decree.* Some defects in the assignments are noted on the papers.

A certificate, No. 5, dated 17th April, 1828, in favor of Abraham Stuart. The assignment from A. H. Sevier to John Wilson, and the power of attorney from Wilson to John Clark, are not acknowledged; and the assignment from John Clark, as the attorney of Wilson, to Stuart, is not witnessed nor acknowledged.

Certificate No. 6, dated 17th April, 1828, in favor of Abraham Stuart, D. E. McKenney, as attorney in fact for James Scull, transfers to A. M. Oakley and J. Clark; this assignment should be properly acknowledged. The transfer from Oakley and Clark to Stuart is neither witnessed nor acknowledged.

Certificate No. 7, dated 17th April, 1828, has the same defects as are noted in the case of No. 6.

Having issued certificates Nos. 5, 6, and 7 on the 29th of February last, the three last-named certificates should have been numbered 8, 9, and 10.

Your information that the court, at its last term, confirmed claims to the amount of 50,000 acres, in small tracts, has caused great surprise, and as numerous forged and fraudulent cases have been presented to the officers in Louisiana for confirmation, I am apprehensive that similar attempts have or will be made to procure the confirmation of cases in your Territory founded on forged papers, and I think it very desirable that the original Spanish papers upon which the confirmations have been made should be examined by some person fully competent to judge of their genuineness, and also that the district attorney should be placed on his guard in relation to such claims.

Suspicion is also attached to some of the assignments herewith returned; witness the great discrepancy in the manner in which the name of Allen M. Oakley is signed.

I have to request that you will be particularly cautious in examining the papers presented to you for location prior to their being sent to this office.

With, &c., &c.,

GEO. GRAHAM.

The REGISTER AND RECEIVER, *Land Office at Little Rock, Arkansas Territory.*

No. 4.

GENERAL LAND OFFICE, *October* 9, 1828.

GENTLEMEN: Your abstracts of certificates, issued during the months of July and August last, for lands located under the 11th section of the act of the 26th May, 1824, with the certificates, 5, 6, 7, 8, and 9, have been received.

The law allowing an appeal to the Supreme Court in the case of Sylvanus Phillips, the decree has been submitted to the Attorney General of the United States to ascertain whether such an appeal has been or will be taken.

Your certificate, No. 7, in favor of R. Crittenden, assignee of William Scruggs, includes the west fractional half of the southwest fractional quarter of section 18, 13 north, 6 west, but by the entry No. 104, in your list of pre-emptions allowed between the 1st of August and 16th October, 1820, I find that quarter granted as a pre-emption to Wm. Moore, under Francis Fulcher. The case is suspended for explanation on the subject of this apparent confliction between the location and pre-emption.

The assignment from John J. Bowie to Wm. D. Ferguson, received with certificate No. 9, is proved before James Livingston by the subscribing witness; but there is no evidence to show that Livingston was a justice of the peace. The assignment is returned to procure the certificate of the clerk of the county to that effect.

Enclosed you have two patents—one founded on certificate No. 6, in favor of John H. Egner and Charles McArthur, the other on certificate 8, in favor of Morgan Magness.

I am, &c., &c.,

GEO. GRAHAM.

The REGISTER AND RECEIVER *at Batesville, Arkansas Territory.*

No. 5.

GENERAL LAND OFFICE, *April* 30, 1829.

SIR: At the request of the Secretary of the Treasury, I enclose a copy of a letter from Mr. Wirt, for your information and guidance; and it is the desire of the President that your special and particular attention should be drawn to the cases in Arkansas, arising under the provisions of the act of 1824.

The following circumstances, alluded to in the letter of Mr. Wirt, have produced a strong suspicion that many of the claims presented to the court for the Territory of Arkansas are founded on papers that are not genuine.

First. The great number of cases that have been presented for claims under 500 arpents.

Second. The fact that very few, if any, of those claims were presented to the former commissioners or the recorder of land titles.

Third. It is evident that the assignments in many cases confirmed by the court, from the person purporting to be the grantee, and which have been presented to this office for the purpose of obtaining patents, are signed in the same handwriting.

It is therefore very important that a thorough investigation should be had, and the strictest proof required of the genuineness of the *original* papers on which the claim is founded. It is also very desirable that a re-examination of the original papers on which each claim has been confirmed by the court should be had by you, with the aid of some person well acquainted with the handwriting of the Spanish officer who signed the grant or order, and who may be particularly conversant with the manner in which the granting of lands was conducted under the Spanish government. I addressed a letter to the land officers at Little Rock some time since on this subject, but have received no answer.

If an individual who is competent to aid you in making this investigation, and who is entirely disinterested, cannot be procured in Arkansas, you will advise me of the fact, as the Executive may perhaps deem it expedient to procure a person to go from New Orleans, where it is presumed there are many individuals who could readily decide whether the original papers on file are genuine.

With great respect, &c.,

GEORGE GRAHAM.

SAM'L C. ROANE, *District Attorney, Little Rock, Arkansas.*

Extract of a letter from William Wirt, esq., dated Baltimore, April 20, 1829, *addressed to the honorable Samuel D. Ingham, Secretary of the Treasury.*

"The cases committed to my care, by this letter, will require great vigilance and energy as well as accuracy on the part of the district attorneys. There is reason to believe that extensive mischief has been already done in Arkansas by the successful pressure of these claims, and that mischiefs still more extensive are meditated. I refer you to the Commissioner of the General Land Office for a more particular elucidation of this remark, and I see no mode of combating these machinations successfully in that State but by extending the right of appeal to the Supreme Court to these factitious claims, which Mr. Graham understands to have been reduced in the amount of acres claimed, for the purpose of an appeal. It is proper, also, that the district attorneys should understand the act of 1824 to have been construed by the Supreme Court as authorizing an immediate appeal by them, without any previous consultation with the Attorney General, notwithstanding the 9th section of that act, which had been differently construed by myself as well as others. It would be better, therefore, that an appeal should be immediately entered in every case of a decision adverse to the government, where the law permits it, leaving it to the law officer of the government, in Washington, on a more deliberate consideration of the case, either to bring up the appeal or to dismiss it."

B.

LEBANON, *Tennessee, July* 20, 1829.

SIR: My necessary absence from the Territory of Arkansas has delayed the receipt of your letter of the 30th of April until yesterday, which accounts for the delay in replying to you.

On the subject of the adjudications of the Spanish land claims in Arkansas, I have but little hesitation in believing that some of the claims were forgeries, but so well executed as to deceive the most skillful persons we were able to procure for their inspection, and supported by proof that was satisfactory to the judges of the superior court. There appears to be (impliedly) an idea in your letter, as well as that of the late Attorney General, Mr. Wirt, that more was to have been expected from the exertions of the district attorney in preventing the confirmation of these claims. Had the government placed the means in my power, more, possibly, might have been effected. The proof to invalidate these claims, if any existed, was in the State of Louisiana, and in the Spanish language. The district attorney is the only officer connected with these adjudications who receives *no* additional compensation for his services; the court there having decided that no fees were to be taxed to him in cases where the cases were decided in favor of the claimant; if in favor of the government, then only ten dollars. A salary of $250 is far from an adequate compensation to enable me to procure interpreters, and to travel to Louisiana, and take depositions, and procure records in *each case.* However, when these cases first came before the court, I, at my own expense, went to Louisiana, and did procure the testimony in the case of James Ball, assignee of John Filhoil *vs.* The United States, for a large claim, including the celebrated Hot Springs on the Ouachita, and clearly proved the claim a forgery. However, this single case cost me near one hundred dollars. I then applied to Congress, giving a full view of the case, and my want of means to successfully defend those claims, by searching for testimony, which, for reasons unknown to me, was not granted. Yet, with the limited means in my power, I have succeeded in having struck from the docket more than 200 cases, and I hope

I shall be able successfully to defend such claims as may be hereafter presented in which any doubtful features may appear.

That those claims were successfully pressed on the court at one time was not to be attributed to me. I used every exertion and urged every argument in my power to procure time for further inquiry, but was overruled by the court.

The argument that so large a portion of those claims were under 500 acres was urged to the court, and had its weight with me in forming my opinion as to the incorrectness of many of those claims; but this was only a presumptive kind of evidence, that the court did not deem of that conclusive nature as to authorize a rejection of a specific claim in the absence of other testimony.

On the subject of a re-examination of the original papers in these cases much *light* might be elicited as to their fairness; but without the aid of some person from Louisiana it would be useless. I have, personally, but a very superficial knowledge of the Spanish language. There are but few persons in the Territory who know anything of the language, and those either ignorant or interested. All the members of respectability are retained by some one or other of the claimants.

If a re-examination of the original papers in each claim which has been confirmed by the court is wished for by the government, it would be desirable that a person qualified to make such examination should be procured from New Orleans, and I would suggest the propriety of this subject being referred to the President immediately, that the proposed examination should be had, say in October next, at Little Rock, as the next term of the superior court for the adjudication of said claims is to be held on the first Monday in that month.

Mr. Wirt's second objection, stated in his letter to the Secretary of the Treasury, as to the power of the Spanish officers to make these grants, the court in Missouri, acting under the law of 1824, required of the claimants to show the authority of the Spanish officers to make these grants. This point was directly made and urged to the court, and by the court overruled. In Missouri there has been no confirmations. The judges of the superior court in Arkansas were well apprised of the decision of Judge Peck, of Missouri, but adopted a different course of decision. Whether warranted in this opinion or not, you can judge as well as myself.

In conclusion, I have only to say, that I am of opinion that there will be few, or probably no more Spanish claims that will be confirmed. The court appears to be, at present, much on their guard as to the character of the claims presented.

I am, very respectfully, your obedient servant,

SAM. C. ROANE.

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

C.

LITTLE ROCK, *November* 8, 1829.

SIR: The term of the superior court for the adjudication of French and Spanish land claims has just adjourned, and I hasten to lay before you the proceedings that have been had in the court touching the claims that were pending, as well as those that have heretofore been confirmed by the court.

Every case on the docket, with the exception of three cases, (and those are probably good claims,) have been *dismissed*, and the law authorizing the filing of those claims having expired on the 26th of May last, (1829,) they can never be commenced again, so that the danger that you apprehended of a continuation of the court to confirm claims will now cease.

You will see by the enclosed papers, Nos. 1 and 2, the course that was taken by the district attorney to prevent the immediate and final trial of the cases confirmed by this court; a similar motion was made to apply to all the cases tried at the December term, 1827, of this court, say more than one hundred cases. Such was the disposition of the court, and such the press of the attorneys and other persons interested, that with every exertion and argument I could urge the court precipitately went into the trial without proper examination.

The papers enclosed, marked Nos. 3, 4, and 5, will show the exertions I made to keep the original papers within the control of the government, and will also exhibit the contradictory decisions of the court, at one time gravely proceeding to punish the clerk of this court, on a suggestion that he had suffered the original papers to be taken from his office, and ordering the papers to be kept within their proper files; and at a subsequent term, without any known cause, making a rule on the clerk to deliver the original papers to such persons as might make claim to them, and thereby putting it out of the power of the government to investigate the justice of the claims, by examining the papers, upon which the claims were founded.

The necessity of preserving the original papers within the call of the government I never ceased to urge to the court, but with what success the copy of the record, No. 5, will show you.

Paper No. 6, a copy of Colonel I. T. Preston's deposition, I enclose you, in order that you may be advised fully of the course I have adopted, and the reasons that have impelled me to take the course. I am not advised whether Colonel Preston has furnished you a copy of this paper; it is probable he did; lest he has not, I send it now.

Paper No. 7 is a copy of the *bill* I have filed, praying a review of the cases confirmed by the court. The charges made in the *bill*, as sworn to by myself, will fully explain to you my opinion of the cases. The bill, of which paper No. 7 is a copy, I have filed, with a view of seeing what the court would do in such cases, before I should proceed with the other cases that will depend on the same principles. In this case I was so fortunate as to get the assistance of Judge Searcy, who aided me in the argument, and from whom I received much assistance; this assistance was rendered by Judge Searcy, on the belief that the government would compensate him for those services. The land court has adjourned until the first Monday in April next. The law for adjudicating these claims expires on the 26th of May, 1830, so that there will not be time to take any effectual steps in the cases before the act of Congress will expire. The court refused to hold a term at an earlier period than the first Monday in April, as above stated.

Had the court made but short intervals between their terms, so as to have given time for investigating and reviewing the decisions or decrees heretofore entered, the cases might have all been reviewed, and

probably reversed; but without an extension of the law, which is not desirable, (at least any extension that would suffer new claims to be filed,) nothing can be done to advantage.

I would suggest the propriety of laying this subject before the Attorney General for his opinion and instructions, and if Congress could be induced to take some steps on the subject that would arrest the patenting of the spurious claims that have been confirmed by this court, without the intervention of the court here, it would insure justice to the government more certainly and at a much less expense. A large portion of the claims confirmed ought never to be patented. Among the claims purporting to be signed by the governor general of Louisiana I find but two that appear to be the genuine signatures of either *Miro* or *de Lemos*, to wit, the claims of Kepler's heirs and of Miguel Gimbolet *vs.* The United States. The others, it seems, were manufactured in Louisiana, and brought to Arkansas by John J. Bowie, or James Bowie, and their agents. There is in Arkansas a powerful interest in favor of those claims. The property in them is widely diffused through every part of the country. A large portion of the land claimed in Arkansas is by virtue of these claims. Even before the confirmation, the persons who were the main actors in this business had sold and ramified the interest in them so extensively that the community were urged by self interest to see them confirmed. That the interest, since their confirmation, has still been further extended, is certainly true. With this view of the cases, I trust you will see what difficulties a review of these cases will encounter here; but under your instructions, and those of the Attorney General, everything shall be done that is within the compass of my power; and if further proceedings are determined on here, I would suggest the propriety of retaining Richard Searcy, esq., of Batesville, to assist me. He is a man of considerable legal ability, and the only lawyer of reputation that is not engaged on the part of the claimants. You have, doubtless, before this time, received Colonel Isaac T. Preston's report; if so, I know of nothing more that I can communicate to you on the subject at present that would be relevant to the business. I have communicated the result of the proceeding of the late term of the superior court to Colonel Preston.

Please let me hear from you at as early a day as practicable.

I am, with much respect, your humble servant,

SAMUEL C. ROANE,
United States District Attorney, Arkansas Territory.

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

BATESVILLE, *Arkansas Territory, November* 16, 1829.

SIR: Agreeably to my promise in my letter to you from Little Rock of the 8th instant, I again write to you on the subject of the *bills of review* which were filed in the superior court of the Territory against Edmund de la Husa and Pierre Godo. In the letter above alluded to, I mentioned that I would forward to you, from this place, copies of the bills filed. After writing that letter I was informed by Mr. Roane, district attorney, that he had forwarded to you the copies. It is therefore unnecessary that I should do so. I send you below a brief of the points urged by the opposing counsel against filing the bills.

This was a new subject to me, one on which I had not reflected, and which I had not time nor the opportunity of investigating between the time of my engagement and the filing of the bills. Since then, the more I have searched into the subject the more complicated and difficult I have found it to be. Since my return home I have examined the libraries at this place, and in twenty volumes of Vesey and six volumes of Johnson's Chancery Reports, and some other books, I have not been able to find a single instance in which a bill of review has been sustained. It is now certain that in all the libraries of the Territory no reported case can be found; and it may well be doubted whether the court will proceed without authorities to decree the necessary relief. There is a case in 4th Vesey, page 186, (Matthews *vs.* Warner,) in which a *commission* of review was granted; but that proceeding was very different and unlike the present case. It was also for error apparent on the face of the record. In the case in Hardin's Kentucky Reports, page 345, (Respass *vs.* McClanahan,) the court of appeals almost positively declare that none but written or record evidence can be received as a ground for a bill of review, and that it cannot be granted "when the facts consist in swearing only," as that would open a door to litigation and perjury.

The character of these cases distinguishes them from all others that ever occurred in any court. The grants were forged.

The only witnesses sworn were non-residents, whose characters were unknown in this county, and, although perjured, it was impossible to prove it without more time. The writs were served not more than thirty days previous to the day of trial. The depositions were frequently sworn to on the same day of the trial, leaving the United States no time or opportunity of producing contradictory testimony. The grants purported to be made in Louisiana, and the witnesses resided there also, and no proof could be adduced from any other place relative to the transaction. Add to this that about one hundred and twenty claims, precisely of the same character, were confirmed at the same time by the testimony of the same witnesses, (in some instances only one witness was sworn.) Against such a proceeding a court of equity must afford some mode of relief.

I hope shortly to receive your reply, with such information on the subject as you may think proper to communicate.

The next term of the court will be held on the first Monday of April next.

I am, respectfully, your obedient servant,

RICHARD SEARCY.

GEORGE GRAHAM, Esq., *Commissioner, &c.*

UNITED STATES *vs.* EDMOND DE LA HUSA.

Ashley and Crittenden, for the defendant, contended—

1st. That the court had not jurisdiction. Being constituted specially by an act of Congress to try the validity of certain claims, they sat as commissioners, and did not possess, as incident thereto, a general chancery jurisdiction.—(Cited act of Congress of May 26, 1824, page 101, &c.)

2d. If the court ever did possess jurisdiction to review its decrees, that power had expired May 26, 1829.—(Cited act of Congress of May 24, 1828, page 102.)

3d. That no new matter was alleged in the bill of review, and that all the points therein were before the court on a former hearing.—(Cited Maddock, Blake, Mitford, and Harrison, under the several titles of bills of review.)

4th. That none but record or written testimony could be a ground for a bill of review, and that discovered since the decree.—(Cited Hardin's Kentucky Reports, 342, Respass *vs.* McClanahan. Same, 451, Bowles *vs.* South.)

The court, after hearing counsel, ordered the bill to be filed, and that process issue, &c.

No. 1.

UNITED STATES OF AMERICA, *Arkansas Territory:*

Superior Court for the adjudication of French and Spanish unconfirmed land claims.

JUAN TOLEDANO *vs.* THE UNITED STATES. } For the confirmation of 520 arpents of land.

The United States by their attorney, Samuel C. Roane, moves the court to postpone the final adjudication of this case until the next term of this court, for the following reasons, viz: The petition and subpœna in this case were served on the United States attorney within one month of the present term of this court; but more than the 15 days is allowed by law, and in consequence of this short notice the United States attorney has not answered his bill until the present term.

2d. He has not had a sufficient length of time to take counter depositions, if counter evidence does exist.

3d. There are many more cases pending in this court on the same principles, and similarly situated in all respects, and the attorney for the United States asks this continuance for the purpose of procuring such evidence as may exist on the part of the government.

SAM'L C. ROANE, *United States Attorney, Arkansas Territory.*

A true copy.

D. E. McKINNEY, *Clerk Superior Court.*

No. 2.

UNITED STATES *adv.* JUAN TOLEDANO. } December term, 1827.

Be it remembered, that when this case came on for trial the United States, by Samuel C. Roane, their attorney, moved the court to continue this case to the next term of this court, (which motion included all cases on the docket similarly situated,) for the reasons set forth in a written motion submitted to the court, marked A, and made a part of this bill of exceptions, which motion was submitted by Samuel C. Roane, United States district attorney, in his official capacity, without affidavit, which motion the court overruled and ordered the cases for trial at the present term of this court, to which opinion and judgment of the court the United States, by their attorney, Samuel C. Roane, excepts, and pray that his bill of exceptions may be signed, sealed, and made a part of the record.

BENJ. JOHNSON. [L. s.]
WM. TRIMBLE, [L. s.]

A true copy.

D. E. McKINNEY, *Clerk Superior Court.*

No. 3.

UNITED STATES, *Territory of Arkansas:*

Superior Court for the adjudication of Spanish land claims. May term, 1828.

Present: The Hons. Thomas P. Eskridge, W. Trimble, Benj. Johnson, judges.

On motion of Samuel C. Roane it is ordered that the clerk of this court show on to-morrow morning where the original grants used on the trial of the several cases for the confirmation of the French and Spanish land claims, in which decrees were entered at the last term of this court, are, what has become of them, and why they are not filed in his office with the papers in the cases to which they severally belong.

A true copy from the record.

D. E. McKINNEY, *Clerk Superior Court.*

No. 4.

UNITED STATES, *Territory of Arkansas:*

Superior Court for the adjudication of French and Spanish land claims. May term, 1828.

Present: The Hons. Thos. P. Eskridge, W. Trimble, Benj. Johnson, judges.

David E. McKinney, clerk of this court, having answered the rule and interrogatories entered and propounded to him yesterday to the satisfaction of the court, and it appearing that all the original grants mentioned in said rule are regularly filed with the papers to which they respectively belong, therefore it is ordered that the rule against him be discharged.

A true copy from the record.

D. E. McKINNEY, *Clerk Superior Court.*

Present: as before.

The attorneys for the complainants in the several cases in which final decrees have been heretofore confirmed by this court this day moved the court to permit them to withdraw the original grants used on the trial of said cases, which motion was opposed by the attorney of the United States, and the court being now sufficiently advised of and concerning the same, doth order that said motion be overruled; and it is further ordered that the clerk of this court *keep* said original grants in his office with the files of papers to which they severally belong.

A true copy from the record.

D. E. McKINNEY, *Clerk Superior Court.*

No. 5.

UNITED STATES OF AMERICA, *Territory of Arkansas:*

Superior Court for the adjudication of unconfirmed French and Spanish claims. October term, 1828.

Present: The Hons. Benj. Johnson, Wm. Trimble, Jas. W. Bates, T. P. Eskridge, judges.

On motion of the several persons who have confirmed claims to land in this Territory, it is adjudged and ordered that each and every person who has any confirmed claim or claims to land in the Territory of Arkansas, wherein the United States is defendant, and in all cases of a greater quantity of land than five hundred acres, in which the final decree has been rendered more than twelve months past, shall be permitted to withdraw the original grant filed in such cases; and it is further ordered, that before any such original grant shall be withdrawn, the clerk of this court shall indorse thereon the time such grant was confirmed, and sign his name officially to such indorsement.

A true copy from the record.

D. E. McKINNEY, *Clerk Superior Court.*

No. 6.

TERRITORY OF ARKANSAS, *Pulaski County:*

Isaac T. Preston, being duly sworn in open court, doth depose and say, that he had been employed by the President of the United States to investigate certain claims to land in this Territory, in favor of which adjudications have been rendered by this honorable court, under the acts of Congress of May 26, 1824, and of May 22, 1826; in that capacity deponent has examined the records of this honorable court within the last week, and has been able to find and see the original requêts and orders of survey, which are the foundation of the claims and decrees in the following cases:

George Leonard *vs.* United States, Cypren Metoyer *vs.* same, Zeno Grittielle *vs.* same, James Huard *vs* same, Onez'me Lacomse *vs.* same, Juan Vachier *vs.* same, Valdre Dupless *vs.* same, Charles Oliver *vs.* same, Celestin Poire *vs.* same, Joseph Talbot *vs.* same, Louis Arnand *vs.* same, Allen Butler *vs.* same, Esteren Escallean *vs.* same, José Currino *vs.* same, Bernardo Lompeyrac *vs.* same, Valdre Martin *vs.* same, John B. Monsier *vs.* same, Louis La Branche *vs.* same, Pier Lattier *vs.* same, Valentine Beane *vs.* same, Joseph Cannon *vs.* same, Isaac McDaniel *vs.* same, Martin Duralde *vs.* same, Jaques Bossier *vs.* same, Jaques Escosslua *vs.* same, Edmond de la Housa *vs.* same, Jaques Lastrop *vs.* same, John Morian *vs.* same, Zeno Bordalon *vs.* same, Juan Louis Deviel *vs.* same, Marafate Dubois *vs.* same, Francis Rachel *vs.* same, Cyprean Dupre *vs.* same, Marcellian Fontenent *vs.* same, Juan Toledano *vs.* same, Thomas Waller *vs.* same, Michel Fontenant *vs.* same, Manuel Lastrop *vs.* same, George Jinks *vs.* same, Sosthene Clontier *vs.* same, José Duralde *vs.* same, Moria Moro *vs.* same, Trasemond Landry *vs.* same, August Genet *vs.* same, Leander Bayon *vs.* same, Gdallgo Moro *vs.* same, Baptiste Thebodiase *vs.* same, Nicholas Babillian *vs.* same, Martin Burgant *vs.* same, Charles Landro *vs.* same, Juan Duburgh *vs.* same, Julian Deveros *vs.* same, Michel La Burgois *vs.* same, Hugh Howard *vs.* same, Juan Aubert *vs.* same, Jean Innes *vs.* same, Marcellan Laysard *vs.* same, James Jones *vs.* same.

The orders of surveys in the above cases purport to have been issued by Governors Miro and Gayoso. Deponent is well acquainted with the genuine signatures of those governors, having a great many genuine records signed by them in his office, as register of the land office at New Orleans; and, moreover, is acquainted with the form and writing and spelling of orders of survey really issued by them; and from this knowledge, positively declares that the orders of survey filed and of record in the above cases are counterfeited, and were never signed or issued by those governors; he annexes and deposits with this affidavit three genuine orders of survey signed by Governor Gayoso, and states, for the information of this honorable court, that the orders of survey now on file in this court in the cases of John

Kepler's heirs *vs.* United States, and Miguel Gimbolet *vs.* The United States, are genuine, and signed by Governor Miro. Deponent further states that he has, at Montgomery's Landing, a regular journal, kept by Governor Miro, of the orders of the survey issued by him, certified by Dr. Lopez de Arnest, his secretary, and also a regular journal of the orders of survey issued by Governor Gayoso, certified by himself; and deponent verily believes, from diligent searches made by him for concessions in Arkansas, that no one of the supposed orders of survey in the above cases are to be found in the said journals. The internal evidence of the falsity of said orders of survey deponent will exhibit in detail in open court, if this honorable court desires it; and he prays that the attorney of the United States may put his application for revision of these claims in due form, that the originals on file may be kept in the custody of the court and transmitted with commission to New Orleans to take the depositions of John Mercier and the Hon. Charles Fassier, who were clerks in the office of Governor Gayoso charged with the concessions of lands, and of other persons in New Orleans of the highest character, whom deponent can produce, acquainted with the signatures of Governors Miro and Gayoso and also with the laws and customs of the Spanish government of Louisiana with regard to concessions of land, and the forms and manner of granting land. As in duty.

ISAAC T. PRESTON.

Sworn to and subscribed in open court, at Little Rock, this 13th day of October, 1829.

D. E. McKINNEY, *Clerk.*

A true copy.

D. E. McKINNEY, *Clerk*

No. 7.

To the honorable the judges of the superior court of the Territory of Arkansas, sitting in chancery:

Samuel C. Roane, attorney of the United States for the Territory of Arkansas, for and on behalf of the United States of America, respectfully showeth unto your honors, that Edmond de la Husa, alias Edmond de la Housa, at the December term, in the year 1827, of your honorable court, filed his petition or bill, stating that on the 3d day of May, in the year 1786, at New Orleans, in the then province of Louisiana, being then and there an inhabitant of ———, addressed a petition to ———, then governor of Louisiana and its dependencies, asking of the said governor a grant of a tract of land, in full property, containing fourteen arpents by the usual depth on the Cadran Bayou, which was of the waters of the Arkansas river, on the north side, and of the domain of his Catholic Majesty, situate in the now Territory of Arkansas, and within the jurisdiction of this court; and that afterwards, on the 5th day of May, 1786, at New Orleans, the said governor, who then and there had full power to grant lands, granted the prayer of the said petitioner, and gave unto him the aforesaid tract of land, containing fourteen arpents by the usual depth, and which he states will more fully appear by a reference to the copy of the said petition and grant thereto annexed and marked E, and which was prayed to be made a part of said bill. And it is further set forth in said bill that at the time said grant was made an order of survey was issued to the surveyor general of said province, which order was also stated to be annexed, and prayed to be made a part of said bill. And it is further set forth in said bill that, by virtue of said grant, concession, or order of survey, the said petitioner acquires a claim to said fourteen arpents of land, by the usual depth, which said claim was and is secured by treaty between the United States and the French republic of the 30th of April, 1803, and which might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government of Spain, under which said claim originated, had not the sovereignty of the country been transferred to the United States. And it is further set forth in the said bill that the said claim was never surveyed under the government of Spain or that of the United States; and that said petition, grant, and order of survey has never been presented to any board of commissioners for adjusting land titles within the knowledge of said petitioner. And it is further stated in said bill that the said petitioner believes that the said tract of land has been appropriated by the United States and patented to other individuals, to the said petitioner unknown, and that he had not the means of ascertaining; whereupon the said petitioner prayed that the said claim might be confirmed to him, in conformity to the principles of justice, and according to the laws and ordinances of the Spanish government, and agreeably to an act of Congress passed the 26th day of May, 1824, entitled "An act enabling 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;" and also prayed to be decreed the privilege of locating a like quantity of land elsewhere in said Territory of Arkansas, according to the provisions of the said law; and also prayed for such other and further relief as in justice and good conscience might belong, &c.

And therefore, at the said December term, 1827, of the said court, the United States, by Samuel C. Roane, their attorney for the Territory of Arkansas, appeared and answered said petition; and witnesses were examined and their depositions published, and the said cause came on for hearing at the term last aforesaid, whereupon it was decreed by your honorable court that said Edmond de la Husa have and recover of the United States the said five hundred and sixty arpents of land, to have and to hold the same to him and his heirs forever; and that the said complainant, or his legal representatives, have leave to enter the like quantity of land in any land office in the Territory of Arkansas, agreeably to the provisions of the above-recited act of Congress, which said decree now remains of record in this honorable court. But your orator, for and on behalf of the United States, avers and says, that the said United States are aggrieved by said decree, and that they ought not to be bound thereby, nor should any such decree have been made or pronounced against them; neither ought the said De la Husa to have recovered against the United States the said land claimed and set forth in the said petition and decreed to him as aforesaid; and the said decree is erroneous and ought to be reversed, and for error do, according to the course of this honorable court, assign the errors therein as follows:

1. Your orator, on behalf of the United States, says, and hopes to maintain, that the original petition and order of survey exhibited in this case is *forged* and *corrupt*, and was never signed by *Miro*, governor of Louisiana, as the same purports to have been.

2. The said petitioner, Edmond de la Husa, is a fictitious person, and had no real existence; and if he ever did exist he was dead at the time of exhibiting this bill.

3. The deposition of John Heberard, on whose testimony this claim was confirmed, is false and corrupt.

4. The original petition and order of survey exhibited in this case show upon the face of them that the writing was not made as early as the year 1786, but appears to have been executed long since, as will appear by reference to genuine original grants signed by said *Miro*, and now on file in this honorable court, in the cases of John Kepler's heirs and of Miguel Gimblet against the United States.

And your orator further, and on behalf of the United States, avers, that the said decree was obtained by fraud, covin, and misrepresentation; and he further avers that since the adjudication and decree was made in this case he has discovered new and important evidence, which, he believes, will enable him to prove the facts set forth herein, and which was beyond his control and not known to him at the hearing of this case, which he expects to be able to procure and exhibit to this honorable court on the rehearing of this case. For all which said error and imperfections in said decree your orator, for and on behalf of the United States, has brought this, his bill of review, and humbly conceives that they should be relieved therein. In tender consideration whereof, and for that there are divers imperfections and frauds in the said decree and proceedings, by reason whereof the same ought to be reviewed, reversed, annulled, and made void.

To the end, therefore, that the said decree, and all procedings thereupon, may be reversed, annulled, and made void, and that the said Edmond de la Husa and his confederates, when discovered, may answer the premises, and that the said United States may be relieved in all and singular the premises, according to equity and good conscience, &c. And may it please your honors to grant unto the United States your writ of subpœna to review and answer, directed to the marshal of the United States for the Territory of Arkansas, commanding the said Edmond de la Husa to appear before your honors and answer the premises aforesaid. And your orator, as in duty bound, &c.

SAMUEL C. ROANE,
Attorney of United States for Territory of Arkansas.

TERRITORY OF ARKANSAS:

Samuel C. Roane, being duly sworn, says, that the facts stated in the above bill, of his own knowledge, are true; and so far as they are stated upon the knowledge of others, he believes them to be true.

SAMUEL C. ROANE.

Sworn to before me this 19th day of October, 1829, in open court.

D. BARBER, *Deputy Clerk.*

21ST CONGRESS.] No. 774. [1ST SESSION.

CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 15, 1830.

Mr. HUNT, from the Committee on Public Lands, to whom was referred the petition of James Porliers, and of Alexander Gardipier, Jean Battiste Vine, and Joseph Jourdin, reported:

By an act of Congress approved on February 21, 1823, it was declared "that every person who, on the first day of July, one thousand eight hundred and twelve, was a resident of Green Bay, Prairie du Chien, or within the county of Michilimackinaw, 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 has continued to submit to the authority of the United States, or to the legal representatives of every such person, shall be confirmed in the tract so occupied and cultivated; provided, however, that no person shall be confirmed in a greater quantity than six hundred and forty acres." Commissioners were authorized to adjudicate on claims arising under the act; and the time limited for the exercise of their powers expired on the first day of November then next ensuing.

The petitioners have furnished evidence to prove that they were residents of Green Bay on the first day of July, 1812, and that each has occupied and cultivated a tract of land since that time, and has submitted to the authority of the United States, agreeably to the requirements of the act. The committee are of opinion that if the evidence had been submitted to the commissioners the claims of the petitioners would have been confirmed.

The petitioners, however, represent that, by reason of their absence and that of their witnesses, and the want of a direct communication being open in the fall of the year 1823 between Green Bay and Detroit, the place where the commissioners held their sessions, they were unavoidably prevented from furnishing evidence to support their claims within the limitation of the act, and now pray for a confirmation of their title.

The committee are of opinion that the reasons assigned by the petitioners for not obtaining their evidence and transmitting it to the commissioners are good and sufficient, and report a bill for their relief.

21st Congress.] No. 775. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 15, 1830.

Mr. Irvin, of Ohio, from the Committee on Public Lands, to whom was referred the memorial of Ebenezer Cooley, with the accompanying documents, reported:

That on the 3d day of November, 1762, Louisiana was ceded by France to Spain, and possession given thereof by an order of the King of France bearing date April 21, 1764. In the year 1767 Joseph Bourgeat took possession of a tract of land at the mouth of the Bayou Lalaoache, on the Mississippi, and resided thereon with his family until the year 1774. During his residence on the land he cleared and cultivated about twenty-five acres of it, which, when he removed, he left in the possession of a tenant by the name of Jean, who resided on the land until 1779, when he was compelled to leave it in consequence of the unusual rise of the waters of the Mississippi in the spring of that year. The possession and improvement of the land is proved by three witnesses, to wit: François Grammillon, Simon Craigel, and Baptist Lafleur; two of them speak of the land being granted to Bourgeat, and Lafleur says he believes by Duplessis, commandant, and Ricard, judge. There is no evidence, other than the testimony of these witnesses, offered in support of the claim, and they are silent as to its boundaries and extent.

On the 1st of October, 1800, the Spanish government agreed to retrocede Louisiana to France, and on the 21st of October, 1803, France ceded it to the United States. By the third article of the treaty, the United States agreed that the inhabitants of the ceded territory should be protected in the free enjoyment of their liberty and property.

After Jean removed from the land in 1779, it remained unoccupied until after the year 1806. A new growth of timber had sprung up, and in point of fact it had again become a part of the forest. No written evidence of transactions anterior to the cession in 1803 has been proffered to the committee, and no excuse is assigned for its absence, from which the committee infer that no written grant was ever made to Bourgeat, and that the claim rests upon a naked possession commenced and ended within the periods before specified. All the ordinances for the granting of land under the Spanish government of Louisiana, so far as they have come under the observation of the committee, require of the settler to make certain improvements within a limited time to entitle him to the right of soil. In this case there is no proof of a compliance with these ordinances by Bourgeat, and from the total abandonment of the property for twenty-four years before the cession of the country to the United States, the committee believe that he forfeited all claim to the land, if any he ever had, and that it was not his intention, nor the intention of his family after his decease, at any time before the treaty of 1803, to resume the possession of the land.

In the year 1798 Joseph Bourgeat departed this life, leaving a will, in which nothing is said about this land. In April, 1806, his wife, to whom he willed his property, transferred to Ebenezer Cooley by deed, as he claims, the tract of land lying at the mouth of the Bayou Latanache. Cooley applied to the board of commissioners appointed for the purpose of ascertaining the rights of persons claiming lands under French or Spanish grants in Louisiana, and in their record the land is described as lying in the county of Point Coupee, on the west side of the River Mississippi, containing twenty arpents in front, viz., ten arpents on each side the Bayou Attanache, with the depth of forty arpents, *and bounded on each side by vacant land.* The commissioners rejected the claim upon the ground of the length of time it had been abandoned, and also upon the ground that it was unwarranted by any law, usage, or custom of the Spanish government.

On the 8th day of December, 1806, the widow of Joseph Bourgeat sold and conveyed another tract of land for the consideration of three hundred dollars, to the said Cooley, called the Cypress Swamp, beginning ten arpents above the Bayou Latanache, on the Mississippi, *adjoining* the land *first* sold to him, thence up the Mississippi twenty-five arpents or thereabouts, with double concession. This deed was acknowledged before Julian Poydrass, judge of the county court of Point Coupee, who certified that the grantor had *held, occupied,* and *enjoyed* peaceable possession of the land mentioned in the deed for more than twenty-five years to his knowledge. In giving this certificate the judge was clearly mistaken, as he admits by his written and attested acknowledgment, bearing date October 19, 1817, in which he says it was his intention to certify *only* that Dr. Bourgeat did formerly settle at the mouth of the Bayou Latanache, but he could *by no means pretend* to certify the quantity he then occupied, or *intended* to occupy.

It is proved by one witness, Dr. John Fowks, that he was at the mouth of the Bayou Latanache in 1806, at which time there was no appearance of any settlement having existed thereon for a number of years back, and that from the appearance of the timber he was convinced it had not been cultivated for at least *thirty* years. He also states that he was acquainted with the purchase made by Dr. Cooley, which consisted of ten arpents above and ten arpents below the bayou, which was the full extent of the claim of that family, and he was perfectly convinced Cooley did not intend originally to exhibit a claim for a greater quantity of land. With respect to the adjoining land, the witness is *positive* that the claim of Cooley is *fictitious.* He further states that he purchased a part of the land, and discovering the futility of Cooley's claim he compelled him to give up the contract. He also states that he understood that the land at the mouth of the bayou had been abandoned by the family since 1779, and was only resumed by Dr. Cooley in consequence of its enhanced value by the change of the government.

Another witness, Colonel Bartlet Collins, states that he commenced his settlement in the neighborhood of the bayou in 1807, and remained there seven years; and always understood that the extent of Bourgeat's claim was ten arpents above and ten below the bayou.

George D. Passan, in his deposition, states that in the year 1809-'10 he saw the land at the mouth of the bayou, and that nine or ten arpents front on the Mississippi, by about two or three arpents back, containing about twenty-five arpents, was covered by a small growth of trees, which indicated that it had been formerly cleared; and with the exception of about sixty arpents cleared by Dr. Fowks, and about one hundred and fifty cleared by the witness, all the land between the Bayous Latanache and Moran, which includes all the Cypress Swamp tract and a part of the first tract, was unimproved.

Some idea may be formed of the value of these lands from the sales made by Dr. Cooley. On the 8th day of June, 1809, he sold ten arpents front and the whole depth back for $3,500, to George D. Passan,

being a part of the Cypress Swamp tract. On the 24th of May, 1811, he sold the tract at the mouth of the bayou to J. Gray for $15,000, which left still unsold about fifteen arpents front of the Cypress Swamp tract.

The committee are of opinion, from the testimony of these witnesses, and from the fact that the land at the mouth of the bayou, in the claim made to the commissioners, is described as being bounded by *vacant land*, that neither Bourgeat nor his family asserted any claim to the Cypress Swamp tract before the treaty, and they are compelled to view the claim now set up in the most unfavorable point of light.

Possessed of the first certificate of Judge Poydrass, which he (Cooley) might have known was incorrect, he again applied to the commissioners to confirm his title to a tract of land situated in the county of Point Coupee, on the west bank of the Mississippi, containing two thousand and eighty-four arpents, bounded on the upper side by Colonel Tremè, and on the lower side by vacant land which he purchased of Mrs. Bourgeat. This tract embraces the Cypress Swamp and the land at the mouth of the bayou, for which the commissioners rejected his claim. The commissioners, on the 23d day of March, 1816, confirmed the claim for two thousand arpents of this land, which was approved by an act of Congress May 11, 1820. In this act of confirmation the commissioners were unquestionably misled by the certificate of Judge Poydrass, which they incorporated in their record, and without which they never could have allowed the claim.

Other than the improvements made by Dr. Fowks and Mr. Passan, there is no proof before the committee at what time the other improvements were made, nor is there any evidence at what time the petitioner took possession of the lands. The whole improvements are estimated at about four hundred and fifty arpents, and the land with the improvements are proved to be worth twenty-five dollars per arpent, equal to the sum of fifty thousand dollars.

By an act of Congress of March 3, 1803, the Secretary of War was authorized to issue land warrants to Major General Lafayette for 11,520 acres of land. By an act of March 27, 1804, he was permitted to locate his warrants on any lands, the property of the United States, in the Territory of Orleans. By an act of March 2, 1805, he was required to make his locations with the register of the land office created by that act; the surveys thereof were to be executed under the authority of the surveyor of the United States south of Tennessee, and a patent or patents were to be issued therefor on presenting such surveys to the Secretary of the Treasury, together with the certificate of the register that the land was not rightfully claimed by any other person. There was a further provision in the act that the surveys should not contain less than one thousand acres, and should not include any improved lands or lots, salt spring, or lead mine. Two locations were made by General Lafayette of one thousand acres each, which included the lands cleared by Dr. Cooley; one of these locations was made on the 1st of July, 1810, and the other on the 25th of May of the same year. To the surveys the certificates required by law were attached. The surveyor, in his certificate, states that the surveys included no improvements but Cooley's, which were rejected; and the register certified that the lands located were not rightfully claimed by any other person. On these surveys patents were issued on the 25th of March, 1813, to General Lafayette.

In 1812 he sold these tracts of land to Henry Seymour, who instituted a suit against Cooley, in which, in the year 1825, he succeeded in recovering the lands. In giving their opinion in the above suit, the court pronounced both of the deeds from Mrs. Bourgeat to Cooley to be void, in consequence of their not being executed in conformity to the laws of Louisiana.

From this view of the subject, the committee are satisfied that neither Joseph Bourgeat nor his representatives had any right to the lands mentioned in the memorial of the petitioner at the time of the acquisition of Louisiana by the United States; and they are also satisfied that the commissioners, in confirming the title, were induced so to do from evidence which the petitioner might have known to be incorrect when it was laid before them. The committee are of opinion that the petitioner is not entitled to the relief he prays, and submit, for the approbation of the House, the following resolution:

Resolved, That the Committee on the Public Lands be discharged from the further consideration of the petition of Ebenezer Cooley.

21ST CONGRESS.] No. 776. [1ST SESSION.

EXCHANGE OF A CERTAIN CHEROKEE RESERVATION FOR GOOD LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 15, 1830.

Mr. CLAY, from the Committee on Public Lands, to whom was referred the petition of Captain John Wood, a Cherokee Indian, reported:

That the petitioner claims and states that he is in possession of a reservation under a treaty concluded with the Cherokee Indians on the —— day of ——, 1817; that at the time of agreeing to take a reservation he stated that he had an improvement in a narrow cove of Cumberland mountain, where he chose his reservation, but that he "did not want mountain;" to this remark, he states that the commissioners replied "that he should have good land." He further states that the surveyor employed to lay off reservations, though requested, would not regard the mountain as the boundaries of the tract to be reserved for the petitioner, but consented to make surveys and plats, both agreeably to his instructions and the wishes of the petitioner. To these plats, as certified by the surveyor, your committee beg leave to refer. The petitioner also sets forth, that he has always been friendly to the whites, and has several times saved their settlements from the murderous incursions of his savage brethren by timely warnings of their impending danger. This statement, in the opinion of your committee, is satisfactorily supported by the evidence which accompanies the petition. The committee, therefore, consider the prayer of the petitioner reasonable, and ask leave to report a bill for his relief.

21st Congress.] No. 777. [1st Session.

CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1830.

Mr. Clay, from the Committee on Public Lands, to whom was referred the petition of John Glass, reported:

That the petitioner states that in the year 1818 Alexander McQuie and James Hogan, jointly, became the purchasers of the northeast quarter of section 4, in township 5, and range 7 west, in the district of lands sold at Huntsville, Alabama; that in the year 1823 the petitioner bought the said land certificate of said Hogan, and took *his* transfer of the same, under the belief that he would thereby obtain the legal title to said quarter section; that under said purchase he took possession of said land, has since cultivated it, and made thereon lasting improvements; that in March last he applied at the land office in Huntsville to pay the balance due on said land (one-fourth of the purchase money only having been previously paid) and obtain a patent for the same, when he was informed that it could not be done without McQuie's transfer, who, the petitioner alleges, has no interest in the land or certificate. The petitioner states that after diligent inquiry he is unable to learn whether said McQuie is dead or living, or where his residence was or is, and that he never resided in the State of Alabama. The petitioner being otherwise without remedy, the committee beg leave to report a bill.

21st Congress.] No. 778. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs of John Tuillier, deceased, reported:

That the petitioners claim a tract of land situated in the parish of West Baton Rouge containing six arpents front by forty in depth, equal to two hundred and forty superficial arpents, as having been granted to their ancestor, John Tuillier, by the Spanish government, in the year 1785, and inhabited and cultivated by him and them ever since. It appears by a plat of survey accompanying the petition that the same was surveyed by Ephraim Davidson, by order of the surveyor of the lands of the United States, on the 20th of March, 1806. The affidavits accompanying the petition establish the fact of habitation and cultivation in 1785, and that the land has been from that time to the present inhabited and cultivated by him and his heirs, the present claimants. Your committee are of opinion that the claim should be confirmed, and for that purpose report a bill.

21st Congress.] No. 779. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1830.

Mr. Pettis, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of Louis Pellerin, reported:

That the petitioners, twenty-five in number, claiming to be the heirs of Louis Pellerin, represent that in 1764 M. D'Baddie, directeur general and commandant for the King in Louisiana, made a grant of land to said Pellerin, in the county of Opelousas, of one and a half leagues in length by three-quarters of a league in breadth, it being a prairie; and also a half league of timbered land, bordering or lying on the front of said first-named grant. They represent that several persons claiming the said land under the said Pellerin, as purchasers, presented their claim before the board of commissioners for the western district of Louisiana, and prayed that the confirmation be made to them; that the petitioners protested, and that the claim was not confirmed to the adverse claimants; that the petitioners have never been confirmed in their title, and that the adverse claimants have possession of the original papers showing the grant, and they can produce nothing but a copy; such a copy is produced duly certified.

A great mass of documents has been produced, showing what was presented to the said board to induce a confirmation to the Collinses, the adverse claimants, which it is unnecessary to notice, as they throw no light on the subject of the original grant.

If the grant, of which a copy is produced, be authentic, it appears that in 1764 a concession was made by the directeur general and commandant of the King in Louisiana to Louis Pellerin of the quantity of land heretofore mentioned, upon conditions that the grantee should continue the establishment where he then was, and that in one year from the date he should improve the lands granted, and in default of which they should be reunited to the domain, and that the rights of seignory should be paid. It does not appear that any of these conditions have been complied with, nor does it appear who has been in possession.

Your committee are not prepared to admit that the directeur general was competent to make grants of this kind; but at any rate the conditions should have been complied with Your committee think that they could not confirm the grant to these heirs. The most that could be done would be to confirm the original claim of Pellerin, and then leave the conflicting claim to be decided between the parties.

It appears, however, from documents obtained from the office of the Commissioner of the General Land Office, that a part of the lands here claimed has been confirmed to the Collinses, the adverse claimants. Your committee therefore recommend that the claim be rejected.

21st Congress.] No. 780. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs of Jean Marie Trahaud, deceased, reported:

That the petitioners claim a certain tract of land, of six arpents in front, by forty in depth, on the right bank of the Mississippi, in the parish of West Baton Rouge, in consequence of a settlement made thereon by their father, with the permission of the Spanish government, in the year 1785, and in virtue of settlement and cultivation since. The evidence adduced proves that the ancestor of petitioners was settled on said land by the Spanish government in 1785; some of the witnesses say that it was granted to him, that he cultivated the same, and that his heirs, the petitioners, are now in possession of said land. Said land was surveyed by order of the United States surveyor on the 9th of March, 1806.

Your committee think the petitioners entitled to relief, and for that purpose report a bill.

21st Congress.] No. 781. [1st Session.

APPLICATION OF ALABAMA FOR A POSTPONEMENT OF THE SALE OF LAND IN JACKSON COUNTY, AND FOR THE RELIEF OF PURCHASERS OF PUBLIC LANDS IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1830.

A JOINT MEMORIAL to the Congress of the United States, praying a postponement of the sales of the public lands in the county of Jackson.

The memorial of the senate and house of representatives of the State of Alabama, in general assembly convened, respectfully represents, that it is with deep concern they have observed that the President has deemed it proper to bring the public lands lying in the county of Jackson, in this State, into market on the third Monday of February next. The period thus selected, they are constrained to believe, is peculiarly unfavorable to the interest of the general government, and alike injurious to the interest of the citizens residing in that country. The great pecuniary embarrassment which has been accumulating for the last few years throughout the cotton-growing country has fallen with its full force upon the population of that portion of our State. The abundant crops of the present season, the first for some years which have promised an adequate return to the planter, have been looked to with cheering hope, for the means of extricating themselves from their difficulties, and of securing the possession of their homes.

New Orleans, however, affords to them the only market for the disposal of their staple commodity; and when its great distance, and the intervening obstructions to their intercourse, are taken into consideration, it is obviously impossible for them to receive their returns in time for the sales in February. The experience of all former years must place this fact beyond question. This State is also now bringing into market the lands granted by the general government for the improvement of the Tennessee and other rivers, and the sales of these lands, lying in the immediate vicinity, must, by absorbing a large portion of the circulating medium of the country, add greatly to the existing pecuniary distress. The operation of these combined causes cannot fail to diminish greatly the number of purchasers, and to afford facilities for the combinations of those harpies, the land speculators, who prey alike upon the government and upon the honest occupant of the soil. The county of Jackson contains, it is supposed, at this time, at

least 12,000 inhabitants, many of whom have been compelled to seek an asylum on the public lands, from an inability to purchase elsewhere; and their continuance there has been, if not by the permission, at least by the sufferance of the general government. It is therefore confidently believed that they will not be turned shelterless from their cabins, with their wives and helpless children, at an inclement season of the year—at a season too late to effect a new settlement and to make the necessary preparations for the following crop. The considerations which have been urged, it is humbly hoped, will induce Congress to postpone the sales above referred to until the month of September or October next.

Resolved, therefore, by the senate and house of representatives of the State of Alabama, in general assembly convened, That our senators be, and they are hereby instructed to use their best endeavors to obtain, either by application to the President or by the passage of a law, the objects embraced in this memorial.

And be it further resolved, That his excellency the governor transmit one copy of the foregoing memorial and resolution to each of our senators and representatives in Congress.

JOHN GAYLE, *Speaker of the House of Representatives.*
LEVIN POWELL, *President of the Senate.*

Approved January 1, 1830.

GABRIEL MOORE.

JOINT MEMORIAL to the Congress of the United States, asking relief for the purchasers of public land, and for other purposes.

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 Alabama respectfully represents unto your honorable bodies, that in the years 1818 and 1819, for the purpose of contributing to the revenue of the general government, large quantities of the public lands in the State of Alabama were offered for sale and sold to numerous purchasers resident citizens thereof, in many instances at the most extravagant and exorbitant prices, the said lands having then commanded prices which are justly and correctly estimated at four times their fair and intrinsic value, inasmuch as in their present improved condition they would scarcely bring the fourth part of the amount at which they were originally sold; that the said citizens who thus purchased at the said sales became involved in heavy pecuniary responsibilities to the government, which they solaced themselves with the hope that industry and economy would remove. This expectation has proved delusive. A sum of money far beyond their means of repayment has been accumulated upon them, until they are constrained to contemplate their impending and irretrievable ruin, unless the kind and liberal hand of a protecting and munificent government should be extended to them. Impressed with the truth of the foregoing statement, your memorialists deem it unnecessary to enter into a minute detail of the series of causes and events which have produced this most unhappy result. Many of them will be found portrayed in striking and impressive colors in the memorials heretofore presented by the general assembly of Alabama to your honorable bodies, to which, with becoming deference, they again refer you. But they feel they would be doing the greatest injustice to the citizens of Alabama if they were wholly to omit the exposition of some of the most prominent circumstances which preceded their unfortunate purchases of land at the then most exorbitant prices. It is a matter which none can controvert that a few years previous to the sales of public lands above adverted to our country had been involved in an extensive war, which drained the treasury of the United States of a large portion of its available funds, which, thus withdrawn and forced into a promiscuous circulation, afforded more money to our citizens than their necessities required; that cotton, the great staple of this State, commanded between twenty and thirty cents per pound; that an unhappy banking mania then pervaded the greater part of the Union; that numerous banks were then established, which emitted paper that proved in the sequel to be the mere representation of money to a very large amount, and which then formed in a great measure the circulating medium of the country; that several millions of Mississippi stock were at the same time offered for sale and purchased at heavy discounts, which, in the hands of the holders, could only be employed or invested in the purchase of public lands in Alabama, and that the value of lands in the cotton-growing part of the country was by the most prudent estimated by the price of cotton, to which may be attributed the rage of land speculation, and indeed speculation of every description, which pervaded this and every other country, the anticipated products of which promised to gratify the avarice of the most covetous and miserly. The causes combined subjected many of our best and most prudent citizens, who were desirous of securing to themselves settlements, (which they then hoped would be permanent,) to all the disadvantages incident to unequal competition in the purchase of lands. To secure their lands they promised more than they afterwards were found to be able to perform—a part thereof in cash, and the balance on short credits. Before the second instalment became due the cotton market sustained a depression of upwards of twenty cents per pound, which awakened them to the sober realities of their situations, and convinced them that their pleasing anticipations of future advancement and prosperity were not only fallacious, but that without adequate relief from the general government the sun of their prosperity was forever set. From the difficulties and perplexities of their unhappy situation they were, however, relieved by the liberal interposition of Congress, which, in applying the corrective, permitted the purchasers of public lands to retain such portion of the lands purchased by them respectively as the amount of the payments they had severally made would pay for at the stipulated price, to relinquish the remainder to the government, or to retain it subject to a liberal and generous deduction of thirty-seven and a half per cent. of the principal they contracted to pay. This liberal measure was calculated to produce and did elicit the warm gratitude of the citizens of our State. They felt that the policy of the government strictly accorded with the true interests of the nation; that in the policy it had pursued towards them it tacitly recognized the orthodoxy of the doctrine that the true interest of the nation is best consulted in parcelling out its lands to its citizens, and *thereby* multiplying the number of its freeholders; that it better comports with the true interests of the nation to sell its lands (the most valuable of all property) to its citizens for a fair price, or even below it, in preference to disposing of it beyond its value; that thereby you enable the middling classes of the community, who are the bone and sinew, the main pillars of this and every other country in times of danger and emergency, to become the permanent lords of the soil they inhabit, and to connect and identify their interests with those of the country in

which their all is at stake; that the prosperity of the citizen is the foundation of the wealth and prosperity of the nation, and that it illy comports with a just and enlightened policy, which so strongly characterizes every measure of the government in relation to the sale, disposal, or allotment of public lands, to hold its debtors, rendered such by unfortunate purchases of lands, to ruinous contracts, entered into, it is true, in good faith, merely because they have placed themselves within its power. Your memorialists further represent unto your honorable bodies that the laws passed for the relief of the citizens of Alabama will soon expire by their own limitation; that although they have partially extended relief, yet they have failed to effect much of the good designed by them, so powerful has been the combination of speculators upon the public lands, under the auction system, so extensive and artful in its windings and various ramifications that the first purchasers were deterred by the dangers of their situation from availing themselves of the benefit of relinquishment secured to them by the act of Congress as related either to their improved or timbered lands, as far as the same were necessary to them, because when the same were thrown into market under the auction system the combination, arrangement, art, and cupidity of the speculators would begin to operate; their lands would be *pushed* greatly above the government minimum, unless by a heavy bonus to the speculators, extorted from their actual wants, the occupant secured from them a tacit permission to purchase his home.

Your memorialists further respectfully represent that the history and experience of the past furnish the melancholy truth that although the citizens of Alabama have been greatly impoverished by the excessive high prices they have been constrained to pay for public lands, yet they believe that in Alabama the United States, upon an average for the last eight years, have not received the one-half part of the amount paid by the settlers for their lands; that the balance has been filched from them, and went into the pockets of the artful and designing speculators who attended the sales, not to purchase lands with the view of retaining them, but to speculate on the wants or too confiding credulity of the honest settler. Your memorialists believe that a corrective remedy to the existing evils they have but faintly delineated may be found in the wisdom and power of Congress; they believe that the proper antidote would be applied if Congress were to pass the bill graduating the price of public lands, as proposed by Mr. Benton, of Missouri, and to secure by law a pre-emptive right to all actual settlers of public lands, subject to the following modifications and restrictions, to wit: To permit one class of the purchasers of the public lands, who were actual settlers and had relinquished a part of their necessary purchases, to enter the relinquished part at the minimum price established by the government, provided the part so retained and entered should not exceed six hundred and forty acres; to permit a second class, who were actual settlers at the time of relinquishing, to enter at the minimum price as many acres of any unappropriated land, unoccupied by third persons, as he, she, or they had paid for at a price above ten dollars per acre; and to admit an entry in like manner of the number of acres as he, she, or they had paid for at a price above five dollars per acre. Your memorialists believe that the general government, in extending the terms of relinquishing and securing preferences to lands in the manner above specified, will sustain no serious pecuniary loss; and should it, in its wisdom, allow its debtors to relinquish and to receive stock in lieu of the amount they have paid for lands, to be reinvested in the purchase of the same lands and other lands, (if there should be a residuum,) whilst the citizens of our State would be rendered prosperous and happy, the public debt in Alabama would in a short time be extinguished, the deleterious credit system no longer be felt, and the foundation of demoralizing speculation be entirely removed. Your memorialists further represent that there is another class of our citizens having, in their opinion, an equitable claim upon the liberality of the government; they allude to those citizens the extent of whose means and facilities enabled them to pay up the amount of their purchases at the exorbitant prices at which their lands sold, as is aforesaid. These, by their punctuality to the government, lost the deduction of the 37½ per cent. on the amount of their purchases, which was accorded to those less punctual. Your memorialists believe that the due measure of justice would be meted out to them if they or their heirs were permitted to enter, at the minimum price, as many acres of unappropriated land, unoccupied by third persons, as they paid for at a price above five dollars per acre, or by issuing stock in their favor equal to the amount of the difference such purchasers lost by not obtaining the 37½ per cent. discount extended to others. Your memorialists humbly hope that the facts and suggestions embodied in this memorial will receive the attentive consideration of your honorable bodies; that if found true and just our citizens may receive relief commensurate and coextensive with the grievances complained of. They therefore request that your honorable bodies will be pleased to bestow upon this important subject the attention it may be esteemed to deserve; and as in duty bound your memorialists will every pray, &c.

Resolved, That our senators be instructed, and our representatives be requested, to use their best exertions to procure the relief mentioned in the beforegoing memorial; and that his excellency the governor be requested to forward, as soon as practicable, a copy of the foregoing memorial to the President of the Senate of the United States, and to the Speaker of the House of Representatives, and one to each of our senators and representatives in the Congress of the United States.

C. C. CLAY, *Speaker of the House of Representatives.*
NICH'S DAVIS, *President of the Senate.*

Approved January 29, 1829.

JOHN MURPHY.

SECRETARY OF STATE'S OFFICE, *Tuscaloosa, January* 29, 1829.

I hereby certify the foregoing to be a true copy of the original roll on file in this office.

[L. S.] As witness, &c.

JAMES I. THORNTON, *Secretary of State.*

21st Congress.] No. 782. [1st Session.

APPLICATION OF ALABAMA FOR A GRANT OF CERTAIN LAND FOR ESTABLISHING PRIMARY SCHOOLS IN THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 18, 1830.

JOINT MEMORIAL to the Congress of the United States, praying a relinquishment of claim to certain lands for the purpose of establishing primary schools in the several counties in this State.

To the Congress of the United States:

The joint memorial of the senate and house of representatives of the State of Alabama, in general assembly convened, respectfully showeth: That in many counties of this State there yet remain portions of the public lands unsold, though the same have been subject to entry for many years. No stronger evidence need be adduced of those lands not being worth the minimum price heretofore established than the fact of their having remained undisposed of for such a length of time. Although those lands in the aggregate would produce only an inconsiderable sum, yet, when added to the sums produced by the sales or rent of the 16th sections, your memorialists believe it might effect the laudable object of extending the benefits of education to those who otherwise would remain in ignorance, an object to which the grant of the 16th sections has hitherto proved inadequate. Independent of the establishment and endowment of primary schools, strong reasons exist why those lands should not remain in their present situation. The State of Alabama is anxiously looking forward to the time when all the lands within her limits will become the property of individual citizens, and thus enable the authorities of the same to establish a regular and just plan of taxation for the support of its government; those lands produce no revenue to the State, and it is hopeless to presume that they can ever be disposed of at the present minimum price. They interfere much with the collection of the land taxes, as it is almost impossible for the collectors to ascertain what lands are subject to taxation; an objection which must remain so long as there remain any unappropriated lands within this State. If the lands referred to should be granted to the State, it would be competent for the authorities of the same to affix such prices on the lands as would enable every citizen to become a freeholder. Your memorialists therefore ask that all the lands which have or shall hereafter be subject to entry, for the space of two years, may be granted to the State of Alabama for the purpose of establishing and endowing primary schools in the respective counties of this State, where the said lands may be situate, or, in the event that the grant may not be made, that such measures should be adopted by Congress as will favor the speedy entry and settlement of the said lands.

Resolved, That our senators in Congress be instructed, and our representatives be requested, to use their endeavors to carry into effect the measures referred to in the foregoing memorial, and that the governor be requested to furnish our delegation in Congress with copies of the same.

JOHN GAYLE, *Speaker of the House of Representatives.*
LEVIN POWELL, *President of the Senate.*

Approved January 1, 1830.

GABRIEL MOORE.

Secretary of State's Office, *Tuscaloosa, January* 2, 1830.

It is hereby certified that the foregoing memorial is a true copy of the original roll on file in this office.

JAMES I. THORNTON, *Secretary of State.*

21st Congress.] No. 783. [1st Session.

ON AN APPLICATION TO BE ALLOWED TO MAKE A NEW LOCATION OF A MILITARY BOUNTY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom was referred the petition of George Washington Berrian, reported:

That petitioner states that on the 23d October, 1823, he purchased, for a valuable consideration, the southwest quarter of section 33, in township 7 north, range 7 west, of Illinois military bounty lands, and received a regular deed for the same, together with the original patent, dated the 13th of February, 1818; that he continued to pay the annual tax of Illinois on said land, until he was informed, in the fall of 1828, that two patents had been issued on warrant 3574, and that the patent that petitioner held was one of them. Petitioner prays to be authorized to locate the same quantity of land in Illinois, in lieu of that he now claims. Annexed to the petition are two letters from the Commissioner of the General Land Office, by which it appears that two patents were issued to James Whitlock, on the 2d day of February, 1818, for the southeast quarter of section 3, in township 2 north, range 4 west; and the second on the 13th February, 1818, for the southwest quarter of section 33, township 7 north, range 7 west. The last patent appears to have been issued in error, and is the one for the land now claimed by petitioner. How far this error may affect the right of the petitioner to the land is not a question for your committee to decide, as petitioner asks for no relief founded upon want of title in consequence of such error. He asks merely that he may be authorized to change his location. Your committee can discover no cause for granting him this right; he does not even allege that the land called for in the patent is sterile or unproductive; and it appears, from a letter from the Commissioner of the General Land Office of the 15th January, 1830, that there are no interfering individual claimants to the land in question; wherefore they recommend the adoption of the following resolution:

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

GENERAL LAND OFFICE, *January* 15, 1830.

SIR: I return the petition of G. W. Berrian, and, in explanation, have to state that James Whitlock having made oath, in conformity to the existing regulations, that his discharge was illegally withheld from him by Samuel Berrian, of New York, a patent was issued in his favor on the 2d of February, 1818, for southeast quarter of section 3, township 2 north, range 7 west, in the Illinois bounty tract, and that Whitlock's notification having been deposited in the office by Mr. Berrian, another patent was issued for southwest 33, 7 north, 7 west, in favor of Whitlock, on the 18th of February, 1818. The error in thus granting two patents to the same individual, and for different tracts, was occasioned by the omission to mark on the warrant the issuing of the first patent, and was not discovered until September, 1827, when the auditor of the State was informed of the circumstance, and notified that the second patent was a nullity, Whitlock's claim to bounty land having been satisfied by the first patent.

I cannot conceive upon what ground Mr. Berrian can found his claim to make a new location in lieu of the tract described in the second patent to Whitlock, for if that patent is decided to be valid, and conveying the right of the United States to the land, he will, as the assignee of Whitlock, hold the tract, there being no interfering individual claimants, and should the patent be void in consequence of its being thus erroneously issued, Mr. Berrian obtained no title by purchasing it.

Very respectfully, sir, your obedient servant,

GEORGE GRAHAM.

Hon. H. H. GURLEY, *Chairman Committee on Private Land Claims, House of Representatives.*

21ST CONGRESS.] No. 784. [1ST SESSION.

LAND CLAIMS IN EAST FLORIDA.

COMMUNICATED TO THE SENATE JANUARY 18, 1830.

TREASURY DEPARTMENT, *January* 14, 1830.

SIR: I have the honor to transmit a final report on private land claims in East Florida, prepared by the register and receiver of the district of East Florida, under the act of May 23, 1828, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida."

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

S. D. INGHAM, *Secretary of the Treasury.*

The Hon. PRESIDENT *of the Senate of the United States.*

LAND OFFICE, *St. Augustine, January*, 1819.

SIR: In obedience to the law of 1828, we now transmit to you a final report on the private land claims within this district.

We have adhered throughout to the principles of decision previously adopted and reported to Congress at its last session. We have become more and more confirmed in the opinion that the positions laid down in that report are correct.

Previous to the years 1790 and 1791, few if any lands had been granted in this district by the Spanish government. It was on the 29th of October, 1790, that the first royal order was issued from the Court of Madrid to the governor of this province, authorizing him to make grants of lands to a certain description of foreigners and under certain conditions. This royal order will be found on page 996 of the last volume of Land Laws. Although this order was intended to embrace the case of foreigners alone, yet, as it was more liberal in the quantity of land to be granted than the royal order of 1756, page —— of same volume, or the laws of the Indies, it was invariably applied by the governors of this province to subjects as well as to strangers. Something was left to the discretion of the governor, and it was his duty to exercise that discretion soundly, both as to the quantity of land to be granted and the tenure by which it should be held. This was done by Governor Quesada, immediately upon the reception of the royal order above alluded to, and as early as the 20th of November, 1790.

By his regulations, page 997 of the same volume, it will be seen that one hundred acres of land were allotted to each head of a family, and fifty acres to the other members. Thus it appears that, no matter from what source may have emanated the limitation above mentioned, it is cotemporaneous with the order itself, and equally obligatory until it should be repealed by competent authority.

So much for the quantity of land to which each applicant was entitled. Upon the subject of the ten years' possession, necessary to complete the title, our predecessors in this office have alleged in their report that this was a regulation of Governor White. Upon a reference to the case of William H. G. Saunders, (Report 2, No. 111,) it will be seen that this is a mistake. In that case, on the 10th September, 1791, after having granted the land in perpetuity, the governor has adopted the following language: "And finally, although this donation and concession is made in perpetuity, the donee, or his heirs, cannot alienate or transfer the said lands to any other owner until the ten years' possession be passed; and even then, the first sale must be executed with permission of the government, and in any other way it should be nulled," &c. He then adds, "Under the said conditions, and not without them, I cede, renounce, and transfer the said lands," &c.

This is one of the first grants made under the royal order of 1790, dated less than one year after the

reception of that order, and proving, as we think, conclusively, that this condition, attached to every grant under that authority, is as old as the authority itself.

Upon every grant of lands made by the Spanish governors under the laws of the Indies, or the ordinances of the King, in this as in other provinces, some similar condition was imposed, varying only in its duration. By the laws of the Indies, if we remember correctly, before the title could be consummated, it was necessary that the grantee should prove four years' continued possession. By the regulations of O'Riley, governor and captain-general of the province of Louisiana, no lands granted could be sold until after three years' possession—and by those of Morales, this, together with additional conditions, was imposed upon the grantees. Perhaps a longer term of possession may have been required in this province under the order of 1790, because that order applies solely to foreigners; and if the subjects of the King chose to obtain their lands under the same order, because of a larger quantity authorized thereby to be granted, it was but fair that the prolonged period of possession should attach likewise to them. It has been the policy of every government that possessed colonies abroad to require of the grantees of land some evidence that the application therefor was made not for the purposes of speculation, but of agriculture. The British made no grants but to their own subjects, and invariably attached the condition of two years' continued possession.

Until the year 1790, so far as we have been enabled to discover, there seems to have been no power vested in the Spanish governors of provinces to make grants of land to any others than to native subjects. By the laws antecedent to that date, as we have just observed, three and four years of uninterrupted possession was required on the part of the grantees, they being subjects only. Upon the reception of the order of 1798, Morales, the governor of Louisiana, required that the new settlers who obtained lands under that order, somewhat similar to that of 1790, "should clear and put in cultivation, in three years, all the front of their concessions," &c., on the penalty of having the lands granted remitted to the domain; with the further condition, "That no person shall sell or dispose of the land so granted within the said term of three years." See articles 4th and 6th of his regulations, page 982 Land Laws. The regulations of Gayoso, of the year 1797, are nearly similar. Quesada, the governor of the province, very properly imagined that a foreigner should give a stronger evidence of an intention to remain upon the land than was required of a subject. For this reason, under the order of 1790, he required ten years of continued and uninterrupted possession before a full title was granted to the claimant. It is apparent, then, that before a new comer could obtain a grant or concession of lands in this province he was obliged to take the oath of allegiance to the King in the first place. Then, having discovered vacant lands which suited him, he presented a memorial to the governor, in which he declared his intention to become a subject, and made known his wish to obtain lands, specifying the place at which they were situated. The governor usually decreed the grant, leaving to the surveyor, Don Pedro Marrot, to measure off to the applicant the number of acres to which he was entitled. By the fourth article of the instructions to Marrot, page 998, he was required to administer to all applicants an oath as to the number of their family, and then to survey to them the quantity of land to which they were entitled by the regulations of the 20th November, 1790. This being done, and the claimant having taken possession of his land within from one to six months, as required by the grant, it was his duty to remain on the same for the ten years prescribed by the regulations; and if, within that period, he abandoned it, or sold it without permission of the government, it reverted to the royal domain. After ten years' possession, it was competent to him to prove before the governor the performance of all these conditions, and to obtain a full and indefeasible title. He could then dispose of the land as he pleased.

The royal order of 1815 is the next general ordinance for the disposition of lands. Upon this we have already commented in our former report. It differs from the ordinance of 1790 in this: first, that the grant is made for services, and was intended as a reward or compensation for something already performed; and, secondly, it required no continued possession of ten years to vest in the grantee a perfect title. But, by the express provisions of the royal order of 1815, the quantity of land to be granted is the same as prescribed by the regulations of Quesada, to wit: "According to the number of the grantee's family." By reference to the case of Peter Meranda, on report 3, No. 17, our views upon the first decree of the governor to the memorial of the applicant, and on the relative validity of concessions found in the governor's and escribano's offices may be seen. We have there said that the memorial of the party, and the decree of the governor thereon, found, as it usually was, in the office of the governor's secretary, passed no title to lands in the province. For example, A B would say to Governor White that he intended to bring in the province 100 negroes, and begged of his excellency to concede to him 50,000 acres of land. The decree of the governor in almost every instance was the same—"Let this land be granted to the applicant until, according to the number of his family, the quantity to which he is entitled shall be measured to him." This document—the memorial and decree aforesaid—was always thrown loosely about the office of the governor's secretary, and conveyed no title to the party. It was a bare permission to become a subject, and to complete the further conditions precedent to the grant.

A copy of this was usually given to the applicant, whose duty it was to present it to the surveyor general, who, having administered the oath as to the number of his family, measured off the quantity allowed by law. To the case of Meranda we beg leave to refer for a fuller expression of our views upon this subject. Suffice it to say that we have invariably required full proof of ten years of uninterrupted possession and cultivation before we have confirmed a grant under the order of 1790, and some evidence of the previous existence of an original, as well as some probability upon the face of the paper and size of the grant, that the quantity conceded bore some proportion to the number of the applicant's family, before we have confirmed or recommended a grant made for services since the order of 1815.

The British titles in East Florida are not involved in much confusion. By the treaty of 1783, and by the subsequent proclamation of the King of Spain, twenty-four months were given to British subjects to dispose of their property. By the royal order of the 5th April, 1786, the King granted permission to all those British subjects, who still remained in the province, to retain their lands on taking the oath of allegiance to Spain.

Governor Quesada, in what is called "The Edict of Good Government," article 4th, on the 2d September, 1790, after recapitulating a portion of the order of 1786, adds, "That all those who have not conformed, and do not conform, to the said conditions within thirty days, positively should forfeit their lands." In addition to this, it was customary, and perhaps requisite, that the British grantees, upon taking the oath of allegiance, should present to the governor their title, together with their survey, and cause them both to be recorded in the escribano's office. When this was done, their title was complete.

These, then: 1st. The grants for head rights, no matter under what law they were made; 2d The

grants for services under the order of 1815; and 3d. The British grants legalized in pursuance of the royal order of 1786 are the only grants within the province of East Florida the authority to make which can be traced to any law, ordinance, or decree of the Spanish government.

In addition to the above, there are two species of grants which perhaps may be valid, not from any specific authority in the governors to make them, but from the general power with which they were vested to advance the interests of the province. We mean the mill grants and the grants for cow-pens. Of the first we have already expressed our opinion at large in the report of the last session.

Of the second—the grants for cow-pens—it is probable that, after a continued cultivation of ten years, the party claiming may have become entitled to the land. In many cases of this kind the governor has given him a royal title. This, perhaps, was a necessary inducement to the inhabitants to increase their stock of cattle, and thereby add to the wealth of the province.

Upon proof to the governor that a mill had been erected we think it probable that he had the power, in that case, without any positive law, to give a good title to the spot; not to 16,000 acres, but to the ground upon which the mill stood, embracing a quantity sufficiently large for all the purposes and conveniences of the mill aforesaid, with an additional privilege of cutting pine timber either in the woods or within the four miles square, or 16,000 acres, as may be specified in the grant itself. From the above remarks it appears that all grants within the Territory of East Florida are good which contain the above-prescribed requisites.

1st. Under the order of 1790, when the claimant proves ten years of continued and uninterrupted possession.

2d. Under the order of 1815, when it shall appear to have been fairly and honestly made for military services, and adhering, as to quantity, to the proportions made necessary under the regulations of Quesada.

3d. British grants, recognized by the Spanish government, according to the royal order of 1786, and the regulations of Quesada of 1790.

4th and 5th. The mill grants and cow-pen grants, with the limitations above specified.

We did intend to say something upon the subject of the Spanish surveys, from which we are now precluded by the want of time. We will simply remark, upon this subject, that the surveys made under the superintendence of Marrot are entitled to unlimited respect, and should, in every case, be regarded as conclusive of the boundaries. With regard to surveys made by private surveyors, or Mr. George J. F. Clarke, the public surveyor, styling himself the surveyor general, we entertain a widely different opinion. It will be seen, by reference to the instructions given to Mr. Clarke, page 1003 of Land Laws, that he is specially directed, "when called on by any person to measure and bound lands to him, to require his title of property or grant from government, that, on sight thereof, he may proceed to its measurement and demarcation." And yet, let it be remembered that there is in this office a numerous class of claims, founded alone on the survey of George J. F. Clarke, measured without "a title of property or grant from government." He is further directed, in article 4th of his instructions, to conform himself to the directions given to Marrot on the 24th October, 1791, and "to endeavor not, in the front, to exceed one-third part of all lands he should survey." He was directed to keep regular books, in which his surveys should be recorded; and yet, in his testimony, page 1014, he has declared "that he kept no regular books of surveys since June or July, 1817, nor at any previous time." He has further said that he possessed authority to survey lands as surveyor general, and no special order was necessary for him; and adds, "when the land was not specially designated, he would locate wherever the claimant pointed out, provided the place was vacant; and in cases where the land was specially located by the grant, he would, nevertheless, at the request of the grantee, locate it at any other place."

Throughout the whole of Mr. Clarke's testimony he has expressly declared that the instructions given to him by the governor were not obeyed by him, and that he did not consider them obligatory upon him. That Mr. Clarke was honest in his opinion we fully believe, but we cannot concur with him; and we consider every survey so made directly at war with the spirit and letter of his instructions, and, as such, entitled to no respect or consideration whatever. When Mr. Clarke was directed to survey by the grant, and when he tells us that he surveyed, without reference thereto, at a place fifty or a hundred miles off, we believe Mr. Clarke has exceeded his authority. When the grant contains one undivided portion of land, and Mr. Clarke has surveyed a part of it in one place and a part in another, wherever a stick of live-oak or a foot of hammock could be found, the survey is not in accordance with "the title of property or the grant of the government," and is therefore void.

When Mr. Clarke was directed to survey to an applicant four miles square of land in a body, and located a part of it in Alachua, a part on the St. Mary's, and a part on the Indian river, more than one hundred miles asunder, as was his custom, we humbly conceive Mr. Clarke has exceeded his authority. In a word, when to an officer of the government written and positive instructions are given, prescribing his duties and regulating the manner in which they should be performed, and when that officer, before a competent tribunal, has declared upon oath that all of his official acts were performed without reference to those instructions and in direct opposition to their mandates, we have no hesitation in declaring that every such act of that officer is null and void and unworthy of consideration. We have no hesitation in saying that Mr. C. was bound to conform himself to his written instructions as his sole guide in the surveys which he should make; that he was bound to measure to the claimant the lands at the place designated in the grant, and according to the boundaries (if any) therein specified; that he had no authority to subdivide an integral grant, nor to change the location when once it was made; and yet, from the papers in his office, and from the express declarations of Mr. Clarke himself, it appears too plainly that it was his constant practice to do all these. Wherever we have discovered a survey made at a place different from that specified in the grant, we have considered it our duty to look to the grant and not to the survey for the locality of the land. This has occurred in more instances than one, and we now remember two cases of 500 acres each, granted in Twelve Mile Swamp, and afterwards surveyed in Dirbin's Swamp, more than fifty miles distant. These lands were granted for services, and required no cultivation. We have confirmed them according to the grants and not according to the surveys; and if there should be no vacant lands at the place specified in the grant the claimant must lose them.

We have thought it our duty to make these few remarks on the subject of surveys, which will

ultimately be found a most important branch of the adjudication of private land claims in East Florida. With these remarks we beg leave most respectfully to submit to you, and through you to Congress, the final result of our labors in this department.

We are, sir, with much respect, your obedient servants,

C. DOWNING, *Register.*
W. H. ALLEN, *Receiver.*

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

LAND OFFICE, *St. Augustine, January* 20, 1829.

SIR: We have the honor to transmit to you our final reports on the land claims in East Florida. We regret that this could not have been done at an earlier period, but as the renewal of our commission did not reach us until the 1st of July last, and as the claimants before the board were permitted by the law to introduce new testimony up to the 1st of December, we could not sooner perform the duties imposed upon us. Every claim has been now reported on; and, when the arduous duties which we had to perform are duly considered, we flatter ourselves we have not long exceeded the time necessary to complete them.

No. 1, containing seventy-seven cases, is a report of claims confirmed.
No. 2, one hundred and thirty-two cases, is a report on claims rejected.
No. 3, thirty-eight cases, is a report of claims exceeding 3,500 acres, the limit of our final jurisdiction.
Nos. 4, 5, 6, and 7, are reports on claims under the donation act of 1824:
No. 4, the first of donation claims, containing twelve cases, which have been confirmed.
No. 5, and second of donation claims, thirty-seven cases, rejected.
No. 6, and third of donation claims filed subsequently to the 1st of November, 1827, containing seventeen cases, also rejected.
No. 7 and No. 4 of donation claims, containing four cases, recommended to Congress for confirmation.
No. 8, containing thirteen cases, is a report on, and an abstract of, British grants.
No. 9 is a list of twenty-one town lots confirmed to the claimants.
No. 10 is a list of forty-nine town lots in which there is no evidence of title, and which are rejected.
No. 11 contains a list of twenty claims, situated within 1,500 yards of the fortifications of this city, between the North and St. Sebastian's rivers, and held by the same tenure, viz: "That the party should settle on and possess the land until it should be reclaimed by the government for military purposes." These claims we have no power to confirm, but, for the reasons attached to the abstract, we have recommended them for confirmation.
No. 12 contains the cases of the Messrs. Clarkes, of this place, and those who claim under them. The cases are thirty in number.

We have thought it better to embrace these cases in a separate report and abstract, because they were more numerous than those claimed by any other individual, and because they involved more difficulty in their investigation and decision. Of these cases No. 4, including 5, 6, and 7, is recommended to Congress for confirmation. No. 8, including 9, 10, and 11, is also recommended. No. 26, including 24 and 25, is recommended for confirmation. Nos. 14, 15, 16, 17, 18, and 19, have been confirmed. Nos. 12, 27, 28, and 29, are also confirmed. No. 3 is a part of a grant recommended by the former board of commissioners.

Nos. 1, 2, 21, 22, 23, and 30, are rejected.

No. 13, containing fifty-seven cases, is an abstract of claims in which no title of property has been filed.

No. 14, two cases, is a report and abstract on conflicting British and Spanish grants.

No. 15, containing sixteen cases of claims confirmed and recommended for confirmation by the board of land commissioners, which were left out of their abstracts, and were returned to this board by the Commissioner of the General Land Office for our report thereon.

No. 16 contains ——— cases, which were rejected by the former board of commissioners and never reported to Congress.

We thought it our duty to supply this omission, that both Congress and the claimants might be apprised of the fate of all the claims filed before this board.

In addition to this, sir, we herewith transmit to you an alphabetical list of all the cases reported on during the present session. We believe it will greatly facilitate an examination of the abstracts and reports herewith sent, and enable a party at a glance of the eye to ascertain the fate of his claim. On this list the first ruled column is the number of the report on which the claim will be found, and the second column contains the number of the claim upon that report. It will be seen that, between the 1st of July, 1828, and January, 1829, a space of less than six months, we have decided and finally reported on nearly six hundred claims. To do this, and to meet the views of Congress in bringing to a close the sittings of this board, we have found it indispensably necessary to employ an additional clerk, the one allowed us by law being assiduously engaged in the translation of the Spanish documents before the board.

To this clerk we have given a certified account of services rendered; and although we were not by law authorized to employ him, yet, when it is considered that without his aid the duties of the office could not have been performed, nor the decision of, and the report upon, the claims completed, we hope that his account may be allowed, and our necessary departure from the law in this single instance sanctioned by the proper authority.

In deciding upon the proper sum for his remuneration we have had no guide but the law of 1825, allowing additional clerks to the former board of commissioners. By that we have been governed, as will be seen by the certified account.

With these remarks we have the honor to submit to you the accompanying documents.

We are, sir, with much respect, your most obedient servants,

C. DOWNING, *Register.*
W. H. ALLEN, *Receiver.*

The COMMISSIONER *of the General Land Office.*

Alphabetical list of cases reported on during the session of 1828, *by the register and receiver at St. Augustine.*

No. of report.	No. of claim.	Names.	No. of acres.
		A.	
1	8	Andrew, Robert	500
1	38	Anderson, George	450
2	3	Arnau, E.	100
2	24	Anderson, Robert, heirs of	100
2	28	Andrew, Robert	100
2	39	Andrew, Thomas	200
2	116	Atkinson, Andrew	100
2	117	Andrews, Anth., heirs of	500
3	8	Acosta, Domingo S	8,000
3	9	Avice, Francis J	500
3	10	Aguelar, Francisco	30,000
3	11	Atkinson, George	15,000
3	12	------do	4,000
3	13	Arredondo, F. M. & Son	38,000
3	14	------do	50,000
3	15	Arredondo, J. M.	40,000
3	16	Arredondo, F. M.	250,000
3	18	------do	1,500
5	9	Ashton, John	640
5	31	Andrew, John	640
6	12	Avice, Francis J	640
9	7 & 8	Alverez, Geronimo	----------
9	14	Arredondo, jr., F. M.	----------
9	15	Alexander, J., heirs of	----------
10	7	Anderson, George	----------
11	17	Arnau, Clara	----------
11	20	Andrew, John	----------
11	18	Arnau, Stephen	----------
15	8	Alverez, Antonio	1,500
15	16	Acosta, Margaret	341½ yards
15	7	Atkinson, George	550
		B.	
1	1	Bunch, John	1,160
1	15 & 16	Brown & Clarke	400
1	48	Baya, Joseph	130
1	50	Briggs, Cyrus	250
1	51	------do	100
1	73	Bunch, Elizabeth	100
2	86	Buyck & Dupont, (Small Island)	----------
2	73	Bellamy, John	500
2	30	Barden, William	50
2	33	Broadway, Delia	500
2	110	Backhouse, Thomas	500
2	109	Bethune, Farquhar	172
2	127	Burgo Peso, Pedro de	20,000
2	4	Backhouse, Thomas	500
2	82	Buyck, Augustin	1,500
2	83	------do	1,500
2	84	------do	2,000
2	85	------do	50,000
3	34	Burgevin, Andrew	500
3	35	------do	500
5	4	Bellamy, Abraham	640
5	8	Burney, James	640
5	23	Bellamy, John	640
5	25	------do	150
5	34	Bowden, Thomas	640
6	11	Ballard, Sarah	640
7	1	Brown, John F.	640
9	12	Bethune, Farquhar	----------
9	13	Bethune & Sibbald	----------
9	18 & 19	Bulow, heirs of	----------
10	12 & 14	Bruce, Joseph	----------
10	15	Bunnam, Joseph	----------
10	16	Beasme, George	----------
13	1	Beardon, Ab. and wife	150
13	2	Brockington, Daniel	200
16	27	Besbord, Earl of	20,000
16	28	Berresford, John	20,000
16	28	Berresford, William	20,000
		C.	
1	26	Clarke, George J. F.	100
1	29	Christopher, administrators of	500
1	33	Clarke, George	1,000
1	43	Cavedo, John	200
1	47	Chaires, Benjamin	300
1	74	------do	300
1	76	Curtis, James	400
2	22	Cone, Joseph	115
2	32	Collins, widow	1,200
2	45	Creighton, John	305
2	74	Cashen, Susan	300
2	76	Cain, William	200
2	77	Copeland, George	400
3	19	Copp, Belton A	1,500
4	6	Carr, John	250
4	8	Charles, Reuben	350
4	11	Crespo, Emanuel	640
6	1	Cooper, Adam	640
6	2	Caldez, M. J	640
6	14	Caldez, J	640
9	2 & 45	Cashen, heirs of	----------
10	2	Carnochan & Mitchell, assignees of	----------
10	4	Campbell, Ann	----------
11	7	Capella, Lorenzo	----------
11	15 & 16	Cook, Margaret	----------
12	4	Clarke, George J. F.	4,000
12	8	Clarke, Charles M	4,000
12	9 & 10	Clinch & McIntosh	2,000
12	14	Clarke, George J. F	350
12	20	------do	2,000
12	30	------do	1,000
12	16	Clarke, Charles and George	1,000
12	17	Clarke, James	3,000
12	18	Clinch, Duncan	500
12	19	Clarke, Charles and George	2,000
12	21	Clarke, Charles W.	375
12	22	------do	300
12	23	------do	1,576
12	26	------do	2,300
12	27	Clarke, Daniel	500
12	28	Clarke, James	500
12	29	Clarke, Thomas	500
13	3	Christopher, Spicer	500
13	4	Carter, John M.	100
15	15	Crosby, heirs of	2,000
16	2	Copp, Belton A	1,000
16	26	Cooper, Sir William	20,000
16	34	Cassilis, the Earl of	20,000
16	22	Carlisle, Jesse	640
12	1	Clarke, George J. F	2,000
12	2	------do	2,000
12	3	------do	4,500
15	9	Clarke & Brown	3,000
		D.	
1	4	Dean, Patrick	995
1	6	Dill, Joseph	500
1	52	Drummond, William	400
1	66	Dewees, Mary	500
2	50	Demillier, heirs of	170
2	52	Dell, James	500
2	55	Droiellard, Andrew	3,000
2	65	Dupont, heirs of; 4 claims, 1,850, 500, 500, & 1,400	4,250
2	66	Dell & McIntosh	500
2	78	Darley, James	500
2	79	------do	500
2	80	Dupon, Paul	3,000
2	113	Dry, William	1,000
2	114	------do----lots at St. Augustine.	----------
2	115	------do------do	----------
2	121	Dupon, Paul	3,000
3	1	Darley, James	23,000
3	2	Delesphine, Joseph	43,000
3	3	------do	10,244
4	7	Dixon, John	350
5	12	Durant, Francis	640
5	33	Daniel, William	640
5	37	Darling, James	640
10	32	Domingo, Dina	----------
11	8 & 11	Davis, Mary Ann	----------
13	5	Dewees, heirs of	1,809½
13	6	Dexter, J. Horatio, (Alachua)	----------
13	7	Dexter & Grace	3 miles sq.
13	8	Dexter, J. Horatio	2,000
13	9	Dorimas, Thomas P.	500
13	10	Drysdale & Rodman	2,262
13	12	Darley, James	500

LIST—Continued.

No. of report.	No. of claim.	Names.	No. of acres.
13	11	Delespine, Joseph	200
16	12	Dell, Maxey	700
		E.	
1	70	Ervine, James	125
2	120	Eubanks, Stephen	255
3	27	Eckford, Henry	46,080
4	5	Edge, John	640
11	12	Estopa, Pedro	
13	13	Eubanks, Stephen	256
16	11	do	450
16	24	Evans, William	640
16	23	Elanier, Hardy	640
		F.	
1	7	Felany, F	1,200
1	10	Felany, James	285
1	14	Faulk's heirs	100
1	54	Fitch's heirs	400
2	35	Fallis, A	50
2	53	Faulk's heirs	250
2	67	Fish, Clarissa	150
2	124	Fontane, Pablo	3,000
9	6	Fallis, A	
10	17	Fatio, Phillis	
11	2 & 4	Fusha, Francisca	
13	14	Frink, William	321
13	15	Frost, Isaac	1,500
13	16	do	2,000
13	17	Frazer, John, executor	3,000
13	18	Fernandez, Domingo	322
13	19	Fallis, E., (mill-seat)	
15	1	Fatio, Francis J., and others	750
15	13	Farraer, Francis, (Key Bacas)	
3	7	Fleming's heirs	20,000
5	14	Ford, Richard	640
3	37	Fitch, Thomas, heirs of	4,500
3	38	Fernandez, Domingo	16,000
		G.	
1	49	Goodwins's heirs	640
1	72	Gibson, Edward R	250
2	7	Gonzalez, John	1,000
2	18	Gibson, Edward R	125
2	20	Gobert, Charlotte	100
2	49	Gould, Elias B	500
2	68	Goodwin's heirs, (3 cases)	
2	96	Gaudry, B. John	3,000
2	129	Gobert, Charles	2,000
3	4	Gomez, E. M	12,000
3	20	Gay, A	500
4	3	Garcia's heirs, John	200
5	19	Gilbert, Robert	232
5	27	Gardner, William	640
6	4	Gonzalez, Andrew	640
6	5	Gomez, Antonio	640
6	6	George, Julian	640
6	9	Godoya, J. M	640
9	21	Gould, Elias B	
10	5	Gui, Francis	
10	41	Gill, Viccute	
12	5	Gould, E. B	500
12	12	Garvin, William	3,000
13	20	Gilbert, Robert	200
13	21	do	300
13	22	Genning, John	250
15	12	Gaudry, B. John	1,500
16	19	Guibert, Lewis	640
16	25	Grosvenor, the Earl	12,000
2	131	Garcia, Sebastian. (Lots outside	
2	132	do of the gate.)	
		H.	
1	36	Hurlbert, Daniel	300
1	2	Harrold, Moses	395
1	3	Huertas, Antonio	800
1	11	Hollingsworth, William	150
1	28	Hurlbert, Daniel	200
1	53	Hagins' heirs	200
1	60	Hall, James	450
1	61	do	250
1	62	Hudnall's heirs	100
1	63	Hernandez, Martin	2,000
2	6	Houston, John	700
2	10	Hall, W. F	2,000
2	21	Hulbert, D	125
2	23	Hutchinson, R	450
2	29	Hart, D. C	150
2	38	Hudnall's heirs	900
2	42	Hart, William	1,400
2	48	Hall, Nathaniel, heirs of	400
2	54	Hartley, F	400
2	56	Hull, William	500
2	62	Hibberson and Yonge	2,000
2	72	do	2,000
2	98	do	45
2	99	Hutchinson, Robert	150
3	22	Hernandez, J. M	10,000
3	23	do	5,000
3	24	do	5,000
4	2	Hogins, Eleanor	640
5	5	Haddock, William	640
5	7	Hart, William	640
5	36	Haddock, Z., heirs of	640
6	15	Hagins, D	640
6	16	Hall, John	640
10	9 & 11	Hernandez, Jos. M	
10	10	Hernandez, Martin	
10	42	Hudson, Ab	
11	1	Hernandez, Jose	
13	23	Hollingsworth, Wm	250
13	24	Hayden, Mary	250
13	25	Hendricks, Isaac	450
15	14	Hernandez, Jos. M	3,200
16	32	Hastings, Marquis of	20,000
16	37	Hughes, Jane	2,000
16	10	Hovey, Charles	400
16	7	Hartley, Frederick	400
16	9	Higginbotham, Thomas	200
2	130	Hernandez, Joseph M., (undefined.)	
		J.	
1	31	Jones, John	100
2	118	do	500
5	1	do	640
5	6	Jones, Thomas	640
10	8	Isaac, Robert	
14	1	Jones, William Thomas	2,000
		K.	
2	75	Kehr, John	300
2	100	King, Samuel	300
3	33	King, Ralph	5,000
8	11 to 13	Kinlock, Fr., (2,350, 500, & 500.)	500
9	3	Kehr, J. D	
		L.	
1	5	Leonardy, R	1,400
1	34	Lang, heirs of	200
1	36	Ledwith, Michael	250
1	37	Ledwith, Garret	100
1	39	Lopez, Bartholomew & Co	17
1	59	Lamb, heirs of	200
1	77	Long, George, heirs of	600
2	5	Levy, Moses	500
2	11	Lesla, Flora	500
2	31	Lewis, James, jr	50
2	36	Lynch, Michael	335
2	61	Ladd, William	1,525
2	69	Love, John	300
5	35	Long, Joseph and Matthew	640
11	6	Lorenzo, John, widow of	
11	19	Lopez, Bartholomew	
13	26	Lane, William	300
13	27	do	300
13	28	do	100
13	29	do	400
13	30	Long, George	300
13	31	Long, George, heirs of	350

LIST—Continued.

No. of report.	No. of claim.	Names.	No. of acres.
		M.	
1	35	Miranda, Peter	790
1	42	Mestre, John	50
1	44	McIntosh, John	800
1	55	McGirt, James	300
1	56	ditto	300
1	57	ditto	80
1	58	Medicis, Francis	400
1	65	Murat, Achilles	1,200
2	8	McDonnell, V. D	800
2	9	Mitchell, P	2,000
2	19	Morrison, George	150
2	40	Martin, H. B	400
2	41	Murphey, Thomas	3,000
2	57	Mills, Joseph	200
2	60	McCormick, P	2,000
2	14	McIntosh, John H	2,000
2	81	Monroe, James	2,000
2	87 to 94	McGirt's	
2	97	Mitchell, Peter	550
2	101	Martenis, A., widow of	70
3	17	Miranda, Peter	640
3	21	ditto	2,000
5	30	Mott, Emanuel D	640
6	3	Michaco, Antonio	640
4	12	Miller, Robert	200
9	9	Mills, Maria,	
9	20	Mitchell, Robert	
10	1	ditto	
10	3	Moliner, A	
10	6	Mitchell, Peter	
10	18	Moore, Jacob	
10	19	Mariano, John	
10	20	Moore, John	
10	21	Moore, Patrico	
10	22	McQueen, Harry	
10	23	Mariano, Clara	
12	15	McDowell & Black	450
13	32	McClure, John M	900
13	33	Marshall, Manuel	250
13	34	McQueen, John, heirs of	10,000
13	35	Mills, William, heirs of	5,000
13	36	Meers, John	200
13	37	Munroe, William	300
13	38	Morrison, George, heirs of, undefined	
14	2	McIntosh, John H	3,274
16	1	McDowell & Black	1,000
16	16	Mitchell, Peter	3,500
16	17	Miller, Robert, undefined	
16	4	Miller, Robert, and wife, Martin's island	
		N.	
2	15	Nobles, Hannah	1,000
5	15	Nicholas, Peter	640
11	9	Noda, Joseph	
11	13	ditto	
12	7	Napier, Thomas	1,000
12	13	ditto	1,000
12	11	ditto	1,000
		O.	
1	13	O'Neal's heirs	300
1	19	O'Neal, M	243
3	5	O'Hara, Daniel	15,000
3	31	Ortega, Anne	100
3	32	ditto	100
		P.	
1	12	Pritchard's heirs	250
1	20	Pilot, James	622
1	21	Pritchard, Eleanor	270
1	41	Palliser, Francis	2,000
1	71	Pafry, Andrew	126
2	44	Pike's heirs	400
2	51	Paz, Francisco	1,500
2	63	Pilot, James	496
2	64	ditto	356
2	102	Pritchard's heirs	700
4	1	Pacety, Andrew	640
5	20	Prevat, Joseph R	640
5	24	Prevat, Thomas	640
6	7	Pomfron, P	640
6	8	Pancier, Antonio	640
11	10	Pacety, Andrew	
13	39	Plummer, James	265
13	40	Plummer, Daniel	600
16	20	Picket, Seymour	640
16	39	Patterson, James	250
		R.	
1	9	Richard, J. B	230
1	18	Rose, James	25
1	24	Richard, Francis	650
1	36	Roderiguez, S	2,000
1	40	Richard, Francis	1,025
2	12	Rowlins, Susan	200
2	43	Rayes, Joseph B	1,700
2	37	Rushing, John G	80
5	29	Rawlins, Benjamin	640
7	2	Rowse, James	640
7	3	Rawls, Cotton	640
9	10	Roderiguez, D	
10	31	Rose, James	
10	33	Ribas, Bob	
10	34	Richo, Joe	
11	5	Rogero, Antonia	
13	41	Rivas, Isaac, heirs of	4,000
13	42	Richard, James, heirs of	200
13	43	Russell, Samuel	300
15	6	Roderiguez, Nicholas	300
16	31	Rolle, Lord John	20,000
16	49	Rattenburg, Freeman J	2,600
16	50	ditto	50,000
		S.	
1	23	Sebate, Pablo Casicola	
1	25	Sasportas, J	425
1	30	Solana, Philip	30
1	32	Scipio, a negro	25
1	45	Seguia, John	107
1	64	Sauchez, Francis P	2,000
1	67	Sauchez, Joseph M	200
1	68	Smith, Hannah	389⅔
1	69	Smith, Josiah	1,000
1	75	ditto	400
2	1	Suarez, B	50
2	2	Sabaste, Pablo	2,500
2	16	Suarez, Antonio, administrator of	500
2	26	Starkey, Josiah	455
2	71	Sauchez, Francis P	2,000
2	111	Saunders, William H. G	1,200
2	128	Smith, Hannah	400
3	25	Sauchez, Francis P	1,400
3	26	ditto	500
3	29	Segui, Dina	5,333
3	30	ditto	4,000
4	4	Silcox, William	640
4	9	Solana, Bartho	640
4	10	Solana, Margareta	640
5	2	Strong, John B	640
5	3	Swenney, Henry	640
5	10	Solana, Manuel	640
5	22	Stallings, Ann	640
5	28	Stephens, N	640
6	13	Stanly, S	640
6	17	Silcox, John	640
7	4	Silcox, Wade	640
9	1	Segui, Bernard	
9	11	Scott, Maria R	
9	16	Smith, Josiah, heirs of	
10	24	Segui, Benjamin	
10	25	Sauchez, Joseph	
10	26	Savelly, Maria	
10	27	Sauchez, Susan	
10	30	Sanco, Mingo	
10	44	Sauchez, Jos. S	
10	45	ditto	
10	46	ditto	
10	47	ditto	
10	48	ditto	
10	49	ditto	

LIST—Continued.

No. of report.	No. of claim.	Names.	No. of acres.
11	3	Solana, Philip	
12	6	Simonton	1,500
12	25	Stores	500
13	44	Suydam, James	500
13	45	Suarez, Anthony	500
13	46	Solana, Philip	100
15	2	Sauchez, Francis P	800
15	3	Segui, Benardo	7,000
15	11	Sauchez, Francis P	100
16	3	do	1,000
16	13	do	500
16	14	Sauchez, Jos. S	400
16	15	Sauchez, John	400
16	18	Summerrall, Joseph	150
16	21	Scurry, David	640
		T.	
1	22	Terran, Francisco D	300
1	27	Triay, Antonio	1,500
2	70	Tillet, George	250
2	95	Tate, Sarah	450
2	59	Turner, David	90
2	104	Tool, James	945
2	105	Triay, Francis	
2	106	Travers, William	100
2	107	Tucker, Isaac	200
2	108	Triay, G., (Key Bacas)	
2	112	Travers, Wm., agent of Yellowly	500
2	119	Tucker, Ezekiel	150
2	126	Tucker, H	100
5	11	Toy, John	640
5	16	Tanner, Nathaniel	640
5	21	Tice, Richard	640
8	1	Travers, agent, Forbes	500
8	2	do	500
8	3	do	500
8	4	do	500
8	5	do	500
8	6	do	750
8	7	Travers, agent, Panton	500
8	8	do	500
8	9	do	500
8	10	do	2,000
10	28	Travers, Terry	
10	29	Travers, Tony	
11	14	Triay, Francis	
13	47	Thomas, William	200
13	48	Taylor, George, heirs of, (Casicola)	
13	49	Taylor, Geo., heirs of, (San Pablo)	
13	50	do	64
13	51	Taylor, George, heirs of, saw-mill	
13	52	Tillet, George, undefined	
15	10	Travers, William	450
16	30	Templeton, Lord	20,000
16	35	Tonyn, George, heirs of	20,000
16	36	do	125
		U.	
2	58	Ulmer, William	200
13	53	Uptigrove, John	100
		V.	
2	122	Villalonga, Miguel	16
2	123	Villalonga, Miguel	
2	103	Vass, Gachalar	250
10	13	Villalonga, Margaret	
10	35	Valentine, Lucia	
		W.	
1	17	Whitmore's heirs	150
2	13	Wiggins, Isabella	300
2	25	do	300
2	27	White, Jos. F	250
2	34	Williams, a negro	300
2	46	Webber, George	100
2	17	Williams, A., heirs of	150
2	125	Worldly, Jacob, undefined	
3	28	Ward, Jasper	128,000
3	36	Worldly, Jacob	4 miles sq.
5	13	Watson, Jos	640
5	17	Wilson, Jesse	640
5	18	Williamson, Blake	640
5	26	Williamson, Wm	640
5	32	Williamson, David	640
9	17	White, Jos. F	
13	54	Woodlar, James	200
13	55	Williamson, John	850
13	56	Walker, Robert	
15	4	Williams, heirs of	2,020
15	5	do	180
16	5	Wiles, A	184
16	6	Woods, James	75
10	36	Wiggins, Ann	
10	37	Wiggins, Isabella	
10	38 & 39	Wiggins, Nancy	
12	24	Weightman, Richard	200
16	8	Woods, Theo. T	370
16	33	Waterford, Marquis of	20,000
10	40	Wright, John	
10	43	Waterman's heirs	
13	57	White, Jos. F	200
		Y.	
2	47	Yonge, Thomas	1,100
3	6	Yonge, Philip R	25,000
6	10	Yelvington, Jacob	640
16	40	Yates, David, heirs	100
16	41	do	158
16	42	do	100
16	43	do	640
16	44	do	500
16	45	do	336
16	46	Yates	625
16	47	Yates, a town lot, No. 2	
16	48	do No. 3	

REPORT No. 1.

No. 1.—*John Bunch, claimant for* 1,168 *acres of land.*

On the petition of John Bunch, 2,160 acres of land were granted by Governor White in 1804, at Oak Forest, in Mosquito. On the survey of Robert McHardy, it was found that there were at that place 1,168 acres only. Bunch cultivated the land for several years, and in the year 1819 Governor Coppinger gave to him a royal title for this last quantity. By the rule adopted by this board, that, on a previous concession, a royal title signed by the Spanish governor, though dated subsequently to the 24th February, 1818, should be considered as full evidence of the performance of all conditions made necessary by the ordinance of the King, 1790, under which the land was granted, this claim is confirmed. Thomas H. Dummett is the present claimant by purchase from Bunch.

No. 2.—*Moses Harrold, claimant for* 395 *acres of land.*

Moses Harrold petitioned the government for lands, for head rights, and there were granted to him on the 21st April, 1807, 395 acres of land, on the river Nassau; which land was surveyed by John Purcell on the 30th November of the same year, and on the 8th May, 1821, Governor Coppinger issued a royal title in favor of said Harrold for the said land. It is therefore confirmed.

No. 3.—*Antonio Huertes, claimant for* 800 *acres of land.*

Antonio Huertes petitioned the government for the lands under the royal order of 1790, and on the 20th October, 1813, Governor Kindelan issued to him a royal title for 800 acres on the west side of the river St. Sebastian, nearly opposite the city of St. Augustine. The title against the United States is good.

No. 4.—*Patrick Dean, claimant for* 995 *acres of land.*

Patrick Dean petitioned the government for lands under the royal order of 1790, and there were granted to him, by decree of the 31st August, 1804, 995 acres, situated in the territory of Mosquito, on the west side of the river Halifax, opposite Pelican island; and on the 4th June, 1819, Governor Coppinger issued to the heirs of said Dean a royal title for said lands. This claim is confirmed for reasons in No. 1.

No. 5.—*Roque Leornady, claimant for* 1,400 *acres of land.*

Roque Leornady petitioned the government on the 3d January, 1792, for lands under the royal order of 1790, situated on the Pablo road, about 15 miles from St. Augustine, on the North river, and Governor Quesada allows him to settle on the land. Andrew Burgevin surveyed said land on the 28th April, 1819, for the heirs of said Leornady, who apply to Governor Coppinger for a royal title for the same, which is complied with on the 25th May, 1821, for 1,400 acres in the same place. This claim is confirmed. A concession in 1792 and the royal title in 1821, though the last is not of itself good, according to the provisions of the treaty, it is good evidence of the performance of the conditions inherent in the grant.

No. 6.—*Joseph Dill, claimant for* 500 *acres of land.*

Joseph Dill petitioned the government for lands under the royal order of 1790; and on the 3d January, 1803, 500 acres were granted to him on the south side of St. John's river, at a place called Mill Creek, 40 miles from the city. Robert Clarke Maxey purchased said land from Dill, and on the 18th of May, 1821, Governor Coppinger issued to the heirs of said Maxey a royal title for said land. It is therefore confirmed.

No. 7.—*Fernando Felany, claimant for* 1,200 *acres of land.*

Fernando Felany petitioned the government for lands under the royal order of 1790, and on the 20th December, 1792, there were granted to him 1,200 acres, at a place called Tufily, about two leagues south of St. Augustine; on the 18th May, 1819, Governor Coppinger issued in his favor a royal title. It is therefore confirmed.

No. 8.—*Robert Andrew, claimant for* 500 *acres of land.*

In 1793 Don Pedro Marrot surveyed to Robert Andrew 500 acres of land, at a place called San Roberts, and Governor White issued to him a royal title on the 6th April, 1809. The title is good. Benjamin Chaires is the present claimant.

No. 9.—*John B. Richard, claimant for* 230 *acres of land.*

In 1803 John B. Richard obtained a grant or concession for the land claimed. It is in proof before the board that Richard lived on and cultivated the land until 1810, at which time he died. His widow then moved off of the land, but, as it appears, did not remain away long enough to forfeit her claim, but returned in a short time and perfected it. It is therefore confirmed.

No. 10.—*James Felany, claimant for* 285 *acres of land*

James Felany petitioned the government on November 17, 1815, for the lands formerly abandoned by Boeson, situated on the river Matanzas, and on the same day, month, and year, Governor Estrada grants him one hundred and eighty-five acres of land, being the quantity he is entitled to for his head rights, according to the number of his family. Felany also presents to the board a certificate of Pierra, in which he states that Governor White granted to Pedro Chuet one hundred acres of land adjoining the above tract, on September 3, 1805, which was purchased by Felany by deed attached to the certificate of concession. On April 10, 1821, Felany applies to the government for permission to have the lands above mentioned surveyed, which is granted by Governor Coppinger; and on October 6, 1821, Andrew Burgevin surveys for said Felany two-hundred and eighty-five acres of land in the place pointed out.

The permission and order of the governor to survey the lands as then the property and in possession of the claimant, we have considered evidence of continued possession in him up to 1821, about which time the government passed away from the Spaniards. It is therefore confirmed.

No. 11.—*William Hollingsworth, claimant for* 150 *acres of land.*

In 1792 Governor Quesada granted to William Valentine 150 acres of land on the river St. John's, and directed Marrot to survey it. The survey was made by Marrot, and proof has been adduced that Valentine, or Hollingsworth, to whom he sold it, and who is the present claimant, have been in actual and continued possession of the land up to this time. It is therefore confirmed.

No. 12.—*The heirs of Robert Pritchard, claimants for* 250 *acres of land.*

In 1791 Marrot, who had been directed by Quesada, the governor, to survey lands to the settlers in the country who might want them, and the quantity to which by the regulations they were entitled, certifies that he had surveyed this land to Thomas Bowden. Two witnesses have deposed that Bowden was for many years in possession of the land. It is therefore confirmed.

No. 13.—*The heirs of William O'Neal, claimants for* 300 *acres of land.*

Here is a royal title, dated June 15, 1810. The title declares that the grant was made under the royal order of 1790. It is therefore confirmed.

No. 14.—*The heirs of Sarah Foulks, claimants for* 100 *acres of land.*

Don Pedro Marrot, commissioner appointed to distribute lands according to the orders of his Majesty, had surveyed for Margaret Jones three caballeras (100 acres of land) situated at a place called Sheron, on the east side of St. John's river, February 20, 1793. The land was purchased of —— Jones by the ancestor of the present claimant, and witness certifies that the parties have been possessed of the tract claimed for many years. It is therefore confirmed.

Nos. 15 and 16.—*G. S. Brown and S. Clarke, claimants for* 400 *acres of land.*

Edward Wanton petitions the government, on November 11, 1801, for the following tracts of land for head rights, to wit: One hundred acres situated between Picolata and the plantation of Manuel Solana, on the river St. John's, and six hundred and fifty acres on Cedar Hammock, about two miles and a half to the south of Solana's, on said river St. John's, in front of Tocoi creek; and on November 23, 1801, 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 persons he may have for its cultivation, there shall be measured to him the corresponding quantity;" and Governor Coppinger, on April 26, 1820, issued to him a royal title. These two claims are therefore confirmed. Clarke and Brown claim title by purchase from Wanton.

No. 17.—*The heirs of Robert Whitmore, claimants for* 150 *acres of land.*

This tract is claimed by and has been confirmed to William Hollingsworth, No. 11 of this abstract.

No. 18.—*James Rose, claimant for* 25 *acres of land.*

The title produced in this case is a certificate of Thomas D. Aguilar, that Governor White granted to James Rose, a free man, (black,) 25 acres of land in Pibot's Swamp. The negro applied for one hundred, but the governor granted no more than twenty-five; two witnesses have been brought forward to prove cultivation and continued possession by the claimant. It is therefore confirmed.

No. 19.—*Margaretta O'Neal, claimant for* 243 *acres of land.*

Don Pedro Marrot, commissioner for the distribution of lands by order of his Majesty, had surveyed for Margaretta O'Neal two tracts of land, as follows: One tract containing nine cavalleras and seven acres, or three hundred and seven acres, on Lansford creek, at a place called New Hope, April 16, 1792; the other tract, containing seven cavalleras and ten acres, or two hundred and forty-three acres, on Lansford creek, at a place called O'Neal, made April 17, 1792; and on the 13th March, 1807, Governor White issued a royal title in favor of M. O'Neal for the last-mentioned tract of two hundred and forty-three acres, under the royal order of October 29, 1790. This last is therefore confirmed.

No. 20.—*James Pelot, claimant for* 620 *acres of land.*

It appears that the present claimant has presented to this board three claims which should be reduced to the last number of 620 acres, which was evidently given as a substitution of the others. James Pelot has no evidence of his claim but the certificate of Marrot, dated in 1793, without any accompanying evidence of cultivation. John Francis Pelot has a certificate of Pierra in 1803 that the land on Amelia island was granted by Governor White. It appears by many circumstances that the claimants are one and the same persons, in the survey called James and in the grant called John Francis. In support of this position the witness Farquhar Bethune, who proves a long-continued cultivation of the land on Amelia island, calls the claimant there James Pilot. George Clarke surveyed the land. Suffice it to say that if the land on Amelia island was or was not given in lieu of that on St. John's, and if the claimants, James and John Francis Pelot, were or were not the same person, no more can be confirmed than 620 acres. James Pelot has produced no evidence to his claims on the river, and they must be rejected. John Francis has proved that the land on Amelia was cultivated for many years, and although he is called James by the affiant, Bethune, yet there can be no mistake in the land itself. It lies on Amelia island. 640 were granted by White; 620 surveyed by Clarke; and it is confirmed to Pelot by whatever name he be called, James or John Francisco.

No. 21.—*Eleanor Pritchard, claimant for* 270 *acres of land.*

In 1808 sundry witnesses being produced by Eleanor Pritchard, the widow of Robert Pritchard, to prove to Governor White the number of her family, black and white, Don John Percell was ordered to survey to the claimant "two hundred and seventy acres of land, which correspond to the interested, her children and slaves," in the place which the certificate points out on the river St. John's. Joseph Somerall and Joseph Hagen, two witnesses introduced by the claimant, have proved the continued possession and cultivation of the place claimed by the then widow, now the wife of James Hall, up to the date of their deposition, June 15, 1824. It is confirmed.

No. 22.—*Francisco Diaz Terran, claimant for* 300 *acres of land.*

Fr. Diaz Terran petitioned the government on the 9th March, 1797, for 300 acres of land, situated on the south point of Amelia island, under the royal order of 1790. The governor passed the memorial to the commandant of engineers for his report, who reported in favor of allowing Terran to settle on the lands petitioned for, but that "should the government be obliged to order the inhabitants to retire from Amelia to St. John's river, then he was of opinion that the memorialist should not be permitted to claim

damages," to which Governor White makes the following decree on the 11th of the same month and year: "Let there be granted to the petitioner the land which he solicits, without injury to a third person, according to the number of his family and precise conditions of conforming to what is set forth in the foregoing report relative to his not claiming satisfaction for injuries in case that, for the better service of the King, they be ordered to leave the lands set forth, and that the inhabitants thereof retire on the river St. John's." The depositions of two witnesses, taken in the State of Georgia, are filed in this claim to show occupancy of this land by the grantee. They are sufficient to prove the fact of possession, but not the length of its continuance. This may have been an omission of the justice before whom they were taken. It is too late now to remedy the defect, and we have deemed it better to confirm this claim than to do probable injustice by rejecting it.

No. 23.—*Pablo Sabate, claimant for ——— acres of land.*

"I certify that, on examination of the office of the public archives, I find no grants of the above land from the government; but as early as July 23, 1760, there is a sale on record from John Elegio de la Puente to Jesse Fish, and on March 31, 1792, the said land was sold by a decision of the judicial tribunal of this then province as the property of Fish, and purchased by John Taton, and afterwards sold to intermediate purchasers until September 7, 1809, when Susan Madin, widow of Brian Conner, sold the same to Pablo Sabate, the present claimant." This seems to be a grant in which case the original is lost. The judicial recognition of its validity by the Spanish government, as appears by the above certificate of F. J. Fatio and the sanction of the sale to Taton, is sufficient to ground a decree of confirmation.

No. 24.—*Francis Richard, claimant for* 650 *acres of land.*

Governor Quesada granted this land to one Samuel Russell in 1795. Russell lived on the land, as is proved to the board, more than ten years, and sold to Richard. In 1821, by order of the government, it was surveyed to the claimant, to whom it is now confirmed.

No. 25.—*Isaac Sasportas, claimant for* 425 *acres of land.*

This is the same claim which was rejected by the board in the session of 1827, as dated after January 24, 1818, and is so reported to Congress on abstract No. 2. It appears now that the royal title then produced to the board, dated May 6, 1818, was granted on a previous concession, issued on the 10th June, 1817. On the production of this new evidence of title the commissioners have no hesitation in deciding that the claim is a good one, and should be confirmed.

No. 26.—*George Clark, claimant for* 100 *acres of land.*

John Cabedo petitioned the government on the 23d February, 1801, for permission to transfer his right to George Clark, of one hundred acres of land, situated on Guana creek, to which Governor White made the following decree on the 25th February, 1801: "The transfer is permitted which J. Cabedo makes in favor of George Clark of the 100 acres he obtained on Guana creek, in consequence of which there shall be given to Clark the corresponding document for his security, returning to Miguel Acosta the certificate accompanying this memorial, with the note attached to the same." This sale from Cabedo to Clark, when sanctioned by Governor White, is good proof of conditions performed. It is therefore confirmed.

No. 27.—*Antonio Friay, claimant for* 1,500 *acres of land.*

Antonio Friay petitioned the government, and there were granted to him on the 23d September, 1811, fifteen hundred acres of land, situated on the east side of the river St. John's, opposite the mouth of the river Okelewaja; and on the 21st February, 1821, said Friay petitioned the government to issue to him a royal title for said land, which was done by Governor Coppinger on the 9th of the same month and year. In this case the concession is dated in 1811, the royal title in 1821. The concession is always conditional, and the royal title, though after January 24, 1818, is good proof of the performance of those conditions. It is confirmed.

No. 28.—*Daniel Hurlbert, claimant for* 200 *acres of land.*

On the 22d August, 1814, a public sale took place in the city of Augustine, by order of the government, of 200 acres of land, situated five miles north of the said city, the property of José Antonio de Yguiniz, which land was purchased by D. Hurlbert, and on the 26th of the same month and year acknowledged by the tribunal to be the property of said Hurlbert. This is somewhat similar to the claim of Pablo Sabate, No. 23, of this abstract, a sale of land to which no original grant is found, ordered and recognized by the judicial tribunal of the country. It is confirmed.

No. 29.—*William G. Christopher's administrator, claimant for* 500 *acres of land.*

Don Pedro Marrot, commissioner for the distribution of lands in East Florida, had surveyed for Spicer Christopher, on the 15th February, 1792, 15 caballerias or 500 acres of land, situated on the river Nassau, at a place called Santa Maria, and on the 8th April, 1809, Governor White issued to said Christopher a royal title for said land. It is confirmed.

No. 30.—*Philip Solana, claimant for* 30 *acres of land.*

Thomas Aguilar, secretary of government, certifies that, to a memorial presented by Pedro de Cala, dated March 3, 1807, praying for 61 acres of those formerly granted to Antonio Martinez, situated at a place called Muchie, Governor White made the following decree on the 10th March of the same year: "Let there be granted to the interested 30 acres of land of the 140 which are granted to Antonio Martinez, with

the condition that he must cultivate the land without intermission, and should he not comply, he will be deprived of the same, and in future no land whatever shall be granted him. Being obliged, at the same time, to deliver in the secretary's office the certificate which was delivered to him from said office on the 4th April, 1804, for 20 acres, which were granted him on a small island to the south of the Matanzas." The grantee afterwards sold to P. Solana, the present claimant, with the consent of the government, on the 30th June, 1821. This sale, in 1821, with the consent of the government, we consider conclusive to show the performance of all precedent conditions, express or implied. Confirmed.

No. 31.—*John Jones, claimant for* 100 *acres of land.*

This land was conceded to John Jones on the 26th August, 1803, who cultivated and possessed it, as Joseph Hagen has testified, for more than 25 years. It is situated on the west side of Trout creek, and on the north of St. John's river. It is confirmed.

No. 32.—*Scipio, (a free negro,) claimant for* 25 *acres of land.*

Scipio, a free black, petitioned the government on the 12th September, 1809, for 100 acres of land, situated on St. John's river, at a place called Padanaram, bounded on the northwest by the lands of Dr. Travers, and on the southeast by Six Mile creek, to which Governor White made the following decree on the 9th October, 1809: "Let there be granted to the petitioner only 25 acres of land, in the place which he solicits, without injury to a third person, and shall cultivate the same without intermission." It is in evidence before the board that Scipio cultivated the land for the requisite number of years. It is therefore confirmed to him.

No. 33.—*George J. F. Clarke, claimant for* 1,000 *acres of land.*

This claim is supported by a concession in 1817, and a royal title in the month of August, 1818. It was not strictly regular that a royal title should be issued until ten years had elapsed after the date of the concession and occupancy proved by the claimant. The governor in this case, as in many others, has departed from the strict rules; nevertheless, the claim must be confirmed.

No. 34.—*The heirs of Isaac Lang, claimants for* 200 *acres of land.*

Don Pedro Marrot, commissioned judge by his excellency the commander-in-chief of this province of East Florida for the survey of lands ordered to be distributed by command of his Majesty, certifies, on the 4th of March, 1792, he had surveyed, by Samuel Eastlake, surveyor for Isaac Lang, six caballerias, or 200 acres of land, situated on Little St. Mary's river. It appears, by reference to Marrot's list of persons to whom land had been surveyed, that this person is one of them; and he has produced a witness who proves cultivation four or five years. This, perhaps, is as much as should be required after so long a lapse of time. The claim is confirmed.

No. 35.—*Peter Miranda, claimant for* 790 *acres of land.*

Pedro Miranda petitioned the government for lands under the royal order of 1815, and on the 17th of July, 1816, Governor Coppinger issued to said Miranda a royal title for 790 acres, situated on the river Matanzas, to the south of St. Augustine. Charles Robio filed the claim. Confirmed.

No. 36.—*Santo Rodriguez, claimant for* 2,000 *acres of land.*

Santo Rodriguez petitioned the government on the 22d of December, 1817, for 2,000 acres of land, under the royal order of 1815, situated on the east side of St. John's river, on Dunn's lake, to which Governor Coppinger makes the following decree on the 24th of January, 1818: "Let there be granted to the petitioner the 2,000 acres of land, in the place which he solicits, without injury to a third person, for which there shall be issued to him the title in fee simple from notary's office of government and royal domain." George Clarke surveyed the above tract on the 6th of April, 1818. Confirmed.

No. 36.—*Michael Ledwith, claimant for* 250 *acres of land.*

Concession in 1804, on the river Nassau, on Lofton's creek; proof by two witnesses that he cultivated it many years, and that it has never been out of the possession of Ledwith, the grantee, and his representatives. Cyrus Briggs claims for himself and others, the lawful heirs of Ledwith. It is confirmed.

No. 37.—*Garret Ledwith, claimant for Pelot's island, about* 100 *acres of land.*

A concession by Governor White, in June, 1803, for Pelot's island, about 100 acres; proof of possession, by two witnesses, until the latter part of 1813. Cyrus Briggs claims for himself and others, the lawful heirs of Ledwith. It is confirmed.

No. 38.—*George Anderson, claimant for* 450 *acres of land.*

This land is situated in the Territory of Mosquito, "on the north by John Addison, on the south by the river Tomoca." Claimant holds by a deed made to Mr. Kerr (from whom he inherits) by Gabriel W. Perpall, the grantee. Perpall obtained a royal title to the land from Kindelan, under the order of 1790, in 1815. It is confirmed.

No. 39.—*Juan Joaneda, Bartholome Lopez, and Bartholome Leufrio, claimants for* 17 *acres of land.*

Juan Joaneda, Bartholome Lopez, and Bartholome Leufrio, obtained from the British government 17 acres of land, situated between Bridge creek and the river St. Sebastian, in the city of St. Augustine; and in the cession of this then province to the crown of Spain, it was confirmed to them by Governor Zespedez,

and lastly by Governor White, who not only confirmed what his predecessor had done, but gave them permission to alienate the same. Of this Gould claims one acre. The whole claim is good, and we confirm it.

No. 40.—*Francis Richard, claimant for* 1,025 *acres of land.*

This is a grant made on the 10th of January, 1818. The petitioner, for services, which he tendered a certificate to prove, declares "that he had purchased twenty-nine slaves, and requests for said services the donation to which he was entitled, 875 acres, on the west side of Lake George, in a hammock known as 'Big Spring,' and 150 acres at the same place," for an equal number of acres which he possesses at Matanzas, and of which he makes an absolute abandonment, being in all 1,025 acres. The decree is, that he may have the land. This is a good claim; grants for services should always *be made in proportion to the workers*, and require no evidence of cultivation. It has been surveyed. Confirmed.

No. 41.—*Francis Pellicer, claimant for* 2,000 *acres of land.*

Francis Pellicer petitions the government for 2,000 acres of land, under the royal order of March 29, 1815; and by a decree of the 24th January, 1818, Governor Coppinger grants him 2,000 acres at a place called Tomoca, bounded on the north by the lands of Jos. M. Arredondo, on the east by vacant pine land, on the south by the lands of the heirs of John Russell, and on the west by the public road. On the 22d July, 1818, Governor Coppinger issued to him a royal title for the same, and on the 14th March, 1818, Robert McHardy surveys said land for him in the place pointed out. Pellicer sold to Bulow. As this is a bona fide grant, although on the last day, 24th January, 1818, we advise its confirmation.

No. 42.—*John Mistre, claimant for* 50 *acres of land.*

In 1816 one hundred acres of land were granted to claimant under the order of 1790, and in 1821 a royal title was made to him of a small island, on which Quesada's battery was built. Confirmed.

No. 43.—*Pedro Peso de Burgo, grantee; John A. Cavedo, (present) claimant for* 2,000 *acres of land.*

In February, 1803, Governor White conceded this land at Mosquito wharf, "running thence south for head rights;" two witnesses have deposed that they saw the grantee living on the tract in 1811, with houses and a crop. We are willing to presume a further residence, and confirm the claim.

No. 44.—*J. H. McIntosh, claimant for* 800 *acres of land.*

Mulberry Grove, on the St. John's river, a royal title made in 1805, by Governor White to Timothy Hollingsworth, and a conveyance by grantee to claimant, dated 2d May of the same year. It is confirmed.

No. 45.—*Juan Segui, claimant for* 107 *acres of land.*

This land is situated on the North river, at a place called San Ignacio, and is founded on a royal title made by Governor White, on the 5th September, 1807, in favor of Lazaro Ortega, who sold the same to present claimant by deed bearing date 29th April, 1809. It is confirmed.

No. 46.—*Daniel Hurlbert, claimant for* 300 *acres of land.*

This land is situated to the south of St. Augustine, at a place called Levett, and was sold by order of the government on the 11th September, 1820, to Francis P. Sanchez, who sold the same to present claimant on the 12th April, 1823. This claim is similar in every respect to No. 28 of this abstract, and is therefore confirmed.

No. 47.—*Benjamin Chaires, claimant for* 300 *acres of land.*

A royal title made by Governor Kindelan to William Lawrence, in 1815, "to 300 acres of land on Amelia island," based on a concession, in 1805, under the royal order of 1790. Chaires is the purchaser. Confirmed.

No. 48.—*Joseph Baya, claimant for* 130 *acres of land.*

These lands were sold by the government, on the 6th November, 1792, as the property of Jesse Fish, deceased, and purchased by Antonio Berta, who conveyed the same to Francisco Rovera on the 29th of December, 1798, who sold the same to José de Zubezarreta on the 30th December, 1799, whose widow, Germana de Saria, sold the same to the present claimant on the 21st June, 1823. It is confirmed.

No. 49.—*Francis Goodwin's heirs, claimants for* 640 *acres of land.*

This quantity of land is confirmed to the claimants. For report, see No. 68, abstract B.

No. 50.—*Cyrus Briggs, claimant for* 250 *acres of land.*

Concession in 1804, on the river Nassau, on Lofton's creek; proof by two witnesses that he cultivated it many years, and that it has never been out of the possession of Ledwith, the grantee, and his representatives. Cyrus Briggs claims for himself and others, the lawful heirs of Ledwith. It is confirmed.*

No. 51.—*Cyrus Briggs, claimant for* 100 *acres of land.*

A concession by Governor White in June, 1803, for Pearson's island, about 100 acres; proof of possession, by two witnesses, until the latter part of 1813 Confirmed.

No. 52.—*William Drummond, claimant for* 400 *acres of land.*

This land lies on the river St. Mary's, at a place called Casa Blanca. It was surveyed to Richard Lang by Pedro Marrot in 1792, and resurveyed by George Clarke in October, 1818. In February, 1816, the claimant, Lang, applied to the governor to have a copy of his original concession given him from the office. The governor directs it to be done, and we consider this, together with the survey of Clarke, sufficient evidence of continued possession. It is confirmed.

* These are the same claims confirmed in the name of the Ledwiths, Michael and Garret. Nos. 36 and 37 of this report.

No. 53.—*Heirs of Jos. Hagins, claimant for* 200 *acres of land.*

This land was surveyed to Jesse Frost by Pedro Marrot in 1793. It lies on Julington creek, St. John's river. It appears to the board, by two depositions in the case, that Jos. Hagins derived the land from Frost by inheritance, and that the parties have lived on it ever since. Confirmed.

No. 54.—*The heirs of Thos. Fitch, claimants for* 400 *acres of land.*

This land lies on Diego plains, at a place called Levett's plantation. In 1818 this land was in contest before the judicial tribunal here, between Montes de Oca and Francis X. Sanchez. The governor adjudged it to be the property of Montes de Oca, and decreed that the full title should be made him. Montes de Oca sold to George Fleming, and Fleming to Thomas Fitch, to whose heirs we confirm it.

No. 55.—*James McGirt, claimant.*

No. 55. 300 acres of land on St. Mary's river.
No. 56. 300 acres of land on Nassau river.
No. 57. 80 acres of land, a small island on St. Mary's river.

These three cases are reported at length in Nos. 88, 89, and 90, on report marked B.

No. 58.—*Francis de Medicis, claimant for* 400 *acres of land on the west side of the North river.*

In 1792 this land was first granted. In 1798 Juan Salon, the original grantee, requested a renewal of his certificate, the first being lost. The certificate was ordered to be renewed accordingly. In 1820 M. Palon, son of John, sold the land to the present claimant before the notary of this city, Juan de Entralgo. There is no positive evidence of cultivation in the case. But the sale in 1820, attested before the notary public, or escrivano, we consider sufficient. He was a judicial as well as executive officer, and we believe he was bound by the nature of his office to record no deed unless the title was good. We have therefore confirmed this claim.

No. 59.—*Heirs of Thomas Lamb, claimants for* 200 *acres of land on Amelia island.*

The concession is dated on the 25th of October, 1798. C. W. Clark deposed that he knows the land called Lamb's Old Field, and that it was a matter of public notoriety that Lamb lived on said land for a number of years. John Uptegrove was, in 1802, upon the land, and Lamb was living there with a large family. It is confirmed.

No. 60.—*James Hall, claimant for* 450 *acres of land.*
No. 61.—*James Hall, claimant for* 250 *acres of land.*

These two claims are confirmed to William Craig. See abstract of the register and receiver of 1827, Nos. 1 and 2.

No. 62.—*E. Hudnall's heirs, claimants for* 100 *acres of land.*

The claim of the United States to this land was relinquished by the board of commissioners to David Miller. The parties in this case, as in the preceding, are left to their action at law.

No. 63.—*Martin Hernandez, claimant for* 2,000 *acres of land.*

This land was granted for military services by Governor Coppinger on the 16th of September, 1817. 500 acres lie in Cyprus swamp, 1,000 at the head of the Northwest creek, emptying into the river Matanzas, and 500 on the river Halifax. It is confirmed.

No. 64.—*Francis P. Sanchez, claimant for* 2,000 *acres of land.*

This land was granted to Francisco Medicis, for military services, in December, 1815, and sold by him to the present claimant in 1823. There is an order of survey made in 1815, which seems never to have been executed. It lies on the river Ocklewaha, and is confirmed.

No. 65—*Achilles Murat, claimant for* 1,200 *acres of land.*

One thousand acres of this tract was granted by royal title in March, 1816, to F. M. Arredondo, jr. It lies on the Matanzas river, about nine miles south of St. Augustine. It was sold by Arredondo, jr., to Moses E. Levy, and by him sold to the present claimant. The other two hundred acres adjoin the first tract, and is derived from Honoria Clarke, whose title has been fully reported on abstract C, No. 14. This is a part of the land assigned to Margaretta Clarke in the distribution of the estate of her mother, Honoria, made in 1809, and fully approved by the government in 1810. The claim to Murat is confirmed.

No. 66.—*Mary Dewees, claimant for* 500 *acres of land.*

This is the same land confirmed to Joseph Dill, No. 6, under whom Dewees claims.

No. 67.—*Joseph M. Sanchez, claimant for* 200 *acres of land.*

This land lies on the river Halifax, at Mosquito, at a place called Sorruguey. It was conceded by Governor White to Getrudes Carrillo in March, 1804. During the year 1821 Francis de Medicis, as attorney for Mrs. Carrillo, applied to Governor Coppinger for a royal title; upon full proof before the governor that she had complied with the conditions of the grant, he directed the title to be made. Sanchez claims under the grant to Carrillo, to whom, Carrillo, the title of the United States is relinquished.

No. 68.—*Hannah Smith, claimant for* 389⅔ *acres of land.*

This land is situated at a place called St. Lucia, on the North river. It is claimed under a royal title made the 10th of July, 1804, to John Andreas, from whose representatives the present claimant has purchased it. Confirmed.

No. 69.—*Josiah Smith, claimant for* 1,000 *acres of land.*

On the 10th of May, 1815, the land claimed, described to be "pine land," situated on a "tongue" of land between St. Mary's and Bell's rivers, was granted by Governor Kindelan to Smith for services.

There is filed, amongst the papers in this claim, a survey without signature or certificate. This concession, like that to Pablo Fontane, Report 2, No. 124, we should consider insufficient to justify us in confirming the claim, and for the reasons there given; but in the year 1820 Governor Coppinger executed a royal title in favor of the claimant, and it is confirmed.

No. 70.—*James Ervin, claimant for* 125 *acres of land.*

Governor White conceded this land on the 2d of December, 1803. It is situated on river Little St. Mary's, at the crossing place. The evidence is the deposition of Geo. J. F. Clarke that Ervin, the claimant, was in actual cultivation in the years 1809-'10 and '11, and has so continued, with small intermissions, to the present time. It is confirmed.

No. 71.—*Andres Papy, claimant for* 126 *acres of land.*

On the 13th of May, 1793, P. Marrot surveyed this land to Josefa Espinosa, and on the 25th of January, 1811, Governor White gave to her a royal title. It was sold by Espinosa to Philip Solana, and by him on the 9th of February, 1819, which sale was duly recorded by the escribano to Anne Pons, under whom Papy claims. It is confirmed. It is situated at a place called Fort San Diego, North St. Augustine.

No. 72.—*Edward R. Gibson, claimant for* 250 *acres of land.*

These lands were conceded by Governor Coppinger to Joseph Delespine on July 30, 1816, by virtue of the royal order of 1790. H. Dexter has proved cultivation and possession in the present claimant, who derives his title from Joseph Delespine, the grantee. The lands lie near Moultrie creek, and are said to be bounded by those granted by Daniel Livinney. Confirmed.

No. 73.—*Elizabeth Bunch, claimant for* 100 *acres of land.*

In 1806 Governor White granted to Samuel Bunch, the deceased husband of the claimant, by concession, one hundred acres of land, situated on the river Halifax, in front of the first key after passing the key called Pellican. One witness has proved long and continued possession of the parties, and the claim is confirmed.

No. 74.—*Benjamin Chaires, claimant for* 300 *acres of land.*

A royal title made on July 4, 1815, by Joseph Estrada, governor *pro tempore*, to Don Bartolome de Castra y Ferrer, for 300 acres on Amelia island, at a place called Beiche Hammock. The land was first conceded in 1802, under the order of 1790. Benjamin Chaires is the present claimant. It is confirmed.

No. 75.—*Josiah Smith, claimant for* 400 *acres of land.*

In 1804 a concession was made to Archibald Atkinson in the usual manner, from whom Smith claims by purchase, situated at Spell's Old Field, on the north branch of the river Nassau. John Uptegrove has deposed that, in that year, he, the deponent, was employed by Atkinson to settle the place. He took with him five or six hands and put up a log building suitable for a residence; he says, moreover, that the lands have ever since been claimed by Atkinson and Smith. José Maria Ugarte deposes that, in 1814, Atkinson having been killed in the service of Spain, his property was directed to be sold by government for the benefit of his representatives, and at that sale, so sanctioned, the land here claimed was purchased by Smith. This is sufficient to justify us in confirming it.

No. 76.—*James Curtis, claimant for* 400 *acres of land.*

The evidence in this claim is somewhat defective, but nevertheless it appears to us to be good. The original British title, on which the claim is founded, has not been filed in the office; but there is a certificate of the assistant surveyor general, Benjamin Lord, dated on the 20th May, 1784, to a plat of the land, which plat he certifies to be a true copy of the register plat in the surveyor general's land office in East Florida. The plat and the register aforesaid bears date September 10, 1766. In addition to this, there is a deed of bargain and sale from Thomas Brown to James Curtis, the present claimant, made on August 1, 1784. Properly there should have been produced to the board the original grant made to Stewart, a copy of its register and survey, (which last alone is done,) and some evidence to prove that the sale to Curtis was recognized by the Spanish government; but from the length of time which has elapsed since the date of the transaction, from the antiquity of the deed, and from the difficulty of obtaining written and record evidence of British titles—those titles having been removed by the British government in 1783—we cannot expect such rigid proof as would otherwise be required. Curtis is described in the deed from Brown as a Spanish subject, a lieutenant in the Hibernian regiment, then in East Florida; and as, by the provisions of the treaty in 1783, the British subjects holding lands in Florida were permitted to sell them within eighteen months, which in the present case was done, we confirm the claim.

The land is situated on North river, and on the west side, about eight miles from St. Augustine, on the Bluff Point, at a place called Arrenges.

No. 77.—*The heirs of George Long, claimants for* 600 *acres of land.*

It appears, by reference to a list of "inhabitants with their lands on the river Matanzas and its settlement," made by the directions of Governor White in 1801, that George Long, the father of the present claimants, at that time owned six hundred acres of land. In the memorials of Dupont, of Clarke, and of others, these lands of Long are frequently pointed out as boundaries. These claimants had determined to abandon the claim of their father and apply for a donation; that application has been reported on in Report 5, No. 35. It will be seen, by reference to the evidence in that case, that George Long cultivated the land from 1801 to 1813, and that his representatives repossessed themselves of it, as soon as it was safe to do so, in 1821. It is therefore a good claim, and we confirm it.

C. DOWNING.
W. H. ALLEN.

REPORT No. 1—Continued.

Register of claims to land in East Florida, confirmed during the session of 1828.

Numbers.	Present claimants.	Original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land—acres.	By whom conceded.	Authority or royal order under which the concession was granted.	Date of survey.	By whom surveyed.	Where situated.
1	Thomas H. Dummett	John Burch	April 4,1819	Aug. 11,1804	1,168	White & Coppinger	1790		R. M. Hardy	Oak forest, at Tomoca.
2	Moses Harrold	Moses Harrold	1807	1821	395	....do....do	1790	Nov. 30,1807	John Percal	Nassau river.
3	Antonio Huertes	Antonio Huertes	1813		800	Kindelan	1790			St. Sebastian's river.
4	John Burch	Patrick Dean	1819	1804	995	White & Coppinger	1790			West side of Halifax river, and opposite Pelican island.
5	Heirs of Roque Leonardy	Heirs of R. Leonardy	1821	1792	1,400	Quesada & Coppinger	1790	1819	A. Burgevin	On the Pablo road, fifteen miles from St. Augustine.
6	Heirs of Robert C. Maxcy	Joseph Dell	1821	1803	500	White & Coppinger	1790			South side of St John's river.
7	F. Falany's executors	F. Falany's executors	1819	1805	1,200	Quesada & Coppinger	1790			Tufily, two leagues south of St. Augustine.
8	Benjamin Chaires	Robert Andrew	1809		500	White	1790		Ped. Marrot	San Roberto.
9	John B. Richard's heirs	J. B. Richard's heirs		1803	230	....do	1790			Head of Postborough creek, St. John's river.
10	James Falany	James Falany		1805	185	Estrada	1790			Matanzas river.
11	William Hollingsworth	William Hollingsworth		1803	150		1790			St. John's river.
12	Heirs of Robert Pritchard	Thomas Bowden		1790	250	Quesada				Goodman's lake, St. John's river.
13	Margaret O'Neil	Margaret O'Neil	1810		300	White	1790			Between St. Mary's river and Lanford creek.
14	Sarah Foulks	Margaret Jones			100			1793	Ped. Marrot	Sherson, on the east side of St. John's river.
15	S. Clarke and James Brown	Edward Wanton		1801	100	White	1790			Between Picolata and Solana's plantation.
16	....do....do.	....do		1801	650	....do	1790			Cedar hammock.
17	Heirs of Robert Whitmore	Heirs of R. Whitmore			150			1792	Ped. Marrot	On the river St. John's, near Goodman's lake.
18	James Rose	James Rose		1810	25	....do	1790			Pevet's swamp.
19	Margaret O'Neil	Margaret O'Neil	1807		243	....do				Lanceford creek.
20	James Pilot	James Francis Pilot		1803	620	....do	1790			Amelia island.
21	Eleanor Pritchard	Eleanor Pritchard		1815	270	Coppinger	1790			Beauclark's point, St. John's river.
22	Francisco Dear Terran	F. D. Terran		Mar. 11,1797	300	White				Amelia island.
23	Pablo Sabate	P. Sabate								Eight miles from St. Augustine.
24	Francis Richard	Francis Richard		1795	650	Quesada				East side of St. John's river.
25	Isaac Sasportas	I. Sasportas		1817	425	Coppinger				Six Mile creek.
26	George Clark	John Cavado		1801	100	White				Unana creek, North river.
27	Antonio Triay	Antonio Triay	1821	1811	1,500	Coppinger				Mouth of river Ocklewaha.
28	David Hurlbert	D. Hurlbert			200					Five miles from St. Augustine.
29	W. G. Christopher, administrator	Spicer Christopher	1809		500					Santa Maria.
30	Philip Solana	Pedro de Cula		Mar. 10,1807	30	White	1790			Moultrie, south of St. Augustine.
31	John Jones	John Jones		Aug. 26,1803	100	....do	1790			Trout creek.
32	Scipio, (a free negro)	Scipio, (a free negro)		Oct. 9,1809	25	....do	1790			Padanaram, St. John's river.
33	George J. F. Clarke	G. J. F. Clarke		Oct. 7,1816	1,000	Coppinger	1790		A. Burgevin	West side of St. John's river, opposite Picolata.
34	Heirs of Isaac Lang	Isaac Lang			200			Mar. 4,1792	Ped. Marrot	Little St. Mary's river.
35	Peter Miranda	P. Miranda	July 17,1816		790	....do	1815			River Matanzas.
36	Santo Rodriguez	S. Rodriguez		Jan. 24,1818	200	....do	1815			St. John's river, Dunn's lake.
36	Michael Ledwith	M. Ledwith		1804	250	White	1790			Nassau river. This claim numbered 36 through mistake.

37	Garret Ledwith	G. Ledwith		1803	100	do	1790			Pelot's island.
38	George Anderson	Gab. W. Perpall	1816		450	Kindelan	1790			Territory of Mosquito.
39	Bartholomew Lopez, &c.	Bartholomew Lopez, &c.			17					Bridge creek. (See report.)
40	Francis Richard	Francis Richard		Jan. 10, 1818	1,025	Coppinger	1815			Lake George.
41	Francis Pelliceer	Francis Pelliceer	July 23, 1818	Jan. 21, 1818	2,000	do	1815			Tomoca.
42	John Mestre	John Mestre	1821	1816	100	do	1790			Small island, containing Quesada's battery.
43	John A. Cavedo	Pedro de Bergos		1803	200	White	1790			Mosquito wharf.
44	J. H. McIntosh	Timo. Hollingsworth	1805		800	do	1790			St. John's river.
45	Juan Segui	Lazaro Ortage	Sept. 5, 1807		107	do	1790			North river, Sanigcio.
46	Daniel Hurlbert	Frs. P. Sanchez			300					At a place called Levet's. (See report.)
47	Benjamin Chaires	William Lawrence	1805	1805	300	Kindelan	1790			Amelia island.
48	Joseph Baya	Jesse Fish			130					This land, and Nos. 46 and 47 of this abstract, are claimed by sales of private property made by order of the government.
49	Francis Goodwin's heirs	Francis Goodwin			640					See No. 68, Report 2.
50	Cyrus Briggs	Frs. Ledwith								These are the same cases as numbers 36 and 37 of this report.
51	do	Garret Ledwith								
52	William Drummond	Richard Lang			400			1792	P. Marrot	River St. Mary's, Casa Blanca.
53	Heirs of Jos. Hagins	Jesse Frost			200			1793	do	St. John's river, Julington creek.
54	Heirs of Thomas Fitch	Juan G. Montes de Oca			400					On Diego plains. (See report.)
55	James McGirt	James McGirt			300					St. Mary's river.*
56	do	do.			300					Nassau river.*
57	do	do.			80					Small island on St. Mary's river.*
58	Francis D. Medicis	Juan Salan		1792	400	Quesada	1790			West side of the North river.
59	Heirs of Thomas Lamb	Thomas Lamb		1798	200	White	1790			Amelia island.
60	James Hall				450					These two cases have been confirmed to William Craig.
61	do				250					
62	Heirs of E. Hudnall				100					This land has been confirmed to David Miller.
63	Martin Hernandez	M. Hernandez		Sept. 16, 1817	2,000	Coppinger	1815			On Cyprus swamp, on the river Matanzas, river Halifax.
64	Frs. P. Sanchez	Frs. D. Medicis		Dec. —, 1815	2,000	do	1815			Ocklewaha.
65	Achilles Murat	F. M. Arredondo and H. Clark	1816		1,200	do				River Matanzas, nine miles from St. Augustine.
66	Mary Dewees	Joseph Dill			500					This is the same case as No. 6 of this report.
67	Joseph M. Sanchez	Gertrudes Carrillo	1821	Mar. —, 1804	200	White & Coppinger	1790			Halifax river, at a place called Surruguay.
68	Hannah Smith	John Andrio	July 10, 1804		389½	White	1790			St. Lucia, on the North river.
69	Josiah Smith	Josiah Smith	1820	May 10, 1815	1,000	Kindelan & Coppinger	1815			Between St. Mary's and Bell's rivers.
70	James Ervin	James Ervin		Dec. —, 1803	125	White	1790			Little St. Mary's river.
71	Andres Papy	Jozefa Espinaza	1811		126	do	1790			At Fort San Diego, North of Augustine.
72	Edward R. Gibson	James Delespine		July —, 1816	250	Coppinger	1790			Near Moultrie creek.
73	Elizabeth Bunch	Samuel Bunch		1806	100	White	1790			River Halifax.
74	Benjamin Chaires	Barthol. de Castra y Ferrer	July 4, 1815		300	Estrada	1790			Beiche Hammock, Amelia island.
75	Josiah Smith	Archibald Atkinson		1804	400	White	1790			Spell's Old Field, Nassau river.
76	James Curtis	Stewart		Sept. 10, 1766	400	Tonyn				On the west side of the North river, eight miles from St. Augustine, at a place called Arrenges.
77	Heirs of George Long	George Long		1801	600	White	1790			Matanzas.

* Reported at length in Report No. 2, Nos. 88, 89, and 90.

C. DOWNING.
W. H. ALLEN.

REPORT No. II.

REJECTED CASES.

No. 1.—*Bartholomew Suarez, claimant for* 50 *acres of land, Moses creek.*

The title for this land is dated August 4, 1818.

No. 2.—*Pablo Sabate, claimant for* 2,500 *acres of land, west of Casacola.*

Granted by royal title, April 2, 1818.

No. 3.—*Estevan Arnau, claimant for* 100 *acres of land, Mosquito.*

Royal title, dated June 19, 1818.

No. 4.—*Thomas Backhouse, claimant for* 500 *acres of land, Indian river.*

Grant by royal title, June 20, 1818.

No. 5 —*Moses E. Levy, claimant for* 500 *acres of land, Indian river.*

Granted by royal title, to Joaquin Sanchez, June 15, 1818.

No. 6.—*John Houston, claimant for* 700 *acres of land, St. John's and Nassau.*

Granted by concession, May 20, 1818.

No. 7.—*John Gonzales, claimant for* 1,000 *acres of land, St. Diego.*

By royal title, June 10, 1818.

No. 8.—*F. D. McDowell, claimant for* 800 *acres of land.*

The claimant produces here, as his only evidence of title, a certificate of Entralgo, of May 24, 1819, stating that the claimant had no lands precedent to that date.

No. 9.—*Octavius Mitchell, claimant for* 2,000 *acres of land, Mosquito.*

Claims by concession, under date June 2, 1818.

No. 10.—*William T. Hall, claimant for* 2,000 *acres of land, Mosquito.*

Claims by concession, October 20, 1819.

No. 11.—*Flora Leslie, claimant for* 500 *acres of land, Springer's branch.*

This claim is predicated on a certificate of Thomas de Aguilar, of April 12, 1810, the original of which is not to be found in the office of the public archives; and, as claimant has never proved possession of the same, it is rejected.

No. 12.—*Susanna Rollins, claimant for* 200 *acres of land, Nassau.*

This concession is dated 1799. In 1801 there was a general survey on Nassau, and this person is not named. With no proof of cultivation, the claim must be rejected.

No. 13.—*Isabella Wiggins, claimant for* 300 *acres of land, Lake George.*

This is a claim under the certificate of George J. F. Clarke, of March 23, 1821, with no other document.

No. 14.—*J. H. McIntosh, claimant for undefined, river Miami.*

The original grantee, John McQueen, petitions the government for 2,000 acres of land on the Miami, on October 29, 1795; and on November 5, 1795, Governor Quesada gives permission to said grantee to establish himself on said lands; but as to the number of acres, "there should be assigned to him the quantity he was entitled to as soon as the general survey took place:" there is no proof before the board of the survey, or the possession or cultivation of said land; it is therefore rejected.

No. 15.—*Hannah Nobles, claimant for* 1,000 *acres of land, Lake St. Mark's.*

This is a certificate of John de Pierra of July 3, 1799, for 1,000 acres of land, granted Robert Cowen, the original grantee, by Governor White, on the second of the same month and year; but as neither the original grantee nor the present claimant have proved possession, the claim is rejected.

No. 16.—*Thomas Suarez, administrator of Anthony Suarez, claimant for* 500 *acres of land, Mills' swamp.*

The only document presented in this claim is a certificate of survey, of George J. F. Clarke, dated March 1, 1817. No other proof; rejected.

No. 17.—*Abner Williams's heirs, claimants for* 150 *acres of land, river St. John's.*

Agreeably to the certificate of John de Pierra, dated June 20, 1801, Anastacio Mombromaty petitions Governor White for the above quantity of land, which is granted him. There is no proof of possession by either of the parties; it is therefore rejected.

No. 18.—*Edward R. Gibson, claimant for* 125 *acres of land, Moultrie creek.*

Founded on one of Thomas de Aguilar's certificates, dated July 1, 1815, with no proof of cultivation or possession. Rejected.

No. 19.—*George Morrison, claimant for* 150 *acres of land, St. Mary's river.*

This is a certificate of John de Pierra, dated 2d May, 1805. There is no evidence before the board of the performance of the conditions contained in said grant; it is rejected.

No. 20.—*Charlotte Gobert, claimant for* 100 *acres of land, St. Mark's pond.*

This claim is founded on a concession made to Charles, a free negro, in 1806, with conditions "that he settle in the term of one month." There is no testimony whatever adduced; therefore it is rejected.

No. 21.—*Daniel Hurlbert, claimant for* 125 *acres of land, Pevel's swamp.*

Conceded to claimant on the 3d September, 1805, under the royal ordinance of 1790, with the additional condition "that he take possession of the land in one month from the date of the decree." There is no evidence of the performance of the conditions either expressed or implied.

No. 22.—*Joseph Cone, claimant for* 115 *acres of land, St. Mary's river.*

Conceded on the 29th May, 1805, with conditions similar to those of No. 21. There is no evidence, and the claim is rejected.

No. 23.—*Robert Hutchinson, claimant for* 450 *acres of land, Little St. Mary's river.*

Conceded on the 8th May, 1816, under the royal order, 1790. Claimant proves nothing, and it is therefore rejected.

No. 24.—*The heirs of Robert Andrew, claimants for* 100 *acres of land.*

On the 3d of October, 1793, R. Andrew petitions the governor, Quesada, for permission to exchange the lands which were surveyed to him on the plains of St. Diego for an equal quantity on the Savannah of Urlieche, which request was granted on the 18th of the same month and year; but as there is no proof before the board of his ever having taken possession of the same, it is rejected.

No. 25.—*Isabella Wiggins, claimant for* 300 *acres of land, east of Lake George.*

No evidence of cultivation; it is therefore rejected.

No 26.—*Josiah Starkey's trustee, claimant for* 455 *acres of land, St. Mary's river.*

In the memorial of the claimant to the board, he speaks of a concession from Governor Coppinger, which is not produced. There is nothing in the papers but a survey by George Clarke, and a mortgage from Charles Sibbald. There is no evidence of cultivation or possession, and the claim is rejected.

NOTE.—We believe this is the same land confirmed to Charles Sibbald in a former session of the board. If so, the party will sustain no injury by failing to file his title in this case.

No. 27.—*Joseph F. White, claimant for* 250 *acres of land.*

Concession made by Governor White on the 28th July, 1803, to Alexander Watson, on condition "that he takes possession of the land within six months." In June, 1804, the governor is satisfied, by evidence, that the land was possessed within the six months specified, and directs a survey. Watson sells to White in 1820. There is no evidence before the board of the ten years' cultivation by the party, made necessary by the ordinance of 1790, under which the land was granted. It is rejected.

No. 28.—*Robert Andrew, claimant for* 100 *acres of land.*

Conceded on the 18th November, 1799. He has produced no evidence whatever to justify the board in confirming his claim.

No. 29.—*Daniel C. Hart, claimant for* 150 *acres of land.*

Concession dated 8th January, 1818, certified by Aguilar, and no original in the office. Without any evidence of cultivation, it must be rejected.

No. 30.—*William Barden, claimant for* 50 *acres of land.*

Conceded on the 6th May, 1805. It is proved by James Barden that in August, the same year, the party was in possession of the land, and making a crop upon it. The board consider that, when under the order of 1790, ten years' possession was necessary to complete a title, they cannot be justified in confirming a claim, one year's possession of which alone is proved.

No. 31.—*James Lewis, jr., claimant for* 50 *acres of land.*

Conceded 22d December, 1806, on the condition "that he take possession of the same in one month." He has proved nothing, and the claim is rejected.

No. 32.—*The widow of Thomas Collier, claimant for* 1,200 *acres of land.*

Concession dated 8th May, 1804. The condition the same as in the preceding claims, without proof.

No. 33.—*Delia Broadoway, claimant for* 500 *acres of land.*

Thomas Aguilar's certificate, the 16th September, 1815. The original of which, if there was ever any, is not in the office. No proof of cultivation. The claim is rejected.

No. 34.—*Antonio Williams, (free negro,) claimant for* 300 *acres of land.*

Concession dated the 1st December, 1801. Without any proof whatever.

No. 35.—*Albany Fallis, claimant for* 50 *acres of land.*

Juan de Pierra, secretary of government, by Thomas de Aguilar, certifies "that, to a memorial presented by Albany Fallis, soliciting the number of acres he is entitled to, situated on a small island in the river Nassau, the following decree was made by Governor White on the 6th November, 1805: "Let there be granted to this interested fifty acres in the place he solicits, which are those he is entitled to, agreeably to his oath, being well understood that he must establish himself on said land in the term of one month, counted from the date." No evidence; rejected.

No. 36.—*Michael Lynch, claimant for* 335 *acres of land.*

This land was granted on the 22d of June, 1805, under the order of 1790, with the condition "that he take possession of the same within six months from the date." Nothing is proved, and the claim is rejected.

No. 37.—*John G. Rushing, claimant for* 80 *acres of land.*

No title produced, but George Clarke's survey and certificate of the 8th February, 1815. There is no proof of cultivation, and the claim is rejected.

No. 38.—*Ezekiel Hudnall's heirs, claimants for* 900 *acres of land.*

This claim is based on concession dated 3d June, 1817, with the condition "that they take possession of it within four months." In April, 1821, there is a certificate and survey of George Clarke. So far from proving a performance of the conditions, a witness, Samuel Kinsley, has been introduced by the claimants, who proves directly the reverse, and deposes in a conversation with said Hudnall that he, Hudnall, declared the fear of the Indians prevented his possession of the land. Hudnall is now dead, and whilst alive he was afraid to take possession of the land. By the condition of the grant his heirs must lose it.

No. 39.—*Thomas Andrew, claimant for* 200 *acres of land.*

Concession on the 23d November, 1803, on the condition "that he take possession of the land within one month from the date." He has adduced no evidence, and his claim is rejected.

No. 40.—*H. B. Martin, claimant for* 400 *acres of land.*

Conceded on the 3d September, 1803, on the condition that he take possession within six months. There is no proof, and the claim is rejected.

No. 41.—*Thomas Murphy, claimant for* 3,000 *acres of land.*

An island in the St. John's river. The concession is dated on the 11th June, 1818. It is barred by the treaty.

No. 42.—*William Hart, claimant for* 1,400 *acres of land.*

In 1811 William Hart applied to the governor for an indefinite number of acres on the river St. John's "to establish a cowpen for the security of stock." The governor directed Don Will Craig, a justice of the peace, to report "on the propriety of the petition as well as on the number of the stock of said Hart." This was never done, nor was any grant made to the land. It is true that the representatives of the claimant, in their memorial to the board, have declared that the grant to the land was lost in 1820 in the river St. John's, when their father was drowned; but of this there was no proof; and, as the claim stands, it is a bad one.

No. 43.—*Joseph B. Reyes, claimant for* 1,700 *acres of land.*

This claim is based upon Thomas Aguilar's unsupported certificate, without evidence of cultivation or possession, or existence and loss of the original. It is rejected.

No. 44.—*Lewis Pike's heirs, claimants for* 400 *acres of land.*

In 1801 the claimant petitioned for lands without specifying the number of acres. Governor White made the following decree: "Let there be granted to this party the land which he solicits, and until, ac-

cording to the number of his family, there shall be measured the quantity he is entitled to." The land is left undefined in quantity, and, as there is no evidence of possession, the claim is rejected.

No. 45.—*John Creighton, claimant for* 305 *acres of land.*

Concession on the 29th of October, 1803, on the condition "that he take possession within one month." He has adduced no proof before the board, and the claim is rejected.

No. 46—*George Webber, claimant for* 100 *acres of land.*

Concession on the 21st January, 1804, conditioned that he take possession of the same within one month. There is no proof, and the claim is rejected.

No. 47.—*Thomas Yonge, claimant for* 1,100 *acres of land.*

Concession dated the 23d July, 1803, on the condition "that he take possession within six months." There is no proof of performance, and the claim is rejected.

No. 48.—*The heirs of Nathaniel Hall, claimant.*

This claim is founded on a simple concession made by Governor White 27th July, 1799. There is no proof of possession or any other evidence before the board, and it is therefore rejected.

No. 49.—*Elias B. Gould, claimant for* 500 *acres of land.*

This is a part of a grant to George J. F. Clarke, of four thousand acres. (See Report No. 12, claim No. 5, where it is reported on at length.)

No. 50.—*The heirs of Augustine Dimillere, claimants for* 170 *acres of land.*

Rejected for the want of proof.

No. 51.—*Francisco Paz, claimant for* 1,500 *acres of land.*

On the 12th November, 1815, Thomas Aguilar certifies that fifteen hundred acres of land were granted to the claimant on the Palecco creek for his merits and services under the provisions of the ordinance of 1815. The original of this certificate is not in the office of the public archives. It is rejected.

No. 52.—*James Dell, claimant for* 500 *acres of land.*

This is another certificate of Thomas Aguilar's, dated 1816. It does not appear whether the grant was made under the ordinance of 1790, or under that of 1815. If under the first, the claimant should have proved possession, which he has not done, and we cannot suppose it was a grant for services, when the claimant was one of the most distinguished leaders of the rebels. It is rejected.

No. 53.—*The heirs of John Faulk, claimants for* 250 *acres of land.*

This claim is based on a certificate of Aguilar's, dated 1817. "That on the 20th June, 1792, Quesada granted this land to the claimant, situated on a place called Andivion's Cowpen, on St. Mary's river." He has produced no evidence to prove possession, and, moreover, it appears by the examination of Don Pedro Marrot's survey, dated the 20th June, 1792, that other lands had been surveyed to this party at a place called "*Lime Spring,*" on the same river. Of this survey no mention has been made in the memorial or decree presented to the board, and it seems strange, if this certificate be not a forgery, that Faulk should have petitioned for lands to the governor, when, on the same day, other lands had been surveyed by Marrot. It is rejected.

No. 54.—*Frederick Hartley, claimant for* 400 *acres of land.*

This case has been acted on and rejected by the former board. It appears by the affidavit of James Simerall that he was compelled by the Spanish government to move from this place in consequence of the revolution, and other lands have been granted to him in lieu of this.

No. 55.—*Andrew Drouillard, claimant for* 3,000 *acres of land.*

On the 10th January, 1818, the claimant petitioned and obtained leave of Governor Coppinger to change the location of lands that had been granted him in the preceding year, to the north of Dunn's Lake, at a place called Oldfield. The grant is encumbered with these conditions: "That as soon as he proves possession of the land, cultivation without intermission, and that he has built the necessary houses and fences, there shall be issued to him a title of property agreeably to the survey which the surveyor may present." On the 15th of April succeeding, the land was surveyed by Clarke, but it does not appear that any proof was adduced to the governor, and none is before us, to show that either of the preceding conditions was complied with. It is rejected.

No. 56.—*William Hull, claimant for* 500 *acres of land.*

Concession made the 1st March, 1792, to "that quantity of land which may correspond to himself and family." The governor directs that Don Pedro Marrot may proceed to survey to the petitioner "as much land as he and his family may be entitled to." There is no plat of a survey filed before the board, nor does Hull's name appear on the list of inhabitants upon the river St. John's, to whom lands had been surveyed by Marrot. The number of 500 acres assumed as the amount of the grant is entirely gratuitous, as the number to which he was entitled was directed to be specified by a survey, which was never made. It is rejected.

No. 57.—*Joseph Mills, claimant for* 200 *acres of land.*

This claim is founded on a bare memorial, of the 15th February, 1793, to which Governor Quesada makes the following decree on the same day, month, and year: "With respect to what the party sets forth, should nothing against it occur to the officer charged with the distribution of lands, let the quantity wanting to complete what his family is entitled to be granted to him, in the place which he points out." As the claimant has never produced a plat of the survey of the same, or proof that he cultivated the land, we are of opinion that it should be rejected.

No. 58.—*William Ulmer, claimant for* 200 *acres of land.*

William Ulmer petitioned the government on the 15th September, 1803, "for two hundred acres of land situated at Mosquito, about ten miles from New Smyrna, which place was owned during the British dominion by John Tenant;" to which Governor White made the following decree on the same day, month, and year: "Let there be granted to this party the 200 acres of land which he solicits, without injury to a third person, and until, according to the number of workers he may have for the cultivation thereof, there shall be measured what he is entitled to, being well understood that he must take possession of the said land in the term of six months, counted from the date of this decree." There is no evidence, and the claim is rejected.

No. 59.—*David Turner, claimant for* 90 *acres of land.*

By the certificate of John de Pierra, dated 3d February, 1809, David Turner petitions the government for lands under the royal order of 1790, (setting forth the number of his family and slaves,) which is acceded to by Governor White, who grants him 90 acres, but with the express condition that he shall "establish himself on said land within the term of one month." There is no proof before us of the compliance with this condition, and it is therefore rejected.

No. 60.—*Pollard McCormock, claimant for* 2,000 *acres of land.*

On the 11th July, 1803, McCormock petitioned for two thousand acres of land at Tomoca, under the order of 1790. Two days afterwards the governor, having heard the report of the engineer, gives him the land on condition that he take possession within six months. On the 3d October, 1803, the claimant represents to the governor that he has not taken possession of the land in consequence of constant bad weather, and begs that John Purcell may be directed to survey the lands. The governor granted the request, with the express condition that the survey of Purcell should not exempt the land from forfeiture in the event that the claimant did not take possession of them, with a sufficient number of workers to correspond with the number of acres granted, within the six months from the date of the concession. There is no survey, and no evidence that he ever took possession. It is rejected.

No. 61.—*William Ladd, claimant for* 1,525 *acres of land.*

John de Pierra certifies that on the 3d of January, 1804, the lands claimed were granted by Governor White on the condition "that he take possession of the same within six months from the date." He has adduced no proof, and his claim is rejected.

No. 62.—*Hibberson and Yonge, claimants for* 2,000 *acres of land.*

On the 23d February, 1815, Governor Coppinger granted to Hibberson and Yonge 2,000 acres of land on St. Mary's river, "with the understanding that as soon as the survey and plat of said land shall be presented to them, and they prove having cultivated and improved them in a proper manner, the title and absolute property shall be despatched to them." In the succeeding year Joseph M. Hernandez, as a quit for the claimants, petitioned the governor to change the location of one thousand acres of the grant to a place called "Trout Creek Swamp." The change is permitted, and in 1816 George Clarke certified that he had surveyed one thousand acres of land on Trout Creek Swamp; and in 1821 he further certifies "that he surveyed another thousand at the same place, which latter change had been permitted by government on the 20th June of the same year." This last decree is not amongst the papers. It does not appear that either of the tracts were possessed or cultivated by the claimant; and if there be any title whatever to the second tract of one thousand acres on Trout Creek Swamp, surveyed by George Clarke in 1821, it passed by the decree of the governor, after his power had ceased under the treaty. They are both bad.

No. 63.—*James Pelot, claimant for* 496 *acres of land.* No. 64.—*James Pelot, claimant for* 356 *acres of land.*

It seems by the papers before the board that Pedro Marrot surveyed to James Pelot the two tracts of land above claimed: one at a place called Pelot, on the river St. John's, and the other at *Pumpkin Bluff*, on Nassau, in the year 1793. There is no evidence before the board that he possessed or cultivated these lands, but we are fully satisfied that six hundred and forty acres on Amelia island were granted to the claimant in lieu of these two surveys. These six hundred and forty acres have been confirmed; and in the decree of confirmation, No. 20, of abstract No. 1, will be found more at large our views upon this subject.

No. 65.—*Josiah Dupont's heirs, and Gideon Dupont, claim, viz: No.* 1, 1,850 *acres of land; No.* 2, 500 *acres of land; No.* 3, 500 *acres of land; No.* 4, 1,400 *acres of land.*

On the 18th August, 1792, Josiah Dupont, a new settler, prays for "one-half of the quantity of acres of land corresponding to himself, his wife, five daughters, two sons, and twenty-seven slaves, upon the head of lhe East Water stream, ten miles south of the Fort Matanzas," and the other half on the head of a stream called Graham, adjoining the lands of Jesse Fish, and adds: "That the lands described are the same where he is now settled by the verbal permission of the governor."

The decree is: "That he may remain where he is established, permitting him at the same time to aug-

ment to the quantity of land to which he is entitled *according to the regulations of this government*, in the place called Graham's Creek," &c., "and until the general survey, which is *now* taking place, *when he will receive his complement, of which he will remain proprietor.*

"QUESADA."

This is on the 31st of August. The general survey of 1792 extended to Matanzas.

The second claim is based on a concession of Quesada, dated the 18th of October, 1794. Dupont, in his memorial, says to the governor "that his force being so large he cannot take his lands in one place; that his excellency had already granted him one thousand acres of rice land, one hundred in the large orange grove, and he wishes permission to take five hundred more to complete his complement, between the lands of Travers, Cartel, Palisier, and Clarke." The governor grants the request "until the final survey takes place, for the quantity corresponding to his force." There was no survey until 1801.

The third claim is this: In July, 1801, the 28th, Dupont petitioned for five hundred acres of land more, in Graham's Swamp. The engineer's report is favorable, and White, on the 29th July of the same year, granted the lands "until his due complement should be surveyed."

Fourth. Don Gideon Dupont, on the 27th May, 1802, makes application to the governor "for 700 acres of land in Graham's Swamp;" "bounded on the south by those lately granted to his father, Josiah Dupont;" "and the petitioner to make his settlement as soon as the irruptions of the savages shall have ceased," "and, in addition to the 700 acres, *also* the intervening spaces."

"The engineer, to whom the subject is referred, reported that there existed a difficulty—that *this land* is solicited by Josiah Dupont, under date of the 28th July, 1801, and by George Long on the 7th October, same year."

He then adds: "But 700 acres and 700 acres more of intervening space are 1,400 acres ceded to a person who, according to what I have heard, has not sufficient property to cover it according to the regulations." "And of this I am of opinion that the most that ought to be granted him is 200 acres with the intervening space." The decree of the governor, after the party had taken the oath of allegiance, is this: "Let the prayer of the petitioner be granted, without injury, &c., and *until*, according to the force he possesses, the corresponding quantity of land be surveyed." This decree is dated the 3d June, 1802. It may be well to remark that these are the same lands petitioned for by his father in the above case No. 3, and that this Gideon Dupont now claims them to be different tracts, asks confirmation of 500 acres, No. 3, as heir of Josiah, and 1,400, as bounding the former, for himself. Long, who, by the report of the engineer, was a conflicting claimant, appears by the survey of Marrot, in 1801, to have had alloted to him 600 acres, and that claim is now before the board.

It is unnecessary to comment on the fraudulent attempt to impose on this board by making separate duplicate concessions to the same land, and claiming as a second grant a mere copy of the first, so as to obtain a double quantity.

The evidence in support of the first three claims is the affidavit of C. W. Clarke. He swears that Josiah Dupont "lived at a place called Murrits' Old Field, at the head of the east prong of Matanzas river," and continued to live there, and to cultivate the land, until about the beginning of the year 1802, when the Indians came and carried off his negroes, &c. That Dupont had between thirty and forty working hands and several hundred head of cattle. That when Dupont was driven from the place, one Hughes and two old negroes were left by him in care of, &c. He adds that Dupont's negroes were never reclaimed from the Indians.

There is a letter to the board, filed in September, 1824, from Joseph M. Hernandez, claiming most of the above land, and tendering proof, when called on, that Dupont had forfeited his title. He was never called on.

Upon the examination of the surveys made by Don Pedro Marrot at Matanzas, in 1801, in January, Dupont's name does not appear. In each of the cases above this survey is made a prerequisite to a consummation of his title. It was indispensably necessary to settle and define the quantity of acres to which he was entitled.

From the instructions given to Marrot (1791) each party to whom lands were surveyed should take an oath as to the number of his family. In the 6th article of instructions he is directed to "give notice very particularly to all the grantees, that they have to perform certain requisites before they can be considered as possessed of a full title and be able to dispose of what is now given them." "He shall send them to the office of the secretary of government for their respective titles, when they will receive the necessary information."

It is evident that *the title*, which must be obtained after the survey is made, differs from *the title* by concession, such as is produced by the claimants in this case; for in the first article of his instructions Marrot is directed to make the surveys "*limiting himself to the title.*"

Dupont's name, as we have said, does not appear in the survey on Matanzas in 1801, the only one ever made there. It would seem he had not abandoned the country; because the date of the survey is in January, and one of his memorials is dated in July of the same year. But it is certain that if he still remained in the province he neglected to have his lands included in the general survey; without which, by the positive provisions of the grant *itself*, the title could not be perfected. When lands are given gratuitously, and slight conditions, mostly formal, are imposed, and the party fails or refuses to comply with them, he cannot complain if they are lost.

The quantity to which he was entitled depended on the number of his workers, and this number he was required to verify on oath. This he has failed to do; he has not given to the government the evidence required to authorize the grant. He has not had his limits defined, when a surveyor was sent for that purpose to the spot, nor procured the full title, prescribed in the regulations; nor does it appear that he has lived out the ten years, without which his title is unquestionably bad. If we do not receive the omission of his name on the surveys of Marrot in January, 1801, as it is, perhaps, our duty to do, as conclusive evidence to show the abandonment, it is because, in July of the same year, his third petition to the governor contradicts the presumption; but still *his time* would not be completed in July, and his failure to comply with the conditions of the grant by having it surveyed, and the deficiency of the proof of continued possession, if there were no other papers in the cause, would prevent a confirmation of these claims. The most of these lands have been granted to others at subsequent periods, and, so far as they have been regranted, the claim of the United States has been already relinquished by the board of commissioners, and our investigation of these cases would be a useless labor. But it may not be that all the lands

claimed by the heirs of Dupont are granted and confirmed to others. And for this residue, if any there be, we are driven to act on these cases.

It should be presumed that the agents of a foreign government had done their duty, and not injustice, by giving away lands already the property of another, and nothing is produced by Dupont to rebut this presumption.

But this matter is not left to presumption. In 1805 Governor White directed a letter to the captain general of Cuba, of which the following is an extract: "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 grantees 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 June, 1802, and having 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 petitions, not with a view of establishing himself in the province, as is proved 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; but they might be dispossessed of them, or exposed to an expensive lawsuit." After this, we may be permitted to express our surprise that the Duponts should come before this board. The four claims are rejected.

No. 66.—*The heirs of Philip Dill and John H. McIntosh, claimants for* 800 *acres of land.*

This is the same tract of land claimed by both, for the benefit of McIntosh. In 1801, on the petition of Phillip Dill "for a plantation on the west side of the river St. John's, abandoned by Francis Richard, as well as another adjoining it, containing in all eight hundred acres," Governor White decreed that the lands be granted, and until, according to the number of his family, &c.

Sometimes it may be inferred that the conditions on which every grant under the order of 1790 was made, viz: ten years' cultivation, have been complied with; and that the lapse of time, two intervening rebellions, and a partial change of population, always incident to a transfer of a province from one government to another, may prevent the possibility of obtaining proofs, otherwise easy of access. Here nothing is left to conjecture. The witnesses produced by the claimants have reduced it to a certainty that Dill resided on the land at most but three years. Seymour Pickett says "Dill settled land in 1802, lived on it about two years and removed to the Bluff, where he died, and that none of his family, so far as he believes, ever moved back to the place."

Isaac Hendricks deposes that Dill resided on the place about three years, and died; that the family, on the death of Dill, gathered in the crop and moved to Pittsburg, the said land, as witness understood, having been sold." McIntosh has produced a deed from James Dill to this land, dated 1805. McIntosh gives as a reason to the board for not obtaining royal titles, the insurrection in 1812; but nothing prevented his showing to this board that he had performed the implied conditions of the grant, and thereby became entitled to them.

We have too often expressed our opinion on cases similar to this to be at a loss to decide. Governor White, in his letter in the case of Dupont, expressly says that lands cannot be inherited until the ten years are lived out." It is then in the power of the heirs to complete the term and perfect the title, and it is in more than one decree declared "that they cannot be alienated without the permission of the government." Here there was an abandonment, and a sale in three years. If one could not forfeit his lands by abandonment, this tract would belong to Francis Richard, to whom, as appears by the memorial of the party himself, it had been previously granted. He obtained it there by the abandonment of Richard, and by his own abandonment he must lose it. If McIntosh, his transferee, had cultivated the land on the sale, something might be left to inference from the acquiescence of the government; but on this there is no proof, and it is rejected.

No. 67.—*Clarissa Fish, claimant for* 150 *acres of land.*

Claimant purchased of Andrew Campbell in 1821. To Campbell this land was granted by concession in 1804. One witness knew that the land was cultivated in 1805. One year's occupancy will not give a title. It is rejected.

No. 68.—*Francis Goodwin's heirs, claimants for* 1,300 *acres of land,* 1,300 *acres of land,* 640 *acres of land.*

The first claim is to land on Pablo creek, on concession dated in October, 1791. He prays to be permitted to establish himself on Pablo, and that a grant be made him of the acres corresponding to the number set forth, viz: a wife, three children, and nineteen negroes. In February, 1792, he prays that the number of acres "which correspond to himself, three children, and nineteen negroes," may be granted "on the plantation which, under the British government, belonged to one Baileys, four miles south of one St. Vincent Ferrer," &c.

The decree of the governor is the same in both cases. It, in *the first,* permits the party to be established for *the present* on the land, until, in the general survey which is about taking place, there shall be measured to him the number of acres that correspond to his family, of which he shall be put in possession, with the corresponding title."

In the second, the governor says, "agreeably to the request, for which purpose let the memorial be passed to the Captain Don Pedro Marrot, charged with the general distribution of lands, until he measure to this party those corresponding to this family, in the place he points out." Goodwin then had changed his wish to locate on Pablo, and obtained leave to settle elsewhere. The governor permitted the change, and directed him to have the quantity which Marrot should ascertain on the oath of the party to be the portion to which he was entitled.

In May, 1792, Marrot surveyed to Goodwin, at the place mentioned in the second memorial, the land to which he was entitled by the number of his family, under the preceding decrees of Queseda, to wit, 640.

Goodwin now, by his representatives, claims the whole three, making 3,240 acres. It would be well if so glaring an effort at imposition could be punished by the loss of the whole claim. But Mr. Hendricks having proved that he lived on the survey of Marrot No. 3, at a place called Strawberry, by which name it is also called in the survey up to 1805, this last tract of 640 acres is confirmed, and the other two are rejected.

No. 69.—*John Love, claimant for* 300 *acres of land.*

This is an old British grant, 1772, of lands fifteen miles south of St. Augustine, and a survey in 1781. The claimant has produced to the board his evidence of citizenship in South Carolina in 1798. This grant was never recognized by the Spanish government, and by proving himself a citizen of the United States he has proved that he has no title to this land. It is rejected.

No. 70.—*George Tillet, claimant for* 250 *acres of land.*

This claim is evidenced by Marrot's survey in 1792, on Trout creek; in 1801 on Marrot's second survey, or, rather, list of inhabitants on the St. John's, Tillet's name is not to be found. It is therefore to be presumed that he had abandoned the place. It is rejected.

No. 71.—*Francis P. Sanchez, claimant for* 2,000 *acres of land.*

This is a certificate of Thomas de Aguilar, that in December, 1815, Estrada granted Don John Perchman, cornet of the squadron of dragoons, for services, 2,000 acres of land, at a place called Ocklewaha, on the St. John's river.

In 1819 Perchman sold to Sanchez. In the memorial of the claimant to this board, he speaks of a survey made by authority in 1819. If this had been produced it would have furnished some support to the certificate of Aguilar. As it is, we reject the claim.

No. 72.—*Hibberson & Yonge, claimants for* 2,000 *acres of land.*

In 1815, Hibberson & Yonge, representing to the governor that they had greatly improved the country as merchants, and benefited the treasury by the payment of duties, say, "that they mean to devote themselves to agriculture, and pray the donation of 2,000 acres of land on the river St. Mary's, in absolute property, provided they cultivate them and improve them in a proper manner, for which titles may be expedited as soon as surveys are presented in due form; and if your excellency does not determine to conform to these terms, that they may be granted to them on the same terms as they have been granted to the other new settlers, at all times."

The governor's grant is "with the understanding that, as soon as the survey and plat of said land shall be presented to them, and they prove having cultivated and improved them in a proper manner, a title shall be given," &c. Signed, Kindelan.

On the 16th February, 1816, Joseph M. Hernandez, as the agent of Hibberson & Yonge, represented that the lands on the St. Mary's river, conceded as above, were not vacant, wherefore he "prays permission to locate one thousand acres on Trout Creek Swamp, reserving to himself the right to locate the other thousand acres elsewhere too, if necessary." The governor permitted the exchange, and cancelled the grant of one thousand acres on the river St. Mary's.

In 1821 Hernandez obtained leave to locate the whole on Trout creek, in Twelve Mile Swamp, with an order of survey in that place.

It appears by the certificate of George Clarke, in 1820, that he had then surveyed one tract of a thousand acres on Trout creek. No survey was ever made of the other tract of one thousand acres, either on St. Mary's or on Trout creek. The decree of the governor required that the parties should produce proof of cultivation before a title would be given. And we require the same. There is no evidence that the claimants settled the land, and it must be rejected.

No. 73.—*John Bellamy, claimant for* 500 *acres of land.**

This land is situated on McGirt's creek, and the only document presented to this board is a survey made by George J. F. Clarke on the 28th October, 1820; it is therefore barred by the treaty.

No. 74.—*Susanna Cashen, claimant for* 300 *acres of land on the river St. John's.*

The only evidence of title filed in this case is the survey of Andrew Burgevin, dated 1821. It is rejected.

No. 75.—*John D. Kehr, claimant for* 300 *acres of land on Amelia island.*

John de Pierra, in 1801, certifies "that on the application of the claimant three hundred acres of land were granted him on Amelia island, in three separate tracts of one hundred acres each, under the royal order of 1790." He has not proved compliance with the conditions, and the claim is rejected.

No. 76.—*William Cain, claimant for* 200 *acres of land.*

This is a British grant, made to John Burnett by Governor Moultrie, and sold to Cain on the 10th March, 1781. The lands lie on the south fork of Nassau river. In the memorial to this board the representatives of Cain call themselves citizens of the United States, and residents of Florida. There is no

* Claimant subsequently filed his petition for this land under the donation act, which was rejected. Vide No. 23, of Report 2, on donation claims.

evidence before this board that Cain took the oath of allegiance to the Spanish King, or that this claim was even recognized as valid by the government here. It is therefore rejected.

No. 77.—*George Copeland, claimant for* 400 *acres of land.*

To the petition of Henry B. Martin, under whom Copeland claims, on the 3d September, 1803, for four hundred acres of land in the Territory of Mosquito, Governor White decrees as usual, "that he shall have the number of acres that correspond to his laborers, which shall afterwards be surveyed to him on the express condition that he take possession of the land within six months from the date of the decree." There is a deed filed in this office, executed by Martin in the year 1808, in the city of New York, to George Copeland, in which Martin calls himself "a resident of that city." There is no proof of possession within the six months of a survey, or of subsequent cultivation, on the part of Martin, and this deed describing himself as a citizen of New York, five years after the concession, is positive proof of abandonment.

No. 78.—*James Darley, claimant for* 500 *acres of land.*

This land lies at Mosquito. There is no evidence of title filed before this board, but the survey of Robert McHardy, dated January 25, 1818. In his memorial to the board he has referred to documents filed in the claim immediately following this as evidence of a grant made to him by Governor Coppinger in the preceding year.

No. 79.—*James Darley, claimant for* 500 *acres of land.*

This land lies on Turnbull's swamp. It appears by the certificate of Thomas Aguilar, the original of which is not to be found, that on the application of the claimant one thousand acres of land were granted him by Governor Coppinger, as head rights, on the 14th June, 1817; one half of which, No. 78 of this abstract, was surveyed to him at Mosquito, and the other half in Turnbull's swamp on the 20th June, 1818. He has produced no evidence to prove his cultivation, or to account for the loss of the original. Both of these claims are therefore rejected.

No. 80.—*Paul Dupon, claimant for* 3,000 *acres of land.*

Paul Dupon solicited from the government (and there was granted to him on the 8th May, 1818,) a small island situated on the east side of the river St. John's, bounded on the south and east by a creek called Dunn's creek, which island contains 3,000 acres; and on the 26th April, 1819, Governor Coppinger issued to said Dupon a royal title for the above-mentioned island under the royal order of 1790. This claim is barred by the treaty.

No. 81.—*James Munroe, claimant for* 2,000 *acres of land.*

James Munroe states to the governor "that, previous to his removing into the province of East Florida, he authorized Alexander Drysdale to petition to the said government on his behalf for lands for head rights, having at that time forty negroes; but through a mistake Drysdale only mentions four negroes, therefore the government only granted three hundred acres at Mosquito to Munroe." On the 3d August, 1803, Munroe petitioned the government for the remaining quantity added to the three hundred acres already granted, having brought into the province fifty negroes; to which Governor White made the following decree on the same day, month, and year:

"Let there be granted to this party the residue of the land which he solicits, up to the quantity which he is entitled to, for the fifty negroes belonging to him, without injury to a third person, and with the condition that he must take possession of said land in the term of six months, counted from this date."

F. BETHUNE.

The only witness sworn in the case deposes that Munroe lived on the land four or five*—left it. We consider that an abandonment before the ten years' occupancy forfeited the land. It is rejected.

No. 82.—	*Augustine Buyck,*	*claimant for*	1,500	*acres land.*
No. 83.	"	"	1,500	"
No. 84.	"	"	2,000	"
No. 85.	"	"	50,000	"

No. 82.

John de Pierra's certificate, the only document of title, is to this effect: "That to the memorial of Augustine Buyck, praying for one thousand five hundred acres of land in the vicinity of the old town of St. Peter's, at Mosquito, in the place called Spruce Pear Creek, otherwise Haile's Creek, the following decree was rendered: 'The lands solicited by the petitioner are granted, and until, according to the number of his family, the corresponding quantity of land be measured for him." The certificate and decree are both dated on the 18th day of July, 1801. The party, in his memorial to this board, declares that the land had been surveyed.

No. 83.—2,000 *acres.*

On the very same day and year John de Pierra certifies that, on the petition of Buyck, *praying for* 1,500 *acres of land in the vicinity of the old town of St. Peters, at Mosquito,* in a swamp or hammock situated opposite to Mount Oswald, towards the beach or north of the town, Gov. White decreed: "The lands solicited by Augustine Buyck are granted, &c., and until," &c. The original of this last grant is not on

* Here is an omission in the original.

file in the office of the archives. This last, if not a forgery, is evidently a grant for the same land as in No. 82. Gov. White never granted two tracts of land on the same day to the same individual without taking notice in either of that fact; and it is a fraud on the part of Buyck or his agent to attempt thus to impose them on the board as several.

No. 84.—2,000 *acres.*

A grant by concession, in 1799, of two thousand acres of land "to the south of the town of Matanzas, and until," &c. Buyck's name does not appear on the list of lands surveyed by Marrot in 1801. It is plain, then, that at that time he had not settled them, or that he failed to survey them, which we consider equally fatal. The memorial to the board avows that they never were surveyed.

No. 85.—50,000 *acres.*

The memorial of this party to the governer in 1802 and his memorial to this board in 1823 present a curious contrast. In 1802 he says to the governor: "That, possessing an increased number of new negroes, and some white natives of America desiring to associate with him, &c., he solicits 50,000 acres of land at Mosquito," not wishing to exclude Ambrose Hull, who, *though then* driven *away* by the Indians, is determined to return *as soon as an increased number of settlers* shall afford him protection; but adds "that no obstacle should be allowed to prevent the grant to him, because grants of the same kind had been made to others"—they "having spent so much time without taking any steps towards the cultivation pretended, *any right they may have had is lost.*" The petitioner promises peremptorily "to make good the said establishment between this (July 22, 1802) and the month of next December; which time being past it will remain at your excellency's discretion to grant that territory to whoever may ask for it." He goes on to add: "A considerable number of planters, whom the subscriber offers to bring to that place, will have a sufficient field-force to fulfil the royal intentions, *and restrain the rapacity of the savages* who have, up to this time, infested the plantations established to the north (quere, south?) of this city."

The lands are granted on the condition "that he cannot cede them away without permission."

In his petition for the land he gives as an inducement to the grant a pledge to repress the Indians. In a memorial to us he gives as a reason for not cultivating the lands the hostility of these Indians, to suppress whom he has pledged himself. It is too absurd for argument.

The claimant has tendered a receipt for $30 paid by him as a tax on his property in 1803. This is the first time we have learned that Spanish planters were assessed in taxes.

Charles W. Clarke swears that Buyck settled here in 1792, and was driven off by the savages in 1800. It appears that in Buyck's petition for land, No. 84, that he had lived at another place, as he there declares that he had sold or commuted some other lands of which he speaks.

If the evidence is intended to apply to either of these cases Mr. Clarke is mistaken. The first grant was made in 1799; but the testimony of Mr. Clarke is perfectly correct as explained by the party's memorial in the case alluded to. These cases are therefore rejected, because the party does not prove continued possession, nor can the hostility of the savages be received as an excuse, when the largest grant made, if made at all, was induced by the promise of Buyck to suppress them. We will add that there is no evidence that the grant of 50,000 acres was ever in the office of archives; and that Governor White was not in the habit of making large grants on slight causes.

No 86.—*Buyck and Dupont, claimants for small island of land.*

Buyck and Dupont ask leave "to make lime and build a hut on a small island between the two bars of the river Matanzas."

The governor, Quesada, in 1794, granted the leave asked and added: "But not to be considered their property until the general survey takes place, when it may, or may not, be included in their complement, if it is fit, proper, or not." We follow the translation though it seems a bad one. It does not appear that any subsequent steps was taken in this business; and on this permission to make lime, with an express declaration that the property is not granted, Buyck claims the land. Such are many of the claims in this office. It is rejected.

James McGirt, claimant.

No. 87, —— acres land; No. 88, 500 acres land; No. 89, 300 acres land; No. 90, small island of 90 acres; No. 91, 500 acres pine land; No. 92, —— land; No. 93, 600 acres land.

No. 94.—*D. McGirt, the son.*

In 1796 an application to take the plantation of the widow Ashley, then vacant, in exchange for those which had been granted to him in 1794, which he had been compelled to abandon. Decree "that he might take possession until the survey was made and his portion allotted to him."

No. 88.—500 *acres.*

An application, in 1792, from McGirt, who styles himself an old inhabitant, for several tracts, viz: 300 acres nine miles from this place, on a plantation which formerly belonged to Governor Grant; 200 acres on Suwannee creek, near the other, and 300 acres on Nassau river, for cattle raising.

The governor, Quesada, directs Marrot to survey to the applicant the lands asked for.

No. 89.—300 *acres.*

Another petition for 300 acres of land on Bell's creek, on the St. Mary's, "as a part of the land which appertains to him." This is in 1793. Quesada directed Marrot to report "whether any lands had been surveyed to McGirt, and on the propriety of the present application specially."

Marrot states, in his report, the grants made in 1792, as specified above in No. 88, which lands had not been surveyed, and adds, "that in March of the same year he (McGirt) was permitted to abandon

the 300 acres on Governor Grant, and to take in its place 300 acres on Black creek, which John McQueen had surveyed to him." Marrot reported that "the place asked for is vacant, and that the petitioner is an old inhabitant;" and Quesada directed, "always according to the number of the family which the party may have, &c., let there be measured," &c.

No. 90.—*An island of* 80 *acres.*

The petitioner states that he had by permission moved to St. Mary's, where he had not land enough, and solicits the grant of a little island of 80 acres, opposite his plantation, which had been once ceded to Thomas Criar, who had abandoned it. He asks a further grant of a piece of land on the lower part of the Rose's Bluff, "which is convenient for the cutting of materials for building the houses he shall have to erect." This is in 1798.

The engineer says there is no objection to the grant of the land first asked for, but "that the grant to cut lumber should be limited to the quantity wanted for his buildings." Thus it appears that Rose's Bluff was not intended to be conveyed away; such, in every case of mill grants, is the decree, viz: "that he cut timber," and yet in those cases the land is now claimed.

The governor directs the land to be granted "until his portion should be allotted," and that "the permission to cut timber should be limited as advised by the engineer."

No. 91.—500 *acres pine land.*

In 1799 McGirt represented to Governor White that he had no pine land attached to his tract on St. Mary's, and prayed that 500 acres of pine land the most convenient to his place be granted.

Pierza makes a note that this land was granted to John Lowe in 1803.

No. 92.—*For* —— *acres.*

A permit to John McQueen and James McGirt to make the exchange alluded to in No. 89, and the parties claim it as a separate grant.

No. 93.—*For* 600 *acres.*

In January, 1792, Don Pedro Marrot certifies "that he had measured to McGirt 18 cavallerias (600 acres of land) at a place called Andrew's Point, on account of what corresponds to him, whose family consists, according to the oath taken, of 14 persons, to wit: husband, wife, six children, and six negroes." This tract is situated on the river St. John's.

No. 94.—*Daniel McGirt, the son.*

From what we can infer from the phraseology of this party's memorial to Governor White, in 1797, it seems that, as he was going to get married, he wanted permission from the governor to take a piece of land on the river St. John's, called *Longs*, formerly granted to his father, James.

The engineer, when it was referred to him, reported that he could not find any grant of the lands in demand to his father, but advises that it be given to Daniel in the usual manner; which is done.

James McGirt's name appears nowhere on the list of Marrot, except on that of 1801, where he is registered as possessing 680 acres of land, in his "statement of inhabitants on the rivers Nassau and St. Mary's," and his son Daniel for 200 acres on the same list.

It appears to the board, from an examination of all these cases, that James McGirt was an old settler. The best evidence of the quantity to which he was entitled is to be found in the certificate of Marrot, No. 93. By this it appears that 600 acres were his just portion. These, by subsequent abandonments and exchanges, were finally located on St. Mary's in a tract of 300 acres, No. 89, and 300 on Nassau, for cattle raising. The other 80 acres, which make up his complement of 680 in the list of surveys by Marrot, is the island petitioned for in No. 90. We are willing to confirm this claim of James McGirt and his heirs to 680 acres of land, as surveyed by Marrot, viz: 300 acres on Nassau, No. 88; 300 acres on Bell's creek, St. Mary's, No. 89; the island of 80, opposite thereto, No. 90.

McGirt states that he was an old settler in 1792; he is so termed by Marrot; and in 1801 he is found on those tracts in the general survey.

The exchanges from place to place were, some by compulsion and all by permission. It is fair to infer that he lived out the term of ten years, and became entitled to the land.

The land granted to Daniel McGirt in 1797 was on St. John's; in 1801, at the general survey, he is on the St. Mary's. He has not proved the duration of his possession, and it is rejected.

No. 95.—*Sarah Tate, claimant for* 450 *acres of land.*

These are the same lands confirmed to George Anderson. It will appear, by reference to the printed reports of the land commissioners of East Florida, that the claimant's ancestor, Edward Tate, in 1811 represented to the governor that he had been employed so long at Picolata; that he had lost his buildings erected at Tomoca, on this land, granted in 1803, and that they (the Tomoca lands) were granted to Sans as vacant lands. He therefore prays his excellency to grant him, in place thereof, 450 acres of land on the river St. John's. This grant on the St. John's was made accordingly, and confirmed to claimant on the 22d January, 1824, and now the Tates claim both. It is absurd; this claim is rejected.

No. 96.—*John B. Gaudry, claimant for* 3,000 *acres of land.*

On the 6th of October, 1817, the claimant, by his attorney, B. de Castro y Ferrer, petitioned for 3,000 acres at Spring Garden, having a family and seventy-five negro slaves. The governor granted the land on the 8th, with the proviso "that, as soon as he should make it appear that he is in possession, and cultivates it without intermission, the title of property shall be issued to him, agreeably to the survey and plat which the surveyor shall present." Two months afterwards it was surveyed by McHardy. Seven

months from the date of the concession the claimant, by his attorney, again represented to the governor that he had performed the conditions, and petitioned for a full title.

He tenders several witnesses to prove the occupation and cultivation, with which the governor seems perfectly satisfied, as, by his decree of the 14th of the same month, he pronounces it proved "that claimant had complied with the conditions imposed on him," and directs "that, in virtue of the royal order granting lands to new settlers, a full title shall be executed to him, according to the plat and survey."

We have frequently decided that where the date of the concession would admit the presumption that the party had lived out his ten years on the land, a royal title, or any other act done by the governor, though subsequent to the 24th of January, 1818, would be received by this board as conclusive proof to show that the claimant had performed the conditions, and cultivated the land; but when the concession is dated in October, it is mere mockery, in the subsequent May, to talk of continued cultivation. On the first organization of the board of commissioners, in 1823, the claimant, in his memorial, represented himself as "a resident of Georgia;" it is evident, then, that in 1822 or 1823 he had abandoned the land, and as the governor's power to make grants on the 24th January, 1818, was ended by the treaty, this claim rests upon the concession alone; and, although the governor was satisfied with the proof before him, it convinces us that the claimant lived but a few months on the land, and he therefore must lose it.

No. 97.—*Peter Mitchell, claimant for* 550 *acres of land.*

The memorial of P. Mitchell to this board states that in 1813 this tract of land was granted in absolute property to John McClure by Governor Kinderlan, and that the royal title, together with the survey made by John Purcell in 1811, are on file in the office of public archives of this city. He further states that this tract of land, on the demise of J. McClure, was, by his legal representatives, conveyed to George Atkinson, in trust for the house of Carnookau & Mitchell, of which Peter Mitchell is a partner.

There are but two documents filed in this case: The certificate of George F. Clarke, to which we shall presently refer, and the survey made by Peter Mitchell himself, in 1823, of 550 acres of land on the river Ocklewaha. If there was a royal title to McClure, it has not been brought to this office. It seems, from the certificate of Clarke, above alluded to, that the title of McClure, in the wording, embraced the whole of the land on which stood the fortifications, town, and commons of Fernandina. Clarke says, in 1813, when by the commission of the government he, Clarke, was engineer of the fortifications and distributor of the town lots of that place, McClure stopped his progress by exhibiting his title to the soil. On this Clarke wrote to Governor Kinderlan, and received the following answer:

"I am surprised that Don John McClure should have stopped you in the measurement of lots, which has been committed to your charge by government. He never could have supposed that the title given him could be *in* injury to the lands that were previously destined for the habitations of those who settled in the town of Fernandina. Therefore you will warn him, by my order, to desist from embarrassing, in anywise, your functions therein; and inform him that if he has anything to allege in support of his right before a competent tribunal, (that is, in case he has sustained injury by the establishment of said settlement,) on *these* being made manifest, he will be compensated by an equal quantity of land, in a convenient place, without injury to a third person."

Clarke further certifies that some time after this John McClure having died, his cousin, another John McClure, came to Florida, and obtained an order for the sale of all the property of the deceased; this tract was advertised amongst the rest of deceased's property. Clarke forbade the sale, and the commandant of that place having failed to interpose when required so to do by Clarke, the governor, Coppinger, was again applied to. This is in March, 1816; in April of the same year Coppinger writes the following letter to the civil and military commandant of that place, with a copy of which Clarke was furnished: "Having been informed on the 28th of last month by Don George Clarke, surveyor, &c., at Fernandina, respecting the sale of McClure's plantation, &c., I require that you comply exactly with the order of the 19th July, 1813, passed to the aforesaid surveyor by my predecessor, permitting the sale to take place only as to those lands that are not wanted nor comprehended in the settlement and fortifications thereof, and make known to the person interested that he is to direct his recourse to this government, who will compensate him for the land of which he is dismembered with an equal portion in any vacant place that may suit him, without injury to a third person."

Clarke further certifies "that in 1821, F. Bethune, on the part of the claimants, petitioned the governor for 550 acres of land, in 'compensation' of the defalcation of said tract of land, which part he abandons, with all his rights, for the public good of said town."

To this memorial Coppinger answers, in a private letter to Clarke, "that he was officially informed of the transfer of the province to the United States, and could not make the grant."

Clarke says that this quantity of 550 acres was rather more in amount than McClure had lost, but from his knowledge of the sentiments on this subject of both the governors, Kinderlan and Coppinger, he is fully confident that it would have been granted if applied for in time, without hesitation; and he says further, that if he had been called on, as surveyor general, by the representatives of John McClure, "to survey to him this amount for the further approbation and formalization of the same by government, he would have done so, as he more than once offered to do." From this it appears evident that the parties were entitled to some land, as McClure's representatives, from the Spanish government, but they have neglected to avail themselves of their privilege until it was too late; and if Governor Coppinger, in 1821, thought that he had no power to make the grant, in 1823 Peter Mitchell had no power to make the location. It is rejected.

No. 98.—*Hibberson & Yonge, claimants for* 45 *acres of land.*

This is Aguilar's certificate, that, on the 25th January, 1810, the governor granted this land, near the military post of Amelia island, and authorized John Purcell to survey it. It does not appear that it was surveyed, nor is there proof of cultivation. It is rejected.

No. 99.—*Robert Hutchinson, claimant for* 150 *acres of land on Little St. Mary's swamp.*

This claim is for 150 acres. In support of it he presents a certificate of Aguilar that on the 13th February, 1816, 450 acres were granted him as head rights.

There is no evidence of cultivation, and no reason given for the loss of the original. It is rejected.

No. 100.—*Samuel King, claimant for* 300 *acres of land.*

This land lies on the south side of the river Nassau, about 10 miles from its mouth. In 1804 the application was made to Governor White, "on account of the death of Margaret Carter, who claimed said land as belonging to her deceased husband, James Sample." The governor directed him to hold possession of the land, 300 acres, and the concession to be considered as in force from March 9, 1803. This grant is made under the royal order of 1790; and no cultivation being proved, it is rejected.

No. 101.—*The widow and heirs of Antonio Martinez, claimants for* 70 *acres of land on Moultrie creek.*

This grant was made on the 3d June, 1806, by concession from Governor White, and was surveyed by James Purcell in the following July. It is for "head rights," without proof of cultivation. Rejected.

No. 102.—*Rob. Pritchard's heirs, claimants for* 700 *acres of land at Goldsby's lake.*

This is Aguilar's certificate, dated in the year 1800. White decreed that the land should be granted "until, according to the number of persons he may have for its cultivation, there be allotted him that which he is entitled to."

It will be seen by reference to No. 21 of report A, that in 1808, upon a full hearing of the whole matter, Governor White directed 270 acres to be granted to the widow of R. Pritchard, "that being the whole amount to which, from the number of her family, black and white, she was entitled." That amount has been confirmed to her.

This tract of land was surveyed by George Clarke in 1819; and three witnesses swear that the claimant lived on the south side of Goldsby's lake, on a tract said to contain 700 acres. The 270 acres confirmed are at the same place, on the south side of Goldsby's lake, and on this the claimants have resided. Governor White thought them entitled to 270 acres of land only; and this claim is rejected.

No. 103.—*Gachalan Vass, claimant for* 250 *acres of land, Pablo creek.*

In 1793 this land was surveyed by Marrot. He does not prove possession for the ten years required, and it is rejected.

No. 104.—*James Tool, claimant for* 945 *acres of land in Graham's swamp.*

A permission in 1803, by Governor White, to have the lands which correspond to him; no further steps seem to have been taken in the case. No proof of his family, of survey, or of cultivation. It is rejected.

No. 105.—*Francis Triay, claimant for —— acres of land on the North river.*

A concession in the usual form in 1802, without proof of cultivation. Rejected.

No. 106.—*William Travers, claimant for* 100 *acres of land on Potsburg creek.*

Concession in 1799 to John McQueen, without proof of cultivation. Rejected.

No. 107.—*Isaac Tucker, claimant for* 200 *acres of land.*

This is Aguilar's certificate: "That in 1804 the claimant petitioned for 200 acres of land, and Governor White gave him but 100 acres, declaring that to be all to which he was entitled." The grant, if made at all, lies on the river St. Mary's. In 1817 George Clarke surveyed this land, on the river St. John's, at a place called ————, two miles below the Cowford; and in 1821 George Clarke changed the location to another point upon the same river. There is no proof of cultivation, and we cannot confirm it.

No. 108.—*Gabriel Triay, claimant for Key Vacas.*

Concession dated January 2, 1818, for military services. The title of the United States to this key was relinquished by the board of land commissioners to some other claimant.

No. 109.—*Farquhar Bethune, claimant for* 172 *acres of land.*

This land is situated on Amelia island, near the lands of Thomas Yonge, on Egan's creek.

The evidence of title is a concession made by Estrada, on August 25, 1815, under the order of 1790. The application of Bethune is for 100 acres of land, and this is the quantity ceded; but George J. F. Clarke, on December 13, 1818, in the plenitude of his power, surveyed to Bethune 172 acres. Clarke, produced as a witness before the board, has deposed that Bethune did cultivate the land during the time that it was considered his property.

It appears from this affidavit, and the survey of Clarke already spoken of, that the one hundred acres on Amelia island had been taken from Bethune by the government, and the survey of Clarke was made on St. Mary's river in lieu thereof. Clarke's survey, then, is too late, and the claim is rejected.

No. 110.—*Thomas Backhouse, claimant for* 500 *acres of land on Indian river.*

A grant by royal title, made on the 20th June, 1818, for services. Rejected. We believe this to be the same claim as No. 4 of this report.

No. 111.—*Wm. H. G. Saunders, claimant for* 1,200 *acres of land, St. John's river.*

On the 10th September, 1791, Governor Quesada made to John Saunders, ancestor of the claimant, a concession for the land in question.

This is one of the first grants made under the order of 1790, and differs materially in its phraseology from the abbreviated concessions subsequently adopted. It commences in the usual form, and follows the formalities of a royal title. It grants and concedes the land in perpetuity, and then attaches the following conditions: "That Saunders shall, within two years, build a house proportioned to his means; that he shall clean and clear the land for the purpose of cultivating; and that he shall have, within the term of three years, at least five head of horned cattle for every fifty acres of land not fit for cultivation." &c.; "and finally, although this donation and concession is made in perpetuity, the donee or his heirs cannot alienate or transfer the said lands to any other owner until the ten years of possession be passed, and even then the first sale must be executed with permission of the government, and in any other way it should be null," &c.

The governor proceeds to say: "Under the said conditions, and not without them, I cede, renounce, and transfer the said land," &c. Mary Carney, the witness produced on the part of the claimant, deposes that John Saunders, the grantee, in the years 1790 and 1791, with his family and a pretty large number of negroes, lived on the land claimed, built houses thereon, and made one crop; and that in 1791 he was compelled to leave it, in consequence of the disturbances upon the river. On the 11th of September, 1792, we hear from Saunders again. In a memorial to the governor he then represented the place, called Russellton, the one now claimed, "as very noxious to the health, as well from the greater part being infested by corrupted vapors, which are exhaled from the putrid waters of the swamps and lakes which surround it, as also from the many insects engendered in the marshes," &c. He says, moreover, that "the health of his family is deteriorated, their bodies oppressed and troubled with swellings, and threatened with dropsy;" wherefore he prays "the benignant heart of the governor, condoling with his deplorable state, to grant him, in exchange, an equal quantity of land on the Mosquito." The governor, on the reception of Captain Marrot's report, "that the land at Russellton is surrounded by putrid waters," directed Marrot to survey to him an equal quantity at the place solicited. In 1796 Saunders, for malpractices against the government, was banished the province; and a few years afterwards, as we believe, the most of this tract was granted to another as vacant land. Since the change of flags the present claimant, the son of John, has moved into the territory, and taken possession of the place.

Such is the history of this case. So far as these lands have been regranted, the parties litigant have their remedy at law; so far as they have not, the claim of Saunders is rejected: First, because the title under which he claims is a bare concession to his father, with conditions attached which were never performed; for although the houses were completed, nothing else was done; secondly, because the party himself solicited an exchange, which was granted him; thirdly, because he was banished and his lands thereby forfeited; and fourthly, because, by the testimony of his own witness, he lived but one year upon the land; and if there had been no exchange, no malpractice, and no banishment, this would be insufficient to justify us in confirming this claim.

No. 112.—*William Travers, agent of Yellowly, claimant for* 500 *acres of land.*—No. 113.—*William Dry, claimant for* 1,000 *acres of land.*—Nos. 114 and 115.—*Same. Lots in St. Augustine.*

These are all British claims, which seem not to have been recognized by the Spanish government, and must be rejected.

No. 112 was granted by Governor Tonyn in April, 1777. It lies in Derbin's swamp, three-fourths of a mile east of the river St. John's.

No. 113 was granted to Alexander Gray by James Grant in February, 1771. It lies on the east fork of Diego river, and was sold by Gray to the present claimant in 1775.

The other two are for lots in this city, claimed by Dry, a British subject; they are all rejected.

No. 116.—*Andrew Atkinson, claimant for* 100 *acres of land.*

This land is claimed by concession, dated in February, 1792, "as necessary to complete the number of acres belonging to his family." It lies near St. Vincent Ferrer. There is no evidence of cultivation, and it must be rejected.

No. 117.—*The heirs of Antonio Andrew, claimants for* 500 *acres of land.*

In 1796 these lands were granted under the royal order of 1790. There is no number of acres specified in the memorial of the party, or in the decree of the governor. The lands lie at New Smyrna.

Two witnesses have been sworn. George Clarke says that they, the claimants, were a number of years settled on the land, and were driven off, about thirty years ago, by the Indians. Lorenzo Capella, the other witness, seems to be more minutely informed on the subject. He says the claimants were settled on the land and made one crop, and were ready to make a second, when the Indians forced them to abandon it. These depositions were taken in the year year 1827; thirty years ago will bring us back to 1797. The concession was made in 1796, one year before. This proves conclusively that Mr. Clark was mistaken in supposing the family had lived on the land a number of years, and that Capella is correct in saying that they left after one year.

This board has always decided that one year's cultivation, whatever might be the cause of abandonment, would not justify us in confirming a claim. It is rejected.

No. 118.—*John Jones, claimant for* 500 *acres of land.*

The concession under the royal order of 1790, "until the quantity to which he is entitled shall be surveyed to him," is dated February 11, 1801. Marrot's list of the inhabitants on St. John's of February 27, 1801, does not contain his name. There is no evidence of cultivation, and it is rejected. One hundred acres have been already confirmed to John Jones, report (No. 4 and No. 31) of 1828, this session; and we imagine this to be the same person, and all the land to which he is entitled.

No. 119.—*Ezekiel Tucker, claimant for* 150 *acres of land.*

This land lies on the river Nassau, at a place called Tucker's Creek. It was granted by Governor Coppinger by concession dated March 18, 1817, under the order of 1790.

The claimant has produced no evidence of cultivation, and it is rejected.

No. 120.—*Stephen Eubank, claimant for* 255 *acres of land.*

There is a concession for this land signed by Governor White, and dated February 4, 1806. The only description of the land in the paper presented to us is "that it is bounded on the east by lands granted to E. Tucker."

The concession of White required that the party should establish himself on the land within one month. There is no proof that he did so, or that he possessed it subsequently. It is rejected.

No. 121.—*Paul Dupont, claimant for* 3,000 *acres of land.*

This land lies at Spring Garden. The basis of the claim is this: A concession from Governor Coppinger, dated October 8, 1817, in virtue of the royal order of 1790; a certificate of survey, December 8, 1817; a memorial for an absolute title, dated May 9, 1819; and a decree for taking testimony to prove settlement and cultivation, together with the testimony of Robert McHardy, A. Burgevin, and Fr. Ferreira, of the same date. Then follows the decree of the governor for an absolute title, and the title itself made on the same day, May 14, 1818.

It will appear by reference to No. 80 of this report that the governor, about this time, had granted another tract of the same quantity to the same individual.

This claim is almost precisely similar to that of John B. Gaudry, reported (No. 96) above, and for the reasons given there, to which we refer, it is rejected.

No. 122.—*M. Villalonga, claimant for* 10 *acres of land.*

No. 123.—*Same,* 6 *acres of land.*

Thomas Aguilar certifies that, on a favorable report of the commandant of engineers, Governor White, on the 24th of October, 1801, granted 10 acres of land to the claimant, without the gates of St. Augustine, and within the 1,500 yards, on the usual conditions.

No. 123 is also a certificate of Aguilar, that on the 10th of November, 1790, Quesada granted to the claimant three acres of land, which he possessed during the British dominion, "at a place called Marcazaz;" and on the 24th of November, 1804, Governor White granted to the same individual three acres more at the same place.

As there is nothing in these cases but the certificate of Aguilar, we cannot confirm them.

No. 124.—*Pablo F. Fontaine, claimant for* 3,000 *acres of land.*

This land is situated on Vackasasa creek, about ten leagues southwest of Alachua. It purports to have been granted for military services on the 15th of May, 1815. This paper is not filed in the office of the archives, where it should certainly have been found if the claim is genuine. The paper presented to us is claimed to be the original, and proof of the signature of Kinderlan was tendered to this board, but not received.

We have rejected this claim because we do not think it genuine, and for the following reasons:

The first is, that the land did lie within the Indian boundary, within which grants were seldom made by the Spanish governors.

Secondly, it is a well-known fact that little at that time was known of the country so much removed from the sea-coast as this.

Thirdly, and above all, the grant is dated on the 15th of May, 1815, by authority of a royal order of March 29 preceding, which was transmitted from Madrid by way of Havana, and communicated to the governor of this place by the captain general, Apodaca, by a letter bearing date on the 7th of July, 1815, nearly two months after the date of the grant.

No. 125.—*Jacob Worldly, claimant for undefined acres of land.*

There is no evidence of title in this case. In November, 1806, Worldly makes an application to Governor White to grant him on Trout creek the number of acres which might correspond to him and his family. Governor White in the same month directed William Lawrence to report whether or not Worldly possessed and cultivated the lands which he claimed. One year afterwards Lawrence made a favorable report of this fact, and here the matter seems to have rested. As there is no proof in the office to show that any subsequent steps were taken to consummate the title, and as this claim was filed here on the 12th of November, 1828, it is rejected.

No. 126.—*Ezekiel Tucker, claimant for* 100 *acres of land.*

In 1805 Tucker, representing himself as an American citizen, applied to Governor White for 200 acres of land, about sixty-five miles north of this city, and twenty south of St. Mary's, at a place called Nassau. Governor White directed that 100 acres should be granted, on this condition, amongst others: "That he should establish himself upon it within the term of six months." There is no proof that he did so then, or at any subsequent period; and we doubt whether Governor White would have granted land to an American citizen in the face of a royal order which forbid it. This, too, as well as No. 125, was filed in this office on the 12th of November last; and for all of these reasons, either of which would be amply sufficient, it is rejected.

No. 127.—*Pedro Peso de Burgo, claimant for* 400 *acres of land.*

The grant to this land is dated April 15, 1815; it is therefore bad. It was made for military services, and is situated at St. Vincent Ferrer, on the river St. John's. Rejected.

No. 128.—*Hannah Smith, claimant for* 400 *acres of land.*

In 1817 the claimant applied to Governor Coppinger for 400 acres on Deep creek, under the order of 1790, and they were conceded.

It does not appear that the claimant has ever cultivated the land. James Hall, in whose veracity, as it will appear by our report of the last session, we place no confidence, has sworn, generally, that the state of the country was such at the date of the concession as to make it dangerous to locate a settlement; but it does not appear that since the change of flags Mrs. Smith has made the attempt, as by the provisions of the treaty with Spain it was her duty to do. It is therefore rejected.

No. 129.—*Charles Gobert, claimant for* 2,000 *acres of land.*

In November, 1804, Charles Gobert presented a memorial to Governor White, in which he avowed his determination to cultivate coffee in the province, and applied for 2,000 acres of land situated on Dunn's island, about ten miles south of a place called Rallstown, east side of St. John's river, in lieu of 2,000 acres theretofore granted him at Mosquito. The decree of the governor is that the land shall be granted, with the same conditions under which Drayton's island was granted to George Sibbald, "specifying said conditions in the certificate which shall be issued to him from the secretary's office."

This claim should be rejected for uncertainty; the certificate spoken of should have been produced, and this uncertainty would have been removed.

We have examined the grant of Drayton's island to Sibbald, which was acted on by the board of land commissioners, and find their decree to be in the following words: "The board having ascertained that this claim is covered by a British grant, they therefore order that it be reported to Congress for their determination." From this decree it was impossible for us to ascertain the nature of the grant to Sibbald; we have, therefore, deemed it our duty to look into the grant itself. The original concession specifying the particular conditions is not before us. But the royal title made to Kingsley, the purchaser from Sibbald, in 1815, presents the following facts in the case: first, that the land was granted to George Sibbald, in 1804, under the royal order of 1790; secondly, that the lands were adjudged to Kingsley by a decree of the government in 1811; and thirdly, in the language of the instrument of the title, "considering that he has already passed more than ten years of uninterrupted possession to obtain the useful and direct dominion of the said island of Drayton, made buildings on it, cultivated it, and finally complied with all the other conditions established by the government for grants and concessions of this nature," the royal title aforesaid was granted him. From all this, it appears that these lands were granted under the order of 1790, which required ten years' peaceable possession to make a concession valid. In the case of Drayton's island this continued possession was proved to Kindelan, and he has given a valid title. In the case before us nothing has been proved and the title is bad. Independent of this, we believe this to be the same land subsequently granted to Thomas Murphy, No. 41 of this report; and if it be so, the Spanish government must have considered that in 1818 Gobert had failed to comply with the conditions imposed and that this land was public property. Rejected.

No. 130.—*Joseph M. Hernandez, claimant for a marsh lot, (undefined.)*

On the 8th April, 1818, Governor Coppinger gave to the claimant a royal title to the marsh in front of his plantation.

No. 131.—*Sebastian Garcia, claimant for* 15 *acres of land.*

Same, claimant for 6 *acres.*

These two claims are situated outside of the city of St. Augustine: No. 131 at a place called Aigachy, near Mose, and No. 132 without the new lines of the city, adjoining the lands of John Gianopoly. No. 131 is a concession from Governor Quesada of the 9th of November, 1792. No. 132 was conceded by Governor White in 1802. There is no evidence of cultivation in either case, and they are both rejected.

CHARLES DOWNING, *Register.*
WILLIAM H. ALLEN, *Receiver.*

REPORT No. 2.

Register of claims to land which have been rejected by the register and receiver for the district of East Florida.

Numbers.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land—acres.	By whom conceded.	Authority or royal order under which the concession was granted.	Date of survey.	By whom surveyed.	Where situated.
1	Bartholomew Sauraz	Bartholomew Sauraz	Aug. 4,1818		50	Coppinger	1815			Mose creek.
2	Pablo Sabati	Pablo Sabati	April 2,1818		2,500	....do	1815	June 30,1818	A. Burgevin	East of Casacola.
3	Estevan Arnau	Estevan Arnau	June 19,1818		100	....do	1815	Oct. 20,1818	R. McHardy	Hillsborough river, Mosquito.
4	Thomas Backhouse	Thomas Backhouse	June 20,1818		500	....do	1815			Indian river, south of St. Lucia.
5	Moses E. Levy	Joaquin Sanchez	June 15,1818		500	....do	1815			Jupiter island, Indian river.
6	John Houston	John Houston		May 20,1818	700	....do				Dame's Point and Star island, Nassau.
7	John Gonzalez	John Gonzalez	June 19,1818		1,000	....do	1790	June 28,1819	A. Burgevin	St. Diego.
8	Fr. D. McDonell	F. D. McDonell			800	Certificate*				
9	Octavius Mitchell	Octavius Mitchell		June 2,1818	2,000	Coppinger		July 25,1818	R. McHardy	Mosquito.
10	William T. Hall	William T. Hall		Oct. 20,1819	2,000	....do	1815	July 24,1818	.....do	Haul Over, Mosquito.
11	Flora Leslie	Flora Leslie		April 12,1810	500	White	1790			Springer's branch, 12 miles from St. Augustine.
12	Susannah Rollins	Susannah Rollins		Dec. 6,1799	200	....do	1790			North margin of a swamp, Nassau.
13	Isabella Wiggins	Isabella Wiggins			300			Mar. 23,1821	G. J. F. Clarke	East side of Lake George.
14	J. H. McIntosh	John McQueen		Nov. 5,1795	Undefined	Quesada	1790			River Miami.
15	Hanna Nobles	Robert Cowen		July 2,1799	1,000	White	1790			West of Lake St. Marks.
16	Thomas Saurez, administrator of Antonio Saurez	Antonio Saurez			500			Mar. 1,1817	G. J. F. Clarke	Mills's swamp, Alligator creek.
17	Abner Williams's heirs	Anastacio Mabrumaty		June 2,1801	150	White	1790			South side of river St. John's.
18	Edward R. Gibson	Julian D. Suiny		July 1,1815	125	Estrada	1790			Head of Moultrie creek.
19	George Morrison	George Morrison		May 2,1805	150	White	1790			St. Mary's river.
20	Charlotte Gobert	Charles, (a free negro)		Dec. 4,1806	100	....do	1790			West side of St. Mark's pond.
21	Daniel Hurlbert	Daniel Hurlbert		Sept. 3,1805	125	....do	1790			Povet's swamp.
22	Joseph Cone	Joseph Cone		May 29,1805	115	....do	1790			St. Mary's river.
23	Robert Hutchison	Robert Hutchison		May 8,1816	450	Coppinger	1790			Little St. Mary's river.
24	Heirs of Robert Andrew	Robert Andrew		Oct. 18,1793	100	Quesada				Savannahs of Urtiche.
25	Isabella Wiggins	Isabella Wiggins		Aug. 6,1815	300	Coppinger	1790			East side of Lake George.
26	Josiah Starkey's trustee	Charles F. Sibbald			455			July 8,1816	G. J. F. Clarke	River St. Mary's.
27	Joseph F. White	Alexander Watson		July 28,1803	350	White				Graham's swamp.
28	Robert Andrew	R. Andrew		Nov. 18,1799	100	Quesada				
29	Daniel C. Hart	Daniel C. Hart		Jan. 8,1818	150	Coppinger				Nine-mile Point of St. John's river.
30	William Barden	William Barden		May 6,1805	60	White				Pearson's island, river Nassau.
31	James Lewis, jr	James Lewis		Dec. 22,1806	50					Quarter of a mile south of Buenavista.
32	Widow of Thomas Collier	Thomas Collier		May 8,1804	1,200	White				Tomoco river.
33	Delia Broadaway	Delia Broadaway		Sept. 15,1815	500					Dunn's creek, St. Mary's river.
34	Antonio Williams, (free negro)	Antonio Williams		Dec. 1,1801	300					St. Mark's lagoon.
35	Albany Fallis	A. Fallis		Nov. 6,1805	50	White				On Nassau river.

* A certificate of Juan de Estralso of May 24, 1819, that the claimant had no lands precedent to that date.

REPORT No. 2.—*Register of claims to land which have been rejected by the register and receiver for the district of East Florida*—Continued.

Numbers.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession, or order of survey.	Quantity of land—acres.	By whom conceded.	Authority or royal order under which the concession was granted.	Date of survey.	By whom surveyed.	Where situated.
36	Michael Lynch	Michael Lynch		June 22, 1805	335					Between Halifax river and Tomoca creek.
37	John G. Rushing	John G. Rushing			80			Feb. 8, 1817	G. J. F Clarke	North side St. John's river, Chapb'd creek.
38	Ezekiel Hudnall's heirs	Ezekiel Hudnall		June 3, 1817	900	Coppinger		April 1, 1821	do	East side St. John's river, opposite Dryton's island.
39	Thomas Andrew	Robert Andrew		Sept. 23, 1803	200	White		April 20, 1807	John Purcell	Northwest side of St. John's river.
40	H. B. Martin	H. B. Martin		Sept. 3, 1803	400	do				
41	Thomas Murphey	Thomas Murphey		June 11, 1818	3,000					An island on St. John's river.
42	William Hart	William Hart		June 11, 1811	1,400					River St. John's.
43	Joseph B. Reyes	Joseph B. Reyes		Sept. 15, 1803	1,700	White	1790			Three miles west of St. Augustine.
44	Lewis Pike's heirs	Lewis Pike		May 5, 1801	400	do	1790			Twenty-seven miles north of St. Augustine.
45	John Creighton	John Creighton		Oct. 29, 1803	305	do	1790			Pluni, St. John's river.
46	George Webber	George Webber		Jan. 21, 1804	100	do	1790			Graham's creek.
47	Thomas Yonge	Isaac Wickes	Mar. 31, 1818	July 23, 1803	1,100	Coppinger	1790			Besset's plantation, Mosquito.
48	Heirs of Nathaniel Hall	Nathaniel Hall		July 27, 1799	400	White	1790			Banks of Trout creek *
49	Elias B. Gould	George J. F. Clarke		May 3, 1816	500					Big Bend, Durbin's swamp.
50	Heirs of A. Demilliere	Aug'n Demilliere		May 5, 1798	170	White				Rose's Bluff, St. Mary's river.
51	Francisco Paz	Francisco Paz		Nov. 12, 1815	1,500	Estrada	1815			Pellicer's creek.
52	James Dell	James Dell		Dec. 16, 1816	500	Coppinger				Hagin's Point, Alachua.
53	Heirs of John Faulk	John Faulk		June 22, 1792	250	Quesada	1790			Anderson's Cowpen, St. Mary's river.
54	Frederick Hartley	Frederick Hartley			400			Mar. 6, 1792	Pedro Marrot	Nassau river.†
55	Andrew Drouillard	Andrew Drouillard		Jan. 10, 1818	3,000	Coppinger	1790	April 15, 1818	G. J. F. Clarke	North side of Dunn's lake.
56	William Hull	William Hull		Mar. 1, 1792	500					River St. John's.
57	Joseph Mills	Joseph Mills		Feb. 15, 1793	200	Quesada	1790			Trout creek.
58	William Ulmer	William Ulmer		Sept. 15, 1803	200	White				Ten miles from New Smyrna.
59	David Turner	David Turner		Feb. 3, 1809	90	do	1790			North of St. John's river, head of Cedar creek.
60	Pollard McCormock	David McCormock		July 13, 1803	2,000	do	1790			Penmann, Mosquito.
61	William Ladd	William Ladd		Jan. 3, 1804	1,525	do	1790			Bissett's, Mosquito.
62	Hibberson & Yonge	Hibberson & Yonge		Feb. 23, 1815	2,000	Kindelan	1815	Mar. 21, 1816	G. J. F. Clarke	Trout creek and Twelve Mile swamp.‡
								June 24, 1821	do	Do. do.
63	James Pelot	James Pelot			496			April 14, 1793	Pedro Marrot	Pelot's island, St. John's river.
64	do.	do.			356			Mar. 31, 1793	do	Nassau river.
65	Josiah Dupont's heirs	Josiah Dupont		1792	1,850	Quesada				In the neighborhood of Matanzas.
65	do.	do.		1794	500	do				Do. do.
65	do.	do.		July —, 1801	500	White				Graham's swamp.
65	do.	Gideon Dupont		May 27, 1802	1,400	do				Do.
66	Heirs of Philip Dill, (John H. McIntosh)	Philip Dill		1801	800	do				River St. John's.
67	Clarissa Fish	Andrew Campbell		1804	150	do				Matanzas.

* In two tracts of 250 and 150 acres.

† This claim was rejected by former board.

‡ This claim is in two surveys.

REPORT No. 2.—*Register of claims to land which have been rejected by the register and receiver for the district of East Florida*—Continued.

Numbers.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession, or order of survey.	Quantity of land—acres.	By whom conceded.	Name by of royal order under which the concession was granted.	Date of survey.	By whom surveyed.	Where situated.
68	Francis Goodwin's heirs	Francis Goodwin		1791.	1,300	Quesada				Pablo creek.
				Feb. —, 1792	1,300	....do				St. Vincent Ferrier.
69	John Love	John Love		1772.	300	Tonyn				Fifteen miles south of St. Augustine.
70	George Tillet	George Tillet			250			1792.	P. Marrot	River St. John's.
71	Francis P. Sanchez	John Perchman		1815.	2,000	Estralgo				Ocklewaha, on St. John's river.
72	Hibberson & Yonge	Hibberson & Yonge		1815.	2,000	Coppinger				This land was first situated on the river St. Mary's; and afterwards, by the governor's permission, transferred to the Twelve Mile swamp.
73	John Bellamy	John Bellamy			500			Oct. 20, 1820	G. J. F. Clarke	McGirt's creek, St. John's river.
74	Susanna Cashen	James Cashen			300			1821.	A. Burgevin	River St. John's.
75	John D. Kehr	John D. Kehr		1801.	300	White	1790			Amelia island.
76	William Cain	W. Cain, (J. Burnett)			200					British grant, situated on Nassau river.
77	George Copeland	H. B. Martin		1803.	400	White	1790			Mosquito.
78	James Darley	James Darley			500			Jan. 25, 1818	R. McHardy	Do.
79	.....do	.....do		June 14, 1817	500	Coppinger				Turnbull's swamp.
80	Paul Dupon	Paul Dupon	April 26, 1819	May 8, 1818	3,000	....do	1790			An island on St. John's river.
81	James Munroe	James Munroe		August, 1803	2,000	White				Mosquito.
82	Augustin Buyck	Aug. Buyck		July 18, 1801	1,500	....do	1790			Do.
83	.....do	.....do		....do.	1,500	....do	1790			Do.
84	.....do	.....do		1793.	2,000	....do	1790			South of the town of Matanzas.
85	.....do	.....do		1802.	50,000	....do	1790			Matanzas.
86	Buyck and Dupont	Buyck & Dupont		1794.	Undefined	Quesada				A small island between the two bars of the river Matanzas.
87	James McGirt	James McGirt		1796.		....do				
88*	.....do	.....do		1792.	500	....do	1790			A part on Suwannee creek and a part on Nassau river.
89*	.....do	.....do		1793.	300	....do	1790			St. Mary's river.
90*	.....do	.....do		1798.	80	....do	1790			Do.
91	.....do	.....do		1799.	500	White	1790			Do.
92	.....do	.....do								
93	.....do	.....do			600			1792.	P. Marrot	Andrew's Point, on St. John's river.
94	D. McGirt, the son	D. McGirt, the son		1797.	200	White	1790			St. Mary's river.
95	Sarah Tate	Edward Tate		1803.	450	....do	1790			On Tomoca.
96	John Gaudry	John Gaudry		Oct. 6, 1807	3,000	Coppinger	1790			Spring Garden.
97	P. Mitchell and others	John McClure			550					Ocklewaha.
98	Hibberson & Yonge	Hibberson & Yonge		Jan. 25, 1810	45	White	1790			Amelia island.
99	Robert Hutchinson	R. Hutchinson		1816.	150	Coppinger	1790			Little St. Mary's swamp.
100	Samuel King	Samuel King		1804.	300	White	1790			River Nassau.
101	Widow and heirs of Antonio Martinez.	Antonio Martinez		June 3, 1806	70	....do	1790			Moultrie creek.

The three claims marked thus (*) have been confirmed.—See report and abstract A.

REPORT No. 2.—*Register of claims to land which have been rejected by the register and receiver for the district of East Florida*—Continued.

Numbers.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession, or order of survey.	Quantity of land—acres.	By whom conceded.	Authority or royal order under which the concession was granted.	Date of survey.	By whom surveyed.	Where situated.
102	Robert Pritchard's heirs	R. Pritchard		1800	700	White	1790			Goodsby's lake.
103	Gachalan Vass	G. Vass		1793	250				P. Marrot	Pablo creek.
104	James Tool	James Tool		1803	945	White	1790			Graham's swamp.
105	Francis Triay	Francis Triay		1802		....do	1790			North river.
106	William Traverse	John McQueen		1799	100	....do	1790			Pottsburg creek.
107	Isaac Tucker	Isaac Tucker		1804	200	....do	1790			St. John's river.
108	Gabriel Triay	Gabriel Triay		Jan. 2, 1818		Coppinger	1816			Key Bacas.
109	Farquhar Bethune	Farquhar Bethune		Aug. 25, 1815	172	Estrada	1790			Spell's swamp, Nassau river.
110	Thomas Backhouse	Thomas Backhouse	June 20, 1818		500	Coppinger	1815			Indian river.
111	Wm. H. G. Saunders	John Saunders		1791	1,200	Quesada	1790			St. John's river.
112	W. Travers, agent, &c.	—— Yellowly	1777		500	Tonyn				Durbin's swamp.
113†	William Dry	Alexander Gray	1771		1,000	Grant				East fork Diego river.
114†	....do	Lots in the city of St. Augustine								
115†	....do	....do....do								
116†	Andrew Atkinson	A. Atkinson		1792	100	Quesada				St. Vincent Ferrier.
117	Heirs of Antonio Andrew	Antonio Andrew		1796	500	... do				New Smyrna.
118	John Jones	John Jones		Feb'ry, 1801	500	White	1790			St. John's river.
119	Ezekiel Tucker	E. Tucker		Mar. 18, 1817	150	Coppinger	1799			Nassau river, Tucker's creek.
120	Stephen Eubank	Stephen Eubank		Feb. 4, 1806	255	White	1790			Bounded by the lands of E. Tucker.
121	P. Dupon	P. Dupon		Oct. 8, 1817	3,000	Coppinger	1790			Spring Garden.
122	M. Villalonga	M. Villalonga		Oct. 24, 1801	10	White	1790			Without the gates of St. Augustine.
123	....do	....do		Nov. 10, 1790	6					Do. do. do.
124	Pablo F. Fontane	Pablo F. Fontane		May 15, 1815	3,000	Kindelan	1815			Vackasa creek.
125	Jacob Worldly	Jacob Worldly		Nov., 1806	Undefined	White	1790			Trout creek.
126	Ezekiel Tucker	E. Tucker		1805	100	....do	1790			Nassau.
127	P. Peso de Burgo	P. P. de Burgo		April, 1815	400	Kindelan	1815			St John's river.
128	Hannah Smith	Hannah Smith		1817	400	Coppinger	1790			Deep creek.
129	Charles Gobert	Charles Gobert		Nov., 1804	2,000	White	1790			Lunn's island, St. John's river.
130	Joseph M. Hernandez	J. M. Hernandez	April 8, 1818		Undefined	Coppinger	1790			A marsh in front of his farm.
131	Sebastian Garcia	S. Garcia		Nov. 9, 1792	15	Quesada	1790			Outside of the gates of St. Augustine.
132	....do	....do		1802	6	White	1790			Do. do. do.

The four claims marked thus (†) are British grants.

C. DOWNING.
W. H. ALLEN.

REPORT No. III.

No. 1.—*James Dailey, claimant for* 23,000 *acres of land on Dunn's lake.*

An application for six miles square on Dunn's lake, in absolute property, to establish a saw mill. The decree is dated on the 10th November, 1817, and makes the grant *in absolute property.*

We have already said that there is no permission to erect a mill over which a deep suspicion does not rest which passes the title to the soil, and does not prescribe that the grant is void unless the mill is erected. This grant conveys more land than any other of the kind. It is for six miles square; and G. Clarke certifies that he surveyed to the claimant in December, 1817, 23,000 acres of land. We do not believe this grant is valid. It is Aguilar's certificate of title, and nothing more. It is rejected.

No. 2.—*Joseph Dalespine, claimant for* 43,000 *acres of land.*

No. 3.—*Same, for* 10,244 *acres of land.*

The first is for services for various sums of money which he claims of the royal finance for supplies, provisions, &c.; and thirdly, for the losses which he has sustained during the years 1813 and 1814 for his loyalty, &c. This appears by the memorial of the claimant to the governor, April 6, 1817, in which he also states that for all these he had received no recompense. He therefore prays for 50,000 acres in fee simple on the west side of Indian river, or river Ys, opposite Marratt's island On the 9th of the same month Coppinger decreed that 43,000 acres should be granted.

This is Thomas Aguilar's certificate. We cannot recognize this grant as valid. Coppinger was liberal enough, but Aguilar would make him boundlessly extravagant. It is rejected.

There is on the back of the Spanish certificate of title an acknowledgment from Dalespine that he holds one-half of the land claimed in trust for Michael Tagarges, of Charleston, and a covenant to convey it to any one whom the said Tagarges may designate.

No. 3.—Pablo Fontane, of whom Dalespine is a purchaser, produces the certificate of T. Aguilar to this effect: that in 1817 he, Fontane, presented his memorial to the governor, stating that, as others had obtained lands for services, he had formerly procured a grant of four miles square on Trout creek, which, when examined, was found to be private property; wherefore he wishes to locate the grant on Indian river. The governor assented to the proposal. It does not appear that the original of Aguilar's certificate, or the papers of the first grant on Trout creek, said to be returned, are found in the proper office. But in 1820 there is another petition and memorial of Fontane for a survey. The decree is favorable, and we believe the signature is the governor's own handwriting. It is furthermore certified by Entralgo, and we can have no doubt that the grant was made. Andrew Burgevin, by direction, surveyed it. This grant will depend for its decision solely on the power of the governor, on which point we have already expressed our opinion. We should have remarked that Fontane styled himself a merchant in this case, as does Dalespine himself in the preceding.

No. 4.—*Eusebio Maria Gomez, claimant for* 12,000 *acres of land.*

Thomas de Aguilar, secretary of government, certifies that, on the 15th day of July 1815, Eusebio Maria Gomez presented a memorial praying for 12,000 acres of land, for services and head rights, situated on the rivers Jupiter and Santa Lucias, including the old English settlements on said rivers; to which Governor Estrada made the following decree on the 16th of the above month and year: "Let there be granted to the interested, on the terms which he indicates, the lands which he solicits, in the place pointed out, without injury to a third person, as the services which he states are well known to this government; and, that this gift may be made known, let there be issued to him from the secretary's office the corresponding certificate." We have always required the party to show some cause, however slight, for the loss of the original of Aguilar's certificate. This is not attempted; and, independent of all other grounds of objection, on this alone we would reject the claim.

No. 5.—*Daniel O'Hara, claimant for* 15,000 *acres of land.*

Thomas de Aguilar, secretary of government, certifies that Daniel O'Hara presented a memorial, dated September 3, 1803, soliciting 15,000 acres of land, (vacant,) situated at a place called Nassau, between the rivers St. John's and St. Mary's, when the survey takes place. Governor White passes the memorial to the commandant of engineers for his report; agreeably to which, Governor White made the following decree, dated the 5th of the same month and year: "Let there be granted to this interested the land which he solicits, without injury to a third person; and until, according to the number of workers he may have for its cultivation, there shall be measured what he is entitled to, it being well understood that he cannot claim damages for injuries, in case that, from fear of an invasion or other motives of the royal service, he be ordered to retire into the interior of the province; and that he must take possession of the said land within the space of six months from the date."

This, if genuine, of which we are not satisfied, is a mere grant for head rights, and is a bare declaration that, when he proved the number of his family, he should have surveyed to him as many acres as, by the regulations, he was entitled to. It does not appear that he proceeded to perfect his title, or to ascertain the number of acres, or to cultivate and possess it. Rejected.

No. 6.—*Philip R. Young, claimant for* 25,000 *acres of land.*

This is a plain royal title, made by Governor Coppinger in 1816 for services. The land in the grant is located at Spring Garden, and subdivided as follows: 12,000 in the neighborhood of a lake named Second, and known as Valdey's, and the remaining 13,000 at a larger lake higher up, known as Long lake; all on the west side of the river St. John. If the governor had power to make so large a grant, this is good; but, as our opinion is adverse, we cannot recommend it.

No. 7.—*George Fleming's heirs, claimants for* 20,000 *acres of land.*

This land lies on Indian river, at the mouth of St. Sebastian's river. There is a royal title in 1816 for services. If the governor had power to make so large a grant, this is a good one.

No. 8.—*Antonio Acosta, claimant for* 8,000 *acres of land.*

This is another of Aguilar's certificates, without an original. In May, 1816, "as he has been a constant resident at Fernandina, being continually employed in mercantile pursuits; has served whenever the governor thought proper; has been ready with his person, funds, and influence, in the defence, &c., of this town, (Fernandina;) has never received any salary, &c., for his expenses, supplies, and losses; and has refrained from troubling the government with his importunities," he prays for 8,000 acres of land. But as he is ignorant of the lands that are vacant, and wishes to avoid disputes, he prays the governor "will be pleased to approve the surveys, whenever the surveyor general shall have done so, on vacant lands."

The grant is made, with special directions to the surveyor general to have them surveyed.

If this grant was evidently genuine we should deem it incomplete. It is a promise to recognize a survey when made, and a power given to make it. There is no evidence that the survey was made; there is no pretence that it was recognized when made, and the grant consummated by such recognition. It is true that, in the memorial to this board, he says "the land was surveyed in the usual manner pursued by Mr. Clark: 1,500 acres in Jobing Hammock; 1,500 acres on the north of Dunn's creek; and 1,000 acres at Bowley's old field, with a tender of those surveys when required." The surveys are not produced; and if there was no objection to the grant on the proof of its genuineness, we should require some evidence that the surveys were shown to the governor, and approved and ratified. It is rejected.

No. 9.—*Francis J. Avice, claimant for* 500 *acres of land.*

This is a part of grant of 30,000 acres made to —— Arredondo, and confirmed by board of land commissioners. We have no wish or power to sever it from the larger grant; the one will decide the fate of both.

No. 10.—*Francisca Aguilar, claimant for* 30,000 *acres of land.*

It appears that the petitioner possessed a certificate of Thomas Aguilar, and presented it to the governor of Cuba in 1823, with a request that a certified copy of Aguilar's certificate should be made by the notary of Cuba, and the original, to wit, Aguilar's certificate, returned to her. This is done with all the imposing pomp of the seal notarial, &c.; but it amounts simply to this: that, in 1815, Aguilar certifies that Governor Quesada, in 1794, on the 24th of February, granted to the petitioner, in absolute property, 30,000 acres of land at a place called Haw Creek, situated to the south of the river St. John's, about twelve miles distant therefrom.

Let us look at the memorial on which the grant is made. In 1794 Don Juan Rodriguez states "that having a sufficient number of slaves to dedicate himself to agriculture and the raising of horned cattle, and also to aid in the maintenance of his large family," he hopes that his excellency, following the spirit of royal orders, which protects the Spanish inhabitants who have sacrificed themselves in the service of the said province during the *turbulent times* which have taken place in it, your memorialist having been one of *its defenders;* for which reason he prays," &c.

Now, every remark made by us in the case of the two Arredondos will apply with double force to the case before us, with this essential difference against this claim: that in 1794, when this grant bears date, we do not believe that any disturbance whatever had taken place in this province. In 1796 there was a small rising on the St. John's river, and the Arredondos may claim that services were rendered at that period. But here is a bold appeal in 1794 to the governor to reward services performed "during the turbulent periods which have taken place in it;" and there was no turbulence until 1796. "Following the spirit (we use the words of the memorial) of the royal orders, which protects the Spanish inhabitants who have sacrificed themselves in the service of the province;" such, in 1794, is an appeal to the provisions of a law passed in 1815. We are unwilling by any opinion of ours, liable as we may be to error, to debar any individual from a redress in the courts of his country. We will not, therefore, pronounce this grant a fraud or forgery, but we unhesitatingly reject it.

No. 11.—*George Atkinson, claimant for* 15,000 *acres of land.*

George Atkinson petitions the government, on October 8, 1816, for 15,000 acres of land in Cedar swamp, and on the west side of a lake called Upper Little lake, for his services during the years 1812, 1813, 1814, and 1815; to which Governor Coppinger made the following decree on the 20th of the above month and year: "Taking into consideration the merits, as set forth by Don George Atkinson, and the benign will of his Majesty, requiring that his meritorious subjects be rewarded, I grant him possession, and without injury to a third person, of the lands which he solicits in his memorial; and, agreeably to which, the surveyor general will survey the same in the place he points out, or in others that may be vacant, and being in places equally advantageous.

"COPPINGER."

No. 12.—*George Atkinson, claimant for* 4,000 *acres of land.*

This grant bears date February, 1810. It is first certified by Thomas de Aguilar, and afterwards by Juan de Entralgo, as on file among the papers under his charge as escrivano. Mr. Fatio, the clerk of this board, certifies that the original of the paper produced—itself evidently a copy—is on file in the office of the public archives.

Meranda, from whom Atkinson purchased, petitioned for this land for his services as a place on which to work his negroes. It seems strange that Governor White, whose rigorous refusal to give large portions of land is so remarkable, should break down a settled principle of action more than once in favor of this individual. Meranda was, as he declares in some of his memorials to the governor, the second

pilot of the bar. If we credit the document here produced and filed to this second pilot, Governor White, after having already granted 368,000 acres for his extraordinary services, gives, in addition, the 4,000 acres claimed as above. In addition to all this, the grant is made for services in 1811, and the law authorizing such grants was passed in 1815. On this subject we beg leave to refer to our remarks in the case of Arredondo, of this abstract No. 15. We cannot recommend it.

No. 13.—*F. M. Arredondo and son, claimants for* 38,000 *acres of land.*

A grant, by concession, of 38,000 acres of land "situated on both banks of a creek which empties into the Suwannee river, called Alligator creek, commencing seven miles west of the Indian village called Alligator Town, about forty miles from Payne's Town and eighty miles from Buenavista, known under the denomination of Alachua."

The petitioner declares his services and the increased number of his hands as an inducement for the grant, and it is made by Governor Coppinger "in absolute proprietorship." On March 24, 1817, at a subsequent period, Andrew Bergevin was authorized to survey the land; but it does not appear to have been done. We have no doubt but this grant is genuine, and the sole question to be decided is as to the power of the governor. We have already given our views on this point. If we are right, the claim will be rejected, unless Arredondo had the requisite number of workers to entitle him to so large a grant. It will be submitted to the courts of the country for a final decision.

No. 14.—*F. M. Arredondo, claimant for* 50,000 *acres of land.*

This grant is similar in all its parts to the preceding; it is dated in 1810. It is certified by Aguilar in the first instance, by Philip Alvaris afterwards, whose character for good faith and credit, judicially and extrajudicially, is avouched by the same witnesses notarial, as in the other following this; it comes from the same offices; it is signed by the same governor; it is granted for services, under the order of 1790, in the same form and manner as the preceding; it is then liable to the same objections, and must share the same fate. We cannot recommend it.

No. 15.—*J. M. Arredondo, claimant for* 40,000 *acres of land.*

The title paper in this case is an unqualified and unconditional royal title, purporting to have been made by Governor White on the 12th day of January, 1811. The preamble declares that whereas Don Joseph de la Mazo Arredondo, a *subject* of his Catholic Majesty, resident and merchant of this city, &c., has represented, &c., praying for a concession of 40,000 acres in absolute property, at a place called Oquilabaga, &c. In consequence of the merits and the well *known services* of the petitioner, rendered by his person and property during the unfortunate period under which this part of his dominions labored; and, at the same time, according to what is set forth in the royal order of 1790, relative to the granting of lands free of expense to *new settlers:* wherefore, and being known to me the merits and laudible services of the memorialist, I have thought proper to grant, &c., the 40,000 acres solicited, &c. The residue of this grant is in the usual form. The genuineness of this grant is evidenced by the certificate of Thomas de Aguilar, and subsequently, on March 18, 1819, by the certificate of Filipe Alvarez, that this is in conformity with the original on file in the notary public's office at Havana, and of Don Joseph Leal, that he, Alvarez, is another notary. If this grant, either by copy or original, was ever on file in the archives in this city, it has not been made known to the board, nor is there any attempt made to account for the strange fact, that the original of a grant to land in Florida should be on file in the Havana and not in the city of St. Augustine.

There are many objections to this grant, besides the want of power in the governor to depart from the line of his instructions, as laid down by the royal orders under which he acted:

1st. The bare certificate of Aguilar is not sufficient to justify us in recommending for confirmation.

2d. It is suspicious that this grant and this certificate should be found in Cuba without a trace of it remaining here. It was made, if made at all, by White, the governor here; Aguilar was the secretary here; here was the land, and here all similar records were deposited. We should require that some satisfactory reason should be given for the departure in this case from a rule almost universal. Great care was taken by the American commissioners, at the change of the flags, that the titles to property should not be removed to Havana; and it is believed that care, accompanied by some violence, was effectual.

3d. Governor White was more rigorously exact in granting lands than any who preceded or came after him. His regulations are exact and precise, and his official declaration uniform and peremptory on this subject; and we doubt whether there is one single exception to Governor White's adhesion to the rules which he had prescribed for himself *under the provisions* of the law, unaccompanied by positive suspicion of unfairness.

4th. The grant is made under the order of 1790, "relative to strangers;" Arredondo was a "resident and subject." The order of 1790 requires that lands should be granted in proportion to the workers; here nothing is said of workers, but it is granted for services. Now, whatever may have been the practice of his successors, we doubt that Governor White ever granted lands for a particular reason, and cited the law in the body of the grant as his authority, directly adverse to the authority claimed.

5th. This grant was made "for the merits and well known services of the petitioner" in 1811; and the law giving authority to reward services by grants of land was passed in 1815; and the war which gave occasion to the law commenced 1812.

We are not disposed to pronounce on the authenticity of this grant so as to bar the claimant from his remedy in a court of law, but we cannot recommend it for confirmation.

No. 16.—*F. M. Arredondo, claimant for* 250,000 *acres of land.*

This is one of Aguilar's certificates, dated April 2, 1809. It states: "That to the memorial of the claimant of the same date, soliciting, in virtue of their merits and services, which rendered in favor of his Majesty, in the city, with his person and his property, the concession, in absolute property, of ten miles to each cardinal point of the compass, of vacant lands, at a place called *Calaso Gachey* in the Spiritu Santo, its boundary running from the river of the same name to the river Manaty, in consequence of this solicitude the following decree was this day made known thereon:" "Being, as they are, evident to this government, the merits and recommendable services rendered by the interested in this representation, I

have thought proper to grant him, as in the name of his Majesty I do grant him, in absolute property, the said ten miles of land, in a square, for himself, his heirs, and successors." "Without the necessity of any other title, separating the royal domain from the right and dominion which it had to said lands, ceding and transferring them to the said Arredondo, his heirs, and successors, that, as their own, they may use and enjoy them without any encumbrance whatever, with all its entrances, outlets, uses, and customs, and everything else that belongs to it by right; and for his security and confirmation in any event, the secretary of government shall despatch to him the corresponding certificate.

"WHITE.

"And, in compliance with what is ordered in the preceding superior decree, I give the present in St. Augustine, Florida, the 2d day of April, 1809. THOMAS DE AGUILAR."

There is a copy of the memorial and decree forwarded from the city of Havana, with another certificate of Aguilar, dated January 5, 1824, that the original remained in the hands of the claimant. The evidence in support of the claim is this: The deposition of the same Aguilar, taken by interrogatories, directed to Havana, and the affidavit of William Reynolds, late keeper of the public archives of this city. Aguilar recollects perfectly of making the grant, and swears to the power of Governor White to do so. He gives his opinion that a copy of the grant may be found in the office of Vedal, of that city, and swears that the copy heretofore spoken of is a correct one; that the grant was not only legal, but, from the services of Arrendondo to the government, highly merited. All of which facts and circumstances he is fully acquainted with, having been for many years secretary to the government. When cross-examined, he says "it was not a general custom to have grants for lands in Florida recorded in Havana, and that the copy of this grant was there recorded lest it should be lost or mislaid. A course not necessary, but optional with the parties, grants being universally recorded in Florida where the lands lay." He then deposes that the copy of which we have spoken is a correct one.

William Reynolds, in his affidavit before a justice of the peace, deposes that he had seen in the office of Mr. Law, late alcalde, a paper purporting to be a grant to F. D. Arredondo, jr., by Governor White, for a large tract of land in East Florida, which said document has not been in the possession of the affiant, as keeper of the public archives. One-fourth part of this land has been sold by claimant to Moses E. Levy, by deed bearing date January 4, 1822.

From the abstract of the documents and testimony rendered as above, the opinion of this board must be against this claim. It is a certificate of Tho. Aguilar, with a certified copy of that certificate from Havana, where the grant, properly, never should have been recorded. It is a grant made for services in 1809, six years before the royal order of 1815, the only authority that we know of, given to the governors of East Florida, to reward the services of subjects by the donation of lands. It is said to be made by Governor White, who was more rigorously exact in conforming to the laws and ordinances, and more parsimonious in his grants, than any governor who preceded or came after him. It is made in absolute property, which was never done and could never be done, until the royal order of 1815, and to a man who, by the evidence before the board, was twenty-one years of age at the date of the grant, and a minor by the Spanish laws. We will not by our sentence preclude the party from going before the courts, but we cannot recommend it for confirmation.

No. 17.—*Peter Merando, claimant for* 368,640 *acres of land.*

As this is a large grant, and one which has been much spoken of, we shall give at length the petition of the party, and the decree of the governor:

ST. AUGUSTINE, FLA., *November* 19, 1810.

SEÑOR GOVERNOR: Don Pedro Merando, second pilot of the launch of the bar of this port, with the most profound respect, states to your excellency that he has had the honor to serve his most Catholic Majesty (whom God preserve) from the year 1788, when he was employed as a rower in said launch, in which capacity he continued until, by his distinguished merits and skill, he was appointed to his present employment. Furthermore, your excellency well knows the truth of his good management, fidelity, and love of the service of his Majesty, proved in divers expeditions, which, by order of this government, the deponent made in the year 1795, in the rivers of this province, when it was ravaged by the rebels; and as for such remarkable services, and others latterly performed to the satisfaction of your excellency: wherefore he prays your excellency to be pleased, in recompense of what he has set forth, and in consideration of his impoverished situation, to grant him an absolute property, eight leagues square, in the royal lands which are on the waters of the bays of Hillsborough and Tampor, in this province, by virtue of the royal orders for the granting of lands gratis to the Spanish subjects, a favor which he hopes to obtain from the justice of your excellency. PEDRO MERANDO.

ST. AUGUSTINE, FLA., *November* 26, 1810.

The merits and services which this party sets forth being well known and established, let there be granted to him, on the terms which he solicits, the quantity of land, at the points indicated, without injury to a third person; and to authenticate this grant at all times, let a certified copy of this memorial be issued from the secretary's office for his security.

WHITE.

The witnesses examined in this case before the former board of commissioners are Gabriel W. Perpall, F. Bethune, James Hall, Antonio Alverez, and B. Segue. The only point upon which their examination goes is the authenticity of the original and the signature of Governor White. Perpall says that "it looks like the signature of White, but he cannot swear to it." "That, from the finishing of the flourish attached to the name, he cannot believe or disbelieve it to be genuine, as the difference might arise from the position in which the writer's hand was placed, or from some other cause."

Carrado has never seen the governor write, and knows nothing about it.

Bethune does "not think the writing as perfect as Governor White's signature usually was, the governor being remarkable for great precision therein; but it may nevertheless be his, as it may have been written when he was unwell." When cross-examined, he says "the governor died in 1811, and had been indisposed several months before his death, but was not confined to his bed." That he had seen the governor sign different decrees, some of which were for land, and some for passports, but *neither* within a

few months before his death." When asked whether he had seen Governor White write on any other occasion than those mentioned above, so as to enable him to acquire a knowledge of the governor's handwriting, he answered in the negative. He says, furthermore, "that the governor, a few years before his death, drank a little hard in the afternoon, though he did not usually transact business at that time." The witness, in 1810, lived on the river St. John's, and came occasionally to town.

James Hall was acquainted with the governor from 1798 until 1810, and "has often seen him write." When the original was presented to him, he said "the signature of White looks something like the governor's, but witness had never seen any of his writing done so incorrectly as this." That his opinion is formed "from the latter part of the name *White*, which appears to have been written lower down than was usual with the governor." "That this is the only material difference perceived by the witness, though the whole does not appear so correct as he, White, usually wrote."

The above witnesses seem to have been sworn on the part of the United States, and those that follow on the part of the claimant. Antonio Alverez deposes "that he is acquainted with the handwriting of Governor White. That he has been a clerk in his office, in which situation he has often seen him write. That he entered said office in the year 1807, and continued there with two slight intermissions, until the change of flags in 1821;" when the original concessions, brought before the board, from the office of the public archives, by the keeper thereof, was exhibited to the witness, and he was asked whether he believed the signature "*White*" to be genuine, he answered simply in the affirmative. When cross-examined, he deposes "that his opinion of the genuineness of the signature is formed both from the signature itself and the flourish immediately under it." "He has no particular recollection of the *t*'s or the *e*'s in Governor White's name, or the manner in which the first was crossed, or the second joined to it, but from the general appearance of the signature believes it to be genuine." He does not believe the *e* is made totally different from the manner in which Governor White usually made it, but it seems closer to the *t* than Governor White placed it usually; that the governor signed his name with great uniformity, and he considers this signature regular and uniform."

The witness knows nothing of the making of this grant. He says that concessions for lands were deposited in the government secretary's office. When asked if it was within his knowledge that, since the time at which this concession was made, it had always been in the said office, he adverted to the date of the concession, and answered in the affirmative. He, furthermore, deposes that vacant lands, situated at a distance from St. Augustine, were not considered of much value or importance about the year 1810; and to the question of the district attorney, he answers "that Goveronor White was always cautious and sparing in granting to individuals any part of the public lands." B. Segue "is well acquainted with the handwriting of Governor White, having seen him write many times." Witness lived in the government notary's office, from whence it was his duty, almost every day, to carry papers to the governor for his signature. In this office he continued, with a few intermissions, from the year 1800 to the year 1812 or 1813. When the grant now under adjudication was presented to him, and he was asked whether he believed the signature to be genuine, he answers "that he has no doubt of it." He says, further, "that he became acquainted with the existence of this grant a few days after it was made, as he (the witness) drew the memorial at the request of Mr. Merando; and that the lands, situated at such a distance from St. Augustine as those granted by this concession, were then considered of very little value.

On a question of the district attorney, whether the governors of this then province were not regulated in the distribution of lands to individuals more by the principles and rules they had adopted and established for the granting of lands than the value of lands granted? the witness answers "that the governors were regulated, in the granting of lands, by the merits of the individual, the number of his family, or the value of the lands asked for, according to his own discretion." We have thus given, at full length, the documentary evidence upon which this claim is based, and an abstract of the evidence taken before the board of commissioners, nearly as long as the depositions themselves, adopting, for the most part, the language of the witnesses; not that we have deemed this testimony at all important to the decision of the case, if our decision was final, but it may be satisfactory to the numerous claimants under the pretended grantee. It seems to us strange that the name of White should be attached to a grant like this, whose uniform practice and unvarying declarations have shown, in the language of the witness Alverez, "that he was always cautious and sparing in granting to individuals any part of the public lands." There are many letters of Governor White to the superintendent at Cuba. There are many of his decrees and regulations, in all of which he has invariably declared that he would conform to the laws in granting of lands. Nay, more, he has, by his own act, made those laws more rigorous than they were, and circumscribed within narrow limits his own authority. He has said in his letter to the governor general of Cuba that the regulations of Quesada were too liberal, in granting one hundred acres to the heads of families, and one-half of that quantity to its members; and by his (Governor White's) own decree he has reduced the relative quantity to fifty and twenty-five acres.

If we examine the laws of Spain, we shall see by the laws of the Indies, published in the recent copy of the Land Laws, page ——, and in the royal order of 1754, so much spoken of, published in the same book, for the first time, page ——: we shall find by those laws that no authority is given for a grant like this. The only subsequent decree upon the subject of land, which we have been enabled to discover, is the royal order in 1790, made specially for this province. That order applies exclusively to foreigners; and it was a matter of courtesy on the part of the governors to extend its provisions to the native subjects of Spain. It has been contended that, by the provisions of that order, there is no fixed quantity of acres named, to which the party should be entitled; or, in other words, the power of the governor, upon that subject is left without limit. Without adverting to the many declarations of his Catholic Majesty, made in his royal orders, of dates both previous and subsequent, that lands should be granted in proportion to the workers of a family, or, in other words, that no man should have granted to him more lands than he could cultivate; and, furthermore, that lands should only be given for the sake of cultivation and improvement, and not for the sake of speculation, we might admit, for the sake of argument, that the quantity to be granted was left only to the governor's discretion. That discretion has been exercised by Governor Quesada, in the first place, and afterwards by Governor White. This last governor, in his letter to the Marquis De Somerruelos, the captain general of Cuba, dated October 15, 1803, uses these words: "My predecessor has assigned one hundred acres of land to the fathers of families, and fifty to each child or slave, whether full grown or small, a quantity really excessive, and could only have taken place at that time in which there were few strangers who came in solicitude of lands; but at present there are many who come, and consequently there would result the greatest injury in the improvement of the province, unless said number of acres be diminished, on account of its being more than one individual can cultivate

in a year, even divided into three parts, for the purpose of giving rest to the lands. Which circumstance I have had also present for the deduction which has been made."

After this, it is impossible for us to believe that Governor White, either *before or after dinner*, ever made a grant of 368,640 acres of land to any individual whatever. The grantee cannot claim the land under the laws of the Indies, or the royal orders of 1754 or 1790, and we know of no authority vested in the Spanish governor, before the year 1815, to make a grant to any individual for services, however much more than Governor W. that governor may have been disposed to be liberal.

If we look at the grant itself, and take the claim and merits of Miranda, as set forth by himself, to be true, how contemptible and ridiculous do they seem when viewed as a basis for a grant like this. P. Miranda, second pilot of the launch of the bar of this port, promoted by his distinguished merits and skill, from a common rower on board of said launch, claims a principality as his reward. In addition to high services as pilot and rower, he represents that he has made some magnificent expeditions in the rivers of this province, and then, for his services and his poverty, modestly begs for eight leagues square, by virtue of the royal orders for the granting of lands gratis to Spanish subjects.

We will not pronounce this grant a forgery, and thus debar the party of the rights which he may have acquired by the law of May 23, 1828. We are prevented from this by the deposition of Segue and Alvarez; but we think it our duty to say that we view any grant purporting to be made by Governor White to a larger amount than is prescribed by the royal orders and by his own regulation as extremely suspicious. We consider him the most correct governor who has ever presided in East Florida, the most strictly observant of the laws, and the most parsimonious of the public lands, and we do firmly believe that if his example had been followed by his successors, *and if his name had never been signed after his death*, there would now be no confusion in the land titles of East Florida. We furthermore believe that previous to the year 1803 Governor White never made a grant of land more extensive than that prescribed by the regulations of Quesada, nor subsequently to that period more extensive than was permitted by his own. We do not believe that he has ever yet made a grant for services, nor for anything other than head rights; that he has never made a grant, *when living*, of 20,000 acres to one individual, whatever he may have done since dead, and that he has never made a grant within the Indian boundaries, within which limits this land then lay. It is true that the original of this document or claim has been found in the office of the public archives, but it is a matter of history that the papers now deposited there were for a long time after the change of government most loosely kept and guarded, and it was a matter of equal facility to take a paper out or smuggle it in. From the best evidence we have been able to acquire upon this subject, it appears to the board that there were two offices at this place under the Spanish government: the escribano office, which was regularly kept in books, stitched together in consecutive pages, with all the records closely following each other, so as to make it extremely difficult to interpolate a grant. For the records of this office we have high respect; it seems to have been a place where all grants were recorded when fully matured. The other, the office of the governor's secretary, was of a different character; here all the papers were in loose and detached sheets, easy to have been taken away, or to have had a forged document thrust among them, without the power of detection. This is the office in which all the memorials for lands, with the inchoate decree of the governor, were first thrown; and it does appear to the board that these first decrees do in no case amount to a grant, but barely give to the applicant the right to become a settler upon the performance of all the conditions imposed by the law. We will give an exemplification of our ideas: A B, upon coming into the province, if he is a new settler, writes his memorial to the governor, and applies for 50,000 acres of land. The governor says, "Let it be granted until, according to the number of his family, the portion to which he is entitled is allotted to him." This paper is thrown into the governor's secretary's office, and, as we conceive, is itself no record, and conveys no title. It is a bare permission to the applicant to settle in the country, and to receive his lands, if he shall take the oath of allegiance; 50,000 acres, if he has workers enough to justify the grant, and 500 if by the number of his family he is entitled to no more. It will not be pretended that the party could claim the lands thus granted if he never afterwards took the oath of allegiance, nor can it be pretended that by the mere grant, as above supposed, the 50,000 acres are conveyed until some subsequent step is taken by the party to consummate his title. In addition to the oath of allegiance, he was required to swear to the number of his workers, and when this was done, *according to the number* of his workers *was the quantity granted*, and subsequently surveyed by the public surveyor. Then it was that the documents were all transferred to the office of the escribano, fairly written out in a book of records, and entitled to the fullest confidence; but the loose papers in the governor's secretary's office, the first memorial and decree, such as we have just described it, do not seem to have conveyed any title, to have been considered any record, or worthy of any preservation. It was over this last office that Thomas de Aguilar presided; it is from this office that so many monstrous grants have emanated; it is from this office that the originals of Thomas de Aguilar's certificates of grants are lost, and it is in this office that the original of the grant before us is to be found. It may be as well from the loose manner in which these documents in the governor's secretary's office were kept as from the little faith to be attached to Aguilar's certificates that so many of the originals of those certificates are lost; and, if the view which we have taken of this matter be correct, Aguilar may have been a meritorious officer, his certificates perfectly genuine, and the grants which are pretended to be conveyed by them of no validity. It is possible that, after making the application for the lands, as certified by Aguilar, the party, unable or unwilling to comply with the conditions, had abandoned his intention of becoming a Spanish subject and a Spanish grantee, and yet, having scrupulously preserved the certificate of Aguilar, given at the time when the original, known to be of no value, was thrown away, has come before this board since the change of flags and applied for the lands; and such a case, if it were not for the "grant on absolute property," might we deem this of Miranda's to be. If he had asked for ten leagues square of Governor White, and the governor had said, "Let it be done in proportion to his family," and Miranda had proved that he had a thousand negroes or a thousand children, Miranda would have been entitled to the amount, however large, which, by the regulations, he could claim for them; but as he has proved neither the one nor the other, and has never surveyed the land, even if the grant be genuine, he can take nothing by a title like this.

No. 18.—*F. M. Arredondo, claimant for* 1,500 *acres of land.*

This is a part of a grant for 10,000 acres of land made to Entralgo, and recommended for confirmation by the board of land commissioners.

No. 19.—*Belton A. Copp, claimant for* 1,500 *acres of land.*

This is a part of a grant made to George Clarke for 26,000 acres, already reported.

No. 20.—*A. Gay, claimant for* 500 *acres of land.*

This is a part of a grant made to George Fleming, and reported in this abstract, No. 7.

No. 21.—*Peter Miranda, claimant for* 2,000 *acres of land.*

This is a part of 10,000 acres claimed by Miranda, and recommended to Congress for confirmation by the former board of land commissioners.

A part of this same claim, 4,000 acres, has been sold to Juan B. Entralgo, and recommended by the same board.

No. 22.—*Jos. M. Hernandez, claimant for* 10,000 *acres of land at Salt Spring.*
No. 23. " " 5,000 " *west side of St. John's.*
No. 24. " " 5,000 " *east of St. John's.*
No. 25.—*Frs. P. Sanchez,* " 1,400 "

These tracts are all claimed under the same title. On the 18th November, 1817, Joseph M. Hernandez alleging, in his memorial to the governor, "That his, the governor's, power for the distribution of land is unlimited," for the several causes of "military services and an increased force on the part of the petitioner," prayed the donation of 20,000 acres of land, divided as above specified. The governor alleges that, as the petitioner is one of those who contribute most to the improvement of the province, the land is granted in absolute property and dominion.

In 1820, on the application of Hernandez, Andrew Burgevin was authorized to survey the several tracts. He did so, and for his service Hernandez conveyed to him 1,400 acres, the same now claimed by F. P. Sanchez, No. 25.

If Hernandez is correct in his memorial, &c., "the power of the governor to grant lands was unlimited," then this claim of 20,000 acres is good; but, as we entertain and have expressed a different opinion upon that subject, we cannot recommend the whole of it for confirmation.

No. 26.—*Francis P. Sanchez, claimant for* 500 *acres of land.*

This is a part of 10,000 acres granted to F. M. Arredondo, 5,000 acres of which, lying upon Back creek, was sold to John B. Entralgo, in whose name that quantity was recommended by the former board of land commissioners; and 4,000 acres of the same grant, lying east of Spring Garden, have been recommended in the name of the same individual. These three are parts of one integral grant, and cannot be severed in the decision.

No. 27.—*Henry Eckford, claimant for* 46,080 *acres of land, Hillsboro' bay.*

This is part of the land claimed by Pedro Miranda, No. 17 of this report.

No. 28.—*Jasper Ward, claimant for* 128,000 *acres of land.*

No. 29.—*Dionisia Segue, claimant for* 5,333 *acres of land.*

No. 30.—*Dionisia Segue, claimant for* 4,000 *acres of land.*

No. 31.—*Anne Ortega, claimant for* 100 *acres of land.*

No. 32.—*Anne Ortega, claimant for* 100 *acres of land.*

No. 33.—*Ralph King, claimant for* 5,000 *acres of land.*

These claims are portions of large grants purchased of the grantees by the several claimants.

No. 28 is a moiety of a large Alachua grant made to F. M. Arredondo & Son, which was recommended for confirmation by the board of land commissioners.

No. 29 is a part of a mill grant made to Samuel Miles, and reported on by this board during the session of 1827.

No. 30 is a part of a grant made to E. M. Gomez, and reported on above, No. 4.

No. 31 is a part of a large grant made to Peter Miranda. See this report, No. 21.

No. 32 is part of a grant made to Antonio Huertas, which was recommended by the board of commissioners.

No. 33 is part of a mill grant claimed by F. Bethune, and reported on by this board during the last session.

No. 34.—*Andrew Burgevin, claimant for* 500 *acres of land.*

No. 35.—*A. Burgevin, claimant for* 500 *acres of land.*

No. 34 is situated on a branch that runs from the west into the river St. John's, and is about twelve miles south of Lake George. It is a part of a larger grant made to A. Huertas, and already reported on, by whom this tract was sold to the present claimant.

No. 35 is situated at a place called Big Spring, and is a portion of a large grant made to Peter Miranda, and also reported on.

No. 36.—*Jacob Worldly, claimant for 4 miles square of land.*

This claim was filed here on the 12th November, 1828, and we regret that it was filed at all, as it is decidedly the most confounded claim that has ever been presented to us; it is a mill grant, all of which we thought we had decided on during the last year. On the 27th April, 1817, Jacob Worldly, representing himself to be desirous of building a water saw-mill on Trout creek, on the river St. John's, applied for a right of "four miles square, or its equivalent, for the necessary and contingent consumption of wood." On the 3d June, same year, the grant was made by Governor Coppinger, under the precise conditions "that until the said machinery is erected the concession shall be without effect;" and further, "with the understanding that unless the construction of said machinery shall take place within the term of six months from the date hereof the said grant shall be null and of no value."

This was in June, 1817; the claim, as we have said before, was filed in 1828, a term of more than eleven years. It is not proved or pretended that the machinery was erected within the six months prescribed by the grant, or at any subsequent period up to the present time, and yet it is claimed by Worldly. It is rejected.

No. 37.—*The heirs of Thomas Fitch, claimants for 4,500 acres of land.*

Governor Coppinger issues a royal title for four thousand five hundred acres of land, situated on the river Halifax, for services under the royal order of March 29, 1815, to Fernando de la Maza Arredondo, jr., which title is dated March 7, 1816. Thomas Fitch has purchased of Arredondo, and claims before this board. It is considered a good claim, and we recommend it for confirmation.

No. 38.—*Domingo Fernandas, claimant for 16,000 acres of land.*

This claim is bad; it is supported by no other evidence than Aguilar's certificate, dated November 17, 1817. It purports to have been granted for the many losses and services of the petitioner. The lands are located by the petition itself in Cabbage swamp. We cannot recommend it for confirmation.

C. DOWNING.
W. H. ALLEN.

REPORT No. 3.

Register of claims to land exceeding 3,500 acres which have been reported to Congress during the session, 1828.

Number.	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.	Date of survey.	By whom surveyed.	Situation.	General remarks.
					Acres.						
1	James Darley	James Darley		Nov. 10, 1817	23,000	Coppinger		Dec. 17, 1817	Geo. J. F. Clarke	Dunn's lake	This is Thomas de Aguilar's certificate.
2	Joseph Delispine	Joseph Delispine		April 9, 1817	43,000	do	1815			Indian river	Do. do.
3	Do	Pablo Fontane		1817	10,244	do	1835		And. Burgevin	Trout creek	Do. do.
4	Eusebio M. Gomez	Eusebio M. Gomez		July 16, 1815	12,000	do	1815			Rivers Jupiter and Santa Lucia	Do. do.
5	Daniel O'Hara	D. O'Hara		Sept. 3, 1803	15,000	White	1790			Between the rivers St. John's and St. Mary's,	Do. do.
6	Philip R. Yonge	P. R. Yonge	1816		25,000	Coppinger	1815			Spring Garden	
7	Heirs of Geo. Fleming	George Fleming	1816		20,000	do	1815			Indian river	
8	Antonio Acosta	Antonio Acosta		May —, 1816	8,000	do	1815		Geo. J. F. Clarke	At different places. (See rep't.)	Aguilar's certificate.
9	Francis J. Avice	Arredondo			500						This is part of a grant for 30,000 acres, recommended for confirmation by the board of commissioners.
10	Francisco Aguilar	Francisco Aguilar		Feb. 24, 1794	30,000	Quesada				Haw creek, St. John's river	This is Aguilar's certificate. (See report.)
11	George Atkinson	George Atkinson		Oct. 20, 1816	15,000	Coppinger	1815			West side Upper Little lake	
12	Do	Peter Miranda		Feb. —, 1810	4,000	White	1790			(See report.)	
13	Francis M. Arredondo	Francis M. Arredondo			38,000	Coppinger	1816			Alligator creek	
14	Do	do		1810	50,000	White	1815				
15	J. M. Arredondo	J. M. Arredondo	Jan. 12, 1811		40,000	do	1815			Oquillabaga	
16	F. M. Arredondo	F. M. Arredondo		April 2, 1809	250,000	do				At a place called Calaso Gachey	
17	Peter Miranda	P. Miranda		Nov. 19, 1810	368,640	do	1815			Tampa bay	
18	F. M. Arredondo	Juan Entralgo									This is a part of a grant of 10,000 acres made to Entralgo, and recommended for confirmation by the board of commissioners.
19	Belton A. Copp	Geo. J. F. Clarke			1,500						A part of a grant made to Geo. J. F. Clarke of 26,000 acres, and reported on during this session. (*Vide* case; report.)
20	A. Gay	George Fleming			500						A part of No. 7 of this abstract.
21	Peter Miranda	Peter Miranda			2,000						This is part of a grant of 10,000 acres made to Miranda, some portion of which has been recommended for confirmation by the former commissioners.
22	Jos. M. Hernandez				10,000					Salt Spring	These are subdivisions of a grant of 20,000 acres made to Jos. M. Hernandez on November 18, 1817.
23	Do				5,000					West side of St. John's	
24	Do				5,000					East side of St. John's	
25	Francis P. Sanchez				1,400					A part of the above	
26	Do	F. M. Arredondo			500						This is a part of a grant of 10,000 acres to F. M. Arredondo, the most of which has been recommended for confirmation by the board of commissioners.

REPORT No. 3.—*Register of claims to land exceeding* 3,500 *acres which have been reported to Congress during the session,* 1828—Continued.

Numbers.	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.	Date of survey.	By whom surveyed.	Situation.	General remarks.
					Acres.						
27	Henry Eckford	Peter Miranda			46,089						This is a part of a larger grant to Peter Miranda, and reported on at length above, No. 17.
28	Jasper Ward	F. M. Arredondo & Son			128,000						This is a moiety of the Alachua grant, which was recommended for confirmation.
29	Dionisia Segui	Samuel Miles			5,333						Part of a mill grant, and reported by this board during the session of 1827.
30	Do	E. M. Gomez			4,000						Part of a grant of 12,000 acres. (See No. 4 of this report.)
31	Anna Ortega	Peter Miranda			100						Part of a larger grant. (See this report, No. 21.)
32	Do	Antonio Huertas			100						Part of a grant which was recommended by the board of commissioners.
33	Ralph King	F. Bethune			5,000						Part of a mill grant to F. Bethune, and reported on by this board during the last session.
34	Andrew Burgevin	Antonio Huertas			500						Part of a large grant already reported on,
35	Do	Peter Miranda			500						Part of a large grant also reported on.
36	Jacob Worldly	Jacob Worldly			4 miles sq.						This is a mill grant, situated on Trout creek, river St. John's.
37	The heirs of Thos. Fitch.	F. M. Arredondo, jr	Mar. 7, 1816		4,500						This land is situated on the river Halifax, granted under the order of 1815.
38	Domingo Fernandez	D. Fernandez			16,000						This grant purports to have been made for services.

C. DOWNING,
W. H. ALLEN.

REPORTS NOS. 4, 5, 6, AND 7, AND NOS. 1, 2, 3, AND 4, OF DONATION CLAIMS.

No. 4.

DONATION CLAIMS—REPORT NO. 1.

No. 1.—*Andrew Pacety, claimant for* 640 *acres.*

The land is situated on Armstrong branch, fourteen or fifteen miles west of St. Augustine. Antonio Coneres and Antonio Ponce depose that the claimant commenced his cultivation in 1818, and has continued it ever since; that he was then over twenty-one years of age; has a white family, two negroes, and a stock of cattle, and no claim derived from the Spanish or British government. Confirmed.

No. 2.—*Eleanor Hogins, claimant for* 640 *acres.*

Robert Hutchinson and William Black swear to the cultivation from 1818 to the present time. Her husband is since dead, leaving herself a widow with one child and several negroes. Hutchinson says the husband had a grant from the Spanish government, but the land was found to be covered by an older grant and abandoned. The claim is confirmed to Mrs. Hogins.

No. 3 —*The heirs of John Garcias, claimants for* 200 *acres of land.*

John M. Bowden deposes to the cultivation of the land from the year 1818 to the death of Garcias in 1822. The case is fully made out, with the exception of the quantity to which he is entitled; we think the quantity allowed is all that can be given under the deposition.

No. 4.—*William Silcox, claimant for* 640 *acres.*

This land lies on Willis creek, near Cedar swamp, in the county of Duval, and on the St. John's river. Two witnesses swear that in 1819 he was the head of a family, and 21 years of age, and lived on the tract claimed the whole of that year, and some time previous. We have no criterion by which to judge of the size of his family, but as he appears to be an old settler, and the land is poor, we confirm to him the 640 acres of land.

No. 5.—*John Edge, claimant for* 640 *acres.*

Three witnesses prove that he is fairly entitled to the land claimed. It lies at the head of Sawpit branch, south of Julington creek. He settled it in 1818, with a large family, and has resided on it ever since. Confirmed.

No. 6.—*John Carr, claimant for* 250 *acres.*

This land is situated on the south side of Lofton's swamp, emptying into Nassau river.

George Wilds proves cultivation from 1817 to the date of his affidavit, 1825; he proves all that is required by the statute. There is no evidence as to the size of his family, and 250 acres are confirmed.

No. 7.—*John Dixon, claimant for* 350 *acres.*

This land is situated on St. Mary's river, on the public road. Two witnesses prove the claimant to have lived on the land twenty years. In one of his papers he claims 640 acres, in another 350. We confirm to him 350 acres.

No. 8.—*Reuben Charles, claimant for* 350 *acres.*

This tract is about 12 miles north of St. Augustine, in the Twelve Mile swamp. George Gianoply deposes "that in 1818 he was upon the land claimed by Charles, who had a large log-house on said land, and had three or four acres cleared; that in the year 1819 he planted rice," &c. Andrew Storrs was there in the year 1822, and found Charles and his family in possession. William Hartley and James Plummer prove his possession before 1819, and afterwards; that he was a married man, and fifty or sixty years old. Another witness proves that he has no land derived from the British or Spanish government.

There is no witness to prove the number of his family, but, from all the circumstances, we think fit to give him 350 acres.

No. 9.—*Bartolo Solana, claimant for* 640 *acres.*

This land is situated near Big Cypress swamp, and near the St. John's river. It is proved by one witness that claimant settled this land in 1816, and has lived on it to the present time; that he has a large family, and a stock of one hundred head of cattle; and that he has no claim from the British or Spanish government. It is confirmed.

No. 10.—*Magdalena Solana, claimant for* 640 *acres.*

This land is situated on the south side of Six Mile creek, east of St. John's river.

Andres Papy and Bartolo Solana prove "that from 1818 to the present time the claimant has possessed and cultivated the land." "She has a daughter and three negroes." We confirm to her this claim. Some time after the 24th January, 1818, a grant was made to her deceased husband of 1,000 acres of land, which claim was barred by the treaty, and is therefore equivalent to no grant at all. If the Spanish government thought fit to give her 1,000 acres, we have no hesitation in confirming to her 640 acres.

No. 11.—*Emanuel Crespo, claimant for* 640 *acres.*

This land is said to be situated about a mile to the north of Tocoy creek, near St John's river.

It is in proof before the board that claimant has been in continued possession of the land, with a numerous family, from the year 1818 to the present time, and every way entitled to the land. It is confirmed.

No. 12.—*Robert Miller, claimant for* 200 *acres of land.*

Many witnesses have deposed to the fact that James Baird, in the first instance, and afterwards the present claimant, who intermarried with Baird's widow after his death, cultivated a place called Martin's Island, from the year 1814 to 1822. The island is supposed to contain about 200 acres, and as the evidence is perfect, the claim is confirmed.

C. DOWNING.
W. H. ALLEN.

ABSTRACT No. 4.

Report No. 1, *of donation claims which have been confirmed by the register and receiver for East Florida during the session of* 1828.

Nos.	Names of claimants.	Quantity.	Situation.	General remarks.
		Acres.		
1	Andrew Pacety	640	14 or 15 miles west of St. Augustine	
2	Eleanor Hogans	640	Potsburgh creek, St. John's river	
3	The heirs of Juan Garcias	200	1 mile from St. John's river	
4	William Silcox	640	Willis's creek, Cedar swamp	
5	John Edge	640	Head of Sawpit branch, south of Julington	
6	John Carr	250	South side Loftin's swamp, Nassau river	
7	John Dixon	350	St. Mary's river, on the public road	
8	Reuben Charles	350	12 miles N. of St. Augustine, Twelve Mile swamp	
9	Bartolo Solana	640	Near Big Cypress swamp, St. John's river	
10	Magdalena Solana	640	South of Six Mile creek, east of St. John's river	
11	Emanuel Crespo	640	North of Tocoy creek, near St. John's river	
12	Robert Miller	200	Martin's island	

C. DOWNING.
W. H. ALLEN.

No. 5.

DONATION CLAIMS—REPORT No. 2.

No. 1.—*John Jones, claimant for* 640 *acres of land.*

John Jones has two claims before the board derived from Spanish grants: one, for 100 acres, has been confirmed; the other, for 500, has been rejected. It may or may not be the same individual, though we are inclined to believe it is. Five or six witnesses testify that Jones never settled upon this land until August, 1823. This claim is rejected.

No. 2.—*John B. Strong, claimant for* 640 *acres of land.*

This claim is supported by no evidence; and it is a matter of notoriety that he never lived in the country. Rejected.

No. 3.—*Henry Swinney, claimant for* 640 *acres of land.*

There is no evidence in this claim, and we reject it.

No. 4.—*Abraham Bellamy, claimant for* 640 *acres of land.*

There is no evidence, and the claim is rejected.

No. 5.—*William Haddock, claimant for* 640 *acres of land.*

No evidence. Rejected.

No. 6.—*Thomas Jones. claimant for* 640 *acres of land.*

There is no evidence, and it is rejected.

No. 7.—*William Hart, claimant for* 640 *acres of land.*

This land is situated on the west side of St. John's river, on Trout and Moncriff's creeks.

This claim is rejected for two reasons: *First.* That four witnesses are sworn that William Hart lived upon the land, improved, and cultivated the same in 1810 or 1812.

They further add that he and his heirs have had possession of the land ever since. From this testimony it is evident that the possession spoken of is what the deponents consider a legal possession. The law of 1824 requires that on February 22, 1819, the claimant should have actually inhabited and cultivated the tract. This does not appear by the testimony to be the case.

Secondly. William Hart, by his representatives, has presented to this board a claim for 1,400 acres of land, derived from the Spanish government.—(No. 42, report 2.)

No. 8.—*James Burney, claimant for* 640 *acres of land.*

This land is situated on the south side of Trout creek, near the mouth of Six Mile creek.

From the testimony of Robert Rawlins and Benjamin Rawlins, it appears that the claimant lived upon this land from the year 1818 to 1820, but it nowhere appears that he was then 21 years of age, or the head of a family, or that he had any claim derived from the Spanish or British government.

It should, moreover, be added that this claim was filed in this office on the 3d October of the present year; and we are under the impression that the period allowed to parties to file their claims, which, by the law of 1827, expired on the 1st November of that year, was not revived by the law of 1828. For these reasons this claim is rejected.

No. 9.—*John Ashton, claimant for* 640 *acres of land.*

This land lies about a mile from Mr. Cowen's, and twelve miles from St. John's river.

Joseph Somerall swears that the claimant was driven off of the place in 1812 by the dangers of the revolution; that he was a single man, and upwards of twenty-one years of age.

The law requires the party to live upon the land in 1819, which he did not; that he should be the head of a family, which a single man without slaves is not; that he should have no claim derived from the Spanish government; and Ashton has filed the certificate of survey of George Clarke, for 300 acres, dated April 10, 1818. For all these reasons, and because the claim was never filed until November, 1828, it is rejected.

No. 10.—*Manuel Solana, claimant for* 640 *acres of land.*

This land is described to be "eight miles south of Picolata Fort, on the St. John's river."

There are three depositions in this case:

1st. John Andrew, who says, "in 1817 or 1818, on a place near McCullock's branch, the claimant resided and had some cattle; that he had a person living on said land who cultivated a part of it." Andrew afterwards stated to the receiver, Mr. Allen, that he had been mistaken as to the property, and knew nothing of the matter.

2d. Manuel Crespo deposes that he is acquainted with claimant, who took possession of this tract in 1819, and built houses thereon; and he does not know that claimant owns any other lands in the Territory.

3d. C. W. Clarke swears that he knows the claimant, whom he considers as a head of a family.

This claim is rejected: *First.* Because it does not appear, from the deposition of Crespo, that Solana was in possession of the land on the 22d day of February, 1819.

Secondly. Solana is a single man, without property, and, whatever Mr. Clarke may think, cannot be considered as the head of a family.

No. 11.—*John Toy, claimant for* 640 *acres of land.*

No. 12.—*Francis Durant, claimant for* 640 *acres.*

No. 13.—*Joseph Watson, claimant for* 640 *acres.*

No. 14.—*Richard D. Ford, claimant for* 640 *acres.*

No. 15.—*Peter Nicholas, claimant for* 640 *acres.*

No. 16—*Nathaniel Tanner, claimant for* 640 *acres.*

No. 17.—*Jesse Wilson, claimant for* 640 *acres.*

No. 18.—*Blake Williamson, claimant for* 640 *acres.*

No. 19.—*Robert Gilbert, claimant for* 232 *acres.*

No. 20.—*Joseph R. Prevat, claimant for* 640 *acres.*

No. 21.—*Richard Tice, claimant for* 640 *acres.*

No. 22.—*Ann Stalling, claimant for* 640 *acres.*

No. 23.—*John Bellamy, claimant for* 640 *acres.*

No. 24.—*Thomas Prevat, claimant for* 640 *acres.*

No. 25.—*John Bellamy, claimant for* 150 *acres.*

No. 26.—*William Williamson, claimant for* 640 *acres.*

In these cases, from No. 11 to 26, inclusive, there is no evidence whatever, and they are all rejected.

No. 27.—*William Gardner, claimant for* 640 *acres.*

This land is situated near the St. John's river.

Two witnesses swear that claimant *"never took no head rights,"* except 150 acres on Julington creek. His taking this 150 acres is fatal to his donation claim. Rejected.

No. 28.—*Nathaniel Stephens, claimant for* 640 *acres.*

This land lies on the Little St. Mary's river.

The evidence in this case proves that in 1818 the claimant lived upon the land, with a wife and two children. Bailey, the witness, was at his residence in 1818, and whether he remained there until the 22d February, 1819, does not appear; wherefore it is rejected.

No. 29.—*Benjamin Rawlins, claimant for* 640 *acres.*

Rawlins claims the land lying in the county of Alachua, on San Filasko creek. The testimony produced clashes with his claim. John Uptegrove, the only witness sworn, deposes, in 1825, "that he, claimant, had resided on a place called Bear Branch, Nassau creek, Duval county, from the year 1818 to that time. We cannot confirm to him the place on Bear Branch, for he does not claim it, nor the place in Alachua, for he does not prove his claim; and they are widely apart.

No. 30.—*Emanuel D. Mott, claimant for* 640 *acres.*

The land lies on the river St. John's.

Samuel Fairbanks and John Jones both swear that the claimant settled on the land about two years before the 8th day of December, 1824, the date of their deposition. This carries the settlement back to December 8, 1822, and the claim must, of course, be rejected.

No. 31.—*John Andrew, claimant for* 640 *acres.*

B. Solana deposes that two years previous to the exchange of flags claimant took possession of the land, planted potatoes and pumpkins, kept stock, and had cow-pens; built a house when he took possession, which blew down in 1825; and continued in possession until September of the same year. When cross-examined he says that Mr. Andrew had no negroes, never resided on the land for five or six months at a time, and was not, when he took possession, a married man or the head of a family. It is rejected.

No. 32.—*David Williamson, claimant for* 640 *acres.*

This land is claimed in Alachua. There is no evidence filed in the case, and Horatio Dexter has sworn, in another case, that there were no settlements in Alachua previous to the change of flags, which we believe to be the fact. This claim is rejected.

No. 33.—*William Daniel, claimant for* 640 *acres.*

This land is situated on St. Mary's river, on Deep Run creek. Two witnesses prove that on the 22d February, 1819, he inhabited and cultivated the land, "and has had principal control of his father's family before and after the date above mentioned."

From this evidence it is plain that Daniel was a young man, living with his father, and managing his estate. We do not consider his case as embraced by the law, and reject it.

No. 34.—*Thomas Bowden, claimant for* 640 *acres.*

Two witnesses have deposed "that when they knew Thomas Bowden (without saying at what time) he lived on a certain tract of land on the south side of Goodby's lake, said to contain 250 acres, and cultivated the same for many years."

This evidence is not sufficient to support the claim, and it is rejected.

No. 35.—*Joseph and Matthew Long, claimants for* 640 *acres.*

This land is said to be situated on Graham's creek, near the King's road. Gab. W. Perpall and Charles W. Clark say that the parents of the claimants took possession of the land in 1800, abandoned it in 1812, reclaimed their possession before 1824, and the present claimants, now above twenty-one years of age, have had possession of it since 1822 or 1823.

This claim must be rejected, because the Longs have two claims filed before this board, No. —, Report —, derived by grants from the Spanish government.

The case is plain enough. The Longs had a grant from the Spanish government, which, it will be seen, they have neglected to produce, as they hoped to obtain a larger amount under the donation law, and thus they have lost both of their claims.*

No. 36.—*Heirs of Zachariah Haddock, claimant for* 640 *acres.*

This land is situated on Cabbage swamp, St. Mary's river.

J. D. Hart deposes that in 1817 he was upon the land claimed; that it was then cultivated by Haddock, with two or three houses built upon it; that he was the head of a family, which consisted of a wife

* Since writing the above the Longs have produced their titles, and their claim has been confirmed.—(See Report 1, No. 77.)

and two children, and was over the age of twenty-one. There was no evidence to prove that he continued his possession until 1819, and therefore it is rejected.

No. 37.—*Gamaliel Darling, claimant for* 640 *acres of land.*

John Leornardy, the only witness sworn in this case, says that he, the witness, was upon the land in 1817; that Darling then had at work six hands; there was a small house and some corn; the land lies in Twelve Mile swamp. No evidence is produced to show that the claimant lived upon the land in 1819, 1820, or 1821. It is therefore rejected.

C. DOWNING.
W. H. ALLEN.

ABSTRACT No. 5.

Report No. 2 *of donation claims which have been rejected by the register and receiver for East Florida during the session of* 1828.

Nos.	Names of claimants.	Quantity of acres.	Situation.	General remarks.
1	John Jones	640	East bank St. John's river	
2	John B. Strong	640	St. John's river	No evidence.
3	Henry Swinney	640	West side St. John's, Duval county.	
4	Abraham Bellamy	640	Head of Thomas swamp	Do.
5	William Haddock	640	St. Mary's river, Nassau county	Do.
6	Thomas Jones	640	County of Alachua	Do.
7	William Hart	640	West side St. John's river, Trout creek.	
8	James Burney	640	South side Trout creek, near Six Mile creek.	
9	John Ashton	640	12 miles from St. John's river	
10	Manual Solana	640	8 miles south of Picolata, St. John's.	
11	John Toy	640	Alachua county	
12	Francis Durant	640	Alachua	
13	Joseph Watson	640	North side Six Mile creek	
14	Richard D. Ford	640	Alachua	
15	Peter Nichols	640	....do	
16	Nathaniel Tanner	640	....do	
17	Jesse Wilson	640	Cedar creek, St. John's river	Two depositions brought in after December 1, 1828.
18	Blake Williamson	640	Nassau river, Duval county	
19	Robert Gilbert	232	St. John's river	
20	Joseph R. Prevat	640	St. Mary's river	
21	Richard Tice	640	Cape Florida	
22	Ann Stallings	640	Goodby's lake	
23	John Bellamy	640	Cedar creek	See No. 25, following.
24	Thomas Prevat	640	St. Mary's river, Nassau county	
25	John Bellamy	150	South side McGirt's creek	Claimant first filed his petition for 640 acres, (No. 23, above,) and afterwards altered that quantity to 500 acres, and filed the present claim at another place, to complete his complement.
26	William Williamson	640		This claim was rejected by old board.
27	William Gardner	640	St. John's river	
28	Nathaniel Stephens	640	St. Mary's river	
29	Benjamin Rawlins	640	San Filasko creek, Alachua	
30	Emanuel D. Mott	640	River St. John's	
31	John Andrew	640	Tocoy creek	
32	David Williamson	640	Alachua	
33	William Daniel	640	Deep Run creek, St. Mary's river.	
34	Thomas Bowden	640	South side Goodby's lake	
35	James and Matthew Long.	640	Graham's creek, near King's road.	
36	Heirs of Zacha'h Haddock.	640	Cabbage swamp, St. Mary's river.	
37	Gamaliel Darling	640	Twelve Mile swamp	

C. DOWNING.
W. H. ALLEN.

No. 6.

DONATION CLAIMS—REPORT No. 3.

No. 1.—*Adam Cooper, claimant for* 640 *acres of land.*

In a letter of the claimant, filed before this board, he states "that he lives on this land now, and has done so ever since 1822." He says, further, "that his claim was filed in October, 1827;" of this we have no recollection, nor is it so recorded. The affidavit of Benjamin Wood states positively that claimant lived on the land situated in Little St. Mary's neck on the 22d February, 1819. This is at variance with the declaration in the letter; and we are more disposed to believe the man's word than his witness's. The letter and affidavit are both dated in October, 1828, and filed on the 29th of the following month. Claim is rejected.

No. 2.—*Joseph Maria Caldez, claimant for* 640 *acres of land.*

Maximo Hernandez deposes that he has known the claimant about ten years; that he has occupied the land ever since he knew him; that he is over twenty-one years of age, a resident of Florida, the head of a family; has had possession of the land up to this time; and as far as he believes owns no land derived from the Spanish or British government.

Domingo Alberes deposes that he is acquainted with claimant, who settled the place in January, 1819; that he is now the head of a family, consisting of a wife and three children. From what we can gather from the papers, this land lies at a place called Angola, on Oyster river, near the Gulf of Mexico.

The testimony does not show that in 1819 the claimant was 21 years of age or a married man; and from the silence of the two affidavits upon that subject, and from their never failing to state those two important facts when they do exist, we are compelled to infer that Caldez is not embraced within the spirit or letter of the law of 1824. Above all, this claim was filed here in September, 1828, and is rejected.

No. 3.—*Antonio Machaco, claimant for* 640 *acres of land.*

This land lies at Key Pueblo, on the Gulf of Mexico, about eight or ten miles from Charlotte harbor.

Joseph Cadao swears that he has known claimant twenty years, who has occupied the land claimed about fifteen years, (the deposition is dated in 1828;) that he is over the age of twenty-one, a resident of *Florida*, the head of a family, claims no title from the British or Spanish government, and has been in the actual possession of the land since 1813.

Regregrio Andres "has known claimant fifteen or twenty years, who has cultivated the land claimed in 1819, and has a wife and one child."

The evidence in this case, as in the preceding, is defective. The claimant is not shown to have been an adult or married man in 1819; and from having now but one child in a prolific country, we presume he was not married at that time. This claim was filed in September, 1828. It is rejected.

No. 4.—*Andrew Gonzales, claimant for* 640 *acres of land.*

This land is situated on the gulf side of Florida, on the northeastern end of Sarasota bay.

Joseph Caldez swears "that he knows the claimant, who has resided on the land about twenty years; is fifty years of age, and the head of a family; that he has no land but this, and still lives upon it.

John Russell was on the place in 1824, where he found houses built and provisions growing.

Housa Maria Pancia swears to nearly the same facts as Caldez. He says the claimant cultivated the land since 1819, and during that year; and that he has a wife and four children now living on the place. This claim was filed the 5th September, 1828.

No. 5.—*Antonio Gomez, claimant for* 640 *acres of land.*

This land lies on Sarasota bay. The evidence in support of the claim is this: Joseph Caldez, in June, 1828, deposes that he has known the claimant for twenty years, who has lived upon the land sixteen years, and is over the age of twenty-one years, a resident of Florida, the head of a family; has been in actual possession of the land up to the present time; and as far as the witness knows, has neither Spanish nor British grant.

Housa Maria Pancia "has known the claimant ten years; who was in actual possession and cultivation of the land in 1819; he has planted fruit trees; he still lives on the place, and has a wife and five children." It will be observed that none of the witnesses proved the party to have been twenty-one years of age or a married man in 1819, without which his claim cannot be confirmed.

No. 6.—*Julian George, claimant for* 640 *acres.*

This land is described to be on Key Pelew, in the vicinity of Charlotte harbor. Jos. Maria Pancia, being sworn before a justice of the peace, deposes "that he has known the claimant several years; that in 1819 he cultivated about ten acres in corn and other provisions, and has now a wife and four children." The testimony of Jos. Caldez is, that he has known the claimant, who has lived on the land 12 years, up to this date; he is 45 years of age, the head of a family, a resident of Florida, and has no claim derived from the Spanish or British government. This claim is as defective in proof as the preceding. It was filed September 15, 1828.

No. 7.—*Peruko Pompon, claimant for* 640 *acres.*

This land is situated on Key Pelew, near Charlotte harbor. Domingo Alverez and Joseph Caldez testify that they have known the claimant for about 12 years, and that he has resided on the place from

that time to the present, (June, 1828;) that he is forty years old, the head of a family, consisting of a wife and three children, and a resident of Florida; he claims no land derived from the British or Spanish government. This claim was filed in September, 1828. It is equally defective with the cases immediately preceding, and is rejected.

No. 8.—*Antonio Pancia, claimant for* 640 *acres.*

We cannot discover whether this man's name is Pania or Pancia; he is the same who, as a witness, has been so often called in this report by the name of Pancia. The land which he claims lies on Key Pelew, about 8 miles north of Charlotte harbor.

Manual Hosa and Maximo Hernandez swear that they have known the party about 12 or 15 years; that he has cultivated the place about 12 years, and that in 1819 he made a crop of corn and peas; that he has a wife and two children, the eldest of whom is about 10 years of age; that he has been in the actual possession of the place ever since, and, as far as the witnesses know, has no claim derived from the Spanish or British government. This claim was filed in September, 1828.

No. 9.—*Jos. Maria Godoya, claimant for* 640 *acres.*

Maximo Hernandez is the only witness sworn in this case, and his evidence has been so informally taken that we cannot receive it. A commission in 1825, signed by the secretary of the board of land commissioners, and directed to two gentlemen, has been executed by one alone, and that one signs as a witness to the mark of Hernandez, and not as a commissioner.

We will briefly state the evidence, such as it is: Witness knows the claimant, who has resided on the land situated on Sarasota bay since the year 1812 to the date of the deposition, which, by the way, has no date; he is the head of a family, and *now* over 21 years of age, and he believes claims no land derived from the British or Spanish government. This claim was filed in September, 1828. Rejected.

No. 10.—*Jacob Yelvington, claimant for* 640 *acres.*

This land is situated on the south side of Six Mile creek. John Ford, the only witness sworn, says that at the date of his deposition, October 17, 1828, the claimant was 21 years of age, and the head of a family; that he took possession of the land in January, 1821, and has resided on it ever since, either in person or by representative; that he had five or six in family, and that he believes he has no claim derived from the Spanish or British government.

We cannot recommend this claim, because it does not appear that claimant was a married man or 21 years of age before July 17, 1821, and because this claim was filed in this office after November 1, 1827.

No. 11.—*Sarah Ballard, claimant for* 640 *acres.*

James Burney and James Long, in October, 1828, depose "that claimant lived on and cultivated a tract of land on the north side of Trout creek, at a place formerly called Carter's, from the first of the year 1819, as early as February, to some time in 1820. Claimant is 21 years of age, and the head of a family. Witnesses do not believe she has any claim under the Spanish or British government.

It appears from this evidence that the claimant at best lived upon this land but a single year.

This claim was filed before this board in the month of October, 1828. We cannot confirm it.

No. 12.—*Francis J. Avice, claimant for* 640 *acres.*

The land is described as "situated on the east side of St. John's river, between the lands of John B. Entralgo and Dr. Brush, nearly opposite Pallattia."

Peter Rodriguez swears that he was on the land claimed previous to the exchange of flags in the year 1821, and saw claimant at that time, who was building a house, and that there was also a family by the name of Stafford residing there. Witness believes the claimant was above the age of 21 at that time, and has no claim derived from the Spanish or British government.

Mr. Avice at this time has no lands immediately derived from either of those governments, but he has large claims by purchase, which have been filed before this board, and we therefore do not consider that his case is embraced by the spirit of the law. He was at that time a single man, and as such we do not consider him as the head of a family.

If the testimony proves the title in any one, it is in Stafford, and not in Avice. The claim was filed in the year 1828, and we cannot recommend it.

No. 13.—*Sheddrick Stanley, claimant for* 640 *acres.*

This would have been a good claim had it been filed sooner. It was presented here in October, 1828. The evidence is this: That claimant occupied the land on St. Mary's river, in the year 1800, and continued there until the year 1821; that he was then 21 years of age, and the head of a family, consisting of a number of children and three or four negroes. The witnesses, J. D. Hart and John Warren, never heard of his claiming any land under the Spanish or British government.

No. 14.—*Joaquin Caldez, claimant for* 640 *acres.*

The land is situated on Oyster river, about eight miles from Tampa bay.

Andrew Gomez and Antonia Frasia say that they have known claimant fifteen years; that he is over the age of 21; that he is the head of a family, consisting of a wife and three children; has lived on the land ever since they knew him, and has no claim derived from the British or Spanish government.

The evidence is defective in not proving that he was 21 years of age and a married man in 1819. The claim was filed in September, 1828, and is rejected.

No. 15.—*David Hagens, claimant for* 640 *acres of land.*

This land lies on the public road leading from Jacksonville to Camp Pinckney, in the fork of Mills's Swamp, near the mouth of Alligator Creek, in the county of Nassau.

James Long, Benjamin Rawlins, and I. D. Hart, depose that claimant settled on the land in 1817, and has resided there ever since, with a family of four children and two or three negroes; that he was more than 21 years of age at the time, and has no claim derived from the Spanish or British government.

If this claim had been filed sooner, it would be good; but as it was never presented until October, 1828, if our view of the law be correct, we cannot confirm it.

No. 16.—*John Hall, claimant for* 640 *acres of land.*

This land is described as lying on or near Cedar creek, on the west side of St. John's river. The evidence is that in February, 1819, he was the head of a family, twenty-one years of age, and settled on the land.

He is an old man, and if his claim had been filed in time, we would confirm it; but it was presented to this board in September, 1828.

No. 17.—*John Silcox, claimant for* 640 *acres of land.*

The witness proves that he actually lived on and cultivated a tract of land on Cedar creek, on the west side of St. John's river, during the whole of the year 1819, and before and after; that he was then twenty-one years of age and the head of a family. This claim has been filed since the 1st of December, 1828, and must of course be rejected.

C. DOWNING.
W. H. ALLEN.

ABSTRACT No. 6.

Report No. 3 *of donation claims, session of* 1828.

Number.	Names of claimants.	Age.	Quantity of acres.	Situation.	Occupation or cultivation.		General remarks.
					From—	To—	
1	Adam Cooper	....	640	Little St. Mary's river	.....	.....	.....
2	Joseph Maria Caldez	....	640	Angola, Oyster river	.....	.....	.....
3	Antonio Machaco	....	640	Key Pueblo, Gulf of Mexico	.....	.....	.....
4	Andrew Gonzales	....	640	Sarasota bay	.....	.....	.....
5	Antonio Gomez	....	640	....do	.....	.....	.....
6	Julian George	....	640	Key Pelew	.....	.....	.....
7	Peruko Pompon	....	640	....do	.....	.....	.....
8	Antonio Pancia	....	640	....do	.....	.....	.....
9	Joseph M. Godoya	....	640	Sarasota bay	.....	.....	.....
10	Jacob Yelvington	....	640	Six Mile creek	.....	.....	.....
11	Sarah Ballard	....	640	Trout creek	.....	.....	.....
12	Francis J. Avice	....	640	St. John's river	.....	.....	.....
13	Sheddrick Stanley	....	640	St. Mary's river	.....	.....	.....
14	Joaquin Caldez	....	640	Oyster river, near Tampa	.....	.....	.....
15	David Hagens	....	640	Mills's swamp	.....	.....	.....
16	John Hall	....	640	Cedar creek, west of St. John's	.....	.....	.....
17	John Silcox	....	640	....do....do	.....	.....	.....

C. DOWNING.
W. H. ALLEN.

No. 7.

DONATION CLAIMS—REPORT No. 4.

No. 1.—*John F. Brown, claimant for* 640 *acres.*

The evidence in this case is this: First, the affidavit of the claimant, that, on July 19, 1819, and ever since that time, he has been in the possession and cultivation of a tract of land in Duval county, situated on the St. John's river, between Dunn's creek and Clapboard creek; that he was then twenty-one years of age, and the head of a family, and has no claim derived from the Spanish or British government.

The facts just stated from claimant's affidavit are fully proved by two respectable witnesses.

Mr. Brown is a man of a large family, and we recommend this claim to Congress for confirmation.

No. 2.—*James Rowse, claimant for* 640 *acres.*

This land is situated on St. Mary's river. The claimant settled the place in 1819, during the month of March, and by the evidence produced he is entitled to the land. We therefore recommend it for confirmation.

No. 3.—*Cotton Rowles, claimant for* 640 *acres.*

Three witnesses have deposed that this land, situated on the south prong and near the head of Trout creek, was settled by the claimant about the beginning of the year 1821, and that he resided on it until 1823 or 1824 They further prove that he is the head of a family, and over twenty-one years of age, and has no land derived from the Spanish or British government. We recommend his claim for confirmation.

No. 4.—*Wade Silcox, claimant for* 640 *acres.*

This land is situated on the head of Thomas's swamp, near the line of Nassau and Duval counties. The testimony of two witnesses is, that the claimant settled on the land in 1820, and has remained in possession of and cultivated it ever since; that he was then over twenty-one years of age, the head of a family, consisting of a wife and child, and claimed no lands derived from the British or Spanish government.

This claim was filed here in the month of November, 1828, and it will be seen by reference to report No. 3, donation claims, that the board have not considered themselves authorized by law to confirm claims filed subsequently to November, 1827. But as these cases, the cultivation of which commenced between February, 1819, and July, 1821, are of necessity to be reported to Congress, we feel it our duty to say, that had this case been filed in time, we should not have hesitated to recommend it for confirmation.

C. DOWNING.
W. H. ALLEN.

ABSTRACT No. 7.

Report No. 4 *of donation claims founded on habitation and cultivation, commenced between February* 22, 1819, *and July* 17, 1821, *and recommended for confirmation.*

No.	Names of claimants.	Quantity of acres.	Situation.	General remarks.
1	John F. Brown	640	East of St. John's river	
2	James Rowse	640	St. Mary's river	
3	Cotton Rawls	640	Head of Trout creek, St. John's	
4	Wade Silcox	640	Thomas's swamp	

C. DOWNING.
W. H. ALLEN.

REPORT No. 8 OF BRITISH CLAIMS.

No. 1	William Travers	500	acres.
2	do	500	"
3	do	500	"
4	do	500	"
5	do	500	"
6	do	750	"
7	do	500	"
8	do	500	"
9	do	2,000	"
10	do	500	"

In these cases, William Travers claims, as agent, Nos. 1, 2, 3, 4, 5, and 6, for the heirs of Thomas Forbes; Nos. 7, 8, 9, and 10, for the heirs of William Panton.

It is a matter of public notoriety that the house of Panton, Leslie & Forbes, of which Thomas Forbes and William Panton were partners, continued, by the permission of the Spanish government, to do a large mercantile business in the city of St. Augustine, and were generally employed by the government to furnish supplies, both in money and in goods.

Some of the partners of this house were permitted to purchase lands and to hold them in East Florida. It has not appeared to us that either of the above claimants, Forbes or Panton, took the oath of allegiance to the Spanish government, or became Spanish subjects. The only evidence which has been produced to us is a certificate from the keeper of the public archives of this city, that Don John Leslie, as appears by some of the records in his office, presented himself for the house of Panton, Leslie & Co., and declared the four principals of the house to be William Panton and Thomas Forbes, (the present claimants,) Charles Maclatchy, and himself, and that the said company owned in this province 72,820 acres of land.

By the regulations of government here, the British subjects holding lands were required to present themselves to the proper authorities, and to make known the number of acres claimed by them, and the course they intended to adopt; that is to say, they were required to declare whether their intention was to sell their lands and retire, or to become Spanish subjects and remain.

The claimants in these cases have so presented themselves, and have declared themselves owners of the above quantity of land. It is more than probable that they performed the other requisites of the law,

but from the little care with which the records of that time were preserved, it is more than probable that the evidence of that fact has been lost. Suffice it to say, that as Panton and Forbes remained in the province during the whole time of the Spanish dominion, presented themselves to the government as the owners of these lands, and were accredited and favored agents and owners of lands other than these, we are disposed to believe these claims are good.

The position of the land, together with the date of the grant, and the governor who made it, may be seen by reference to the abstract accompanying this report.

No. 11.....Francis Kinlock ..... 2,350 acres.
12.....do. ..... 500 acres.
13.....do. ..... 500 acres.

The date of the grants and the locality of these several tracts will appear upon the abstract accompanying this report.

These are marked British grants, unaccompanied by any proof that these claims were ever recognized by the Spanish government. Indeed it is not so pretended. The Kinlocks were, by their own showing, always British subjects or American citizens; and we presume there can be no question of the position that all such claims are bad.

C. DOWNING, *Register.*
W. H. ALLEN, *Receiver.*

REPORT No. 8.

Abstract of British grants reported during the session of 1828.

No.	Present claimants.	Original claimants.	Acres.	Date of grant.	Governor.	Situation of the land.
1	Wm. Travers, agent	Thomas Forbes	500	Feb. 15, 1781	Tonyn	Cedar Swamp, St. John's river.
2	do	do	500	Nov. 11, 1782	do	Lake Lomond, St. John's river.
3	do	do	500	Feb. 3, 1780	do	Lake George.
4	do	do	500	do	do	Spring Creek, Lomond Grove.
5	do	do	500	June 16, 1782	do	Cedar Swamp, near river St. John's.
6	do	do	750	Nov. 11, 1782	do	St. John's river, near Hester's Bluff.
7	do	William Panton	500	Feb. 3, 1780	do	Spring Creek, part Lomond Grove.
8	do	do	500	May 3, 1782	do	Cedar Swamp Landing.
9	do	do	2,000	June 16, 1782	do	Cedar Swamp.
10	do	do	500	Feb. 15, 1781	do	Cedar Swamp, west St. John's river.
11	Francis Kinlock, jr.	Francis Kinlock, sr.	2,350	June 3, 1776	Grant	On the east side of St. John's river.
12	do	do	500	June 3, 1766	do	East side of St. John's river.
13	do	do	500	1766	do	St. John's river.

C. DOWNING.
W. H. ALLEN.

REPORT No. 9.

Register of claims to town lots which have been confirmed by the register and receiver during the session of 1828.

Numbers.	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.	Conditions.	Date of survey.	By whom surveyed.	Situation.
					No. of lot.	Acres and 100ths.					
1	Bernardo Segui	Bernardo Segui			3 and 4, square 19	578 square feet	Coppinger	Complied with	May 10, 1814	George J. F. Clarke	Fernandina
2	Heirs of James Cashen	Manuel Rengil		Dec. 16, 1809		A lot	White	do			do
3	The heirs of John D. Kehr	John D. Kehr		Feb. 15, 1811		A lot	do	do			do
4	The heirs of James Cashen	James Cashen	April 10, 1817		3, square 1	A lot	Coppinger	do	Jan. 2, 1817	George J. F. Clarke	do
5	do	do		Jan. 9, 1810		A lot	White	do			do
6	Arbena Fallis	A. Fallis	Dec. 24, 1814		4 and 5, square 22	2 half lots	Kindelan	do	Nov. 10, 1814	George J. F. Clarke	do
7	Geronimo Alvarez	G. Alvarez	March 26, 1818		7	A lot	Coppinger	do	June 10, 1817	do	do
8	do	do	do		13 and 14, square 9	2 half lots	do	do	do	do	do
9	Maria Mills	William Mills	Dec. 19, 1818		12, square 17	A lot	do	do	June 10, 1816	do	do
10	Domingo Rodriguez	D. Rodriguez		May 26, 1819	6, square 13	A lot	do	do	Feb. 12, 1817	do	do
11	Maria R. Scott	Maria R. Scott		March 13, 1811	8, square 16	A lot	White	do	May 15, 1817	do	do
12	Farquhar Bethune	Samuel Harrison	Sept. 15, 1814		10, square 4	A lot	Kindelan	do	Sept. 7, 1814	do	do
13	Bethune and Sibbald	Bethune and Sibbald		Sept. 26, 1815		Marsh lot	Estrada				do
14	F. M. Arredondo, jr	F. M. Arredondo, jr		March 7, 1812		A lot	do	Complied with			St. Augustine
15	The heirs of J. Alexander	B. de Castro y Ferrer				7		do	Nov. 2, 1819	Andrew Burgevin	do
16	The heirs of Josiah Smith	Dn. Travers				40,824 square yards			Dec. 9, 1819	do	do
17	Joseph F. White	Eusebius Bushnell			2, undivided ½	A lot					do
18	The heirs of C. B. Bulow	Maria C. Miranda			A house and lot						do
19	do	Matias Pons	April 9, 1813			6	Kindelan		May 23, 1821	Andrew Burgevin	do
20	Robert Mitchell	Dn. Bosquet				13 9-100ths					do
21	E. B. Gould	F. M. Arredondo		May 2, 1807		A lot	White				do

In these cases the titles are good. We do not deem it necessary to make a special report in each case, nor have we time if so disposed. They are all confirmed.

C. DOWNING.
W. H. ALLEN.

No. 10.

A list of claims to town lots in which no title and no evidence has been filed or produced.

No.	Claimants.	Quantity.	City or town in which lots are situated.	No.	Claimants.	Quantity.	City or town in which lots are located.
1	R. Mitchell, &c, ass.	2 lots	Fernandina	25	Jos. Sanchez	1 lot	Fernandina
2	Assr. Carrachan and Mitchell.	3 lots	Augustine	26	Maria Swelly	do	do
				27	Susan Sanchez	do	do
3	A. Molinieux	1 lot	do	28	Torry Travers	do	do
4	Ann Campbell	do	do	29	do	do	do
5	Frs. Gue	do	do	30	Mingo Sanco	do	do
6	Peter Mitchell	do	do	31	Jim Rose	do	do
7	Geo. Anderson	do	do	32	Dinana Domingo	do	do
8	Robert Isaac	3 lots	do	33	Bob. Robas	do	do
9	J. M. Hernandez	1 lot	do	34	José Richo	do	do
10	Martin Hernandez	3 lots	do	35	Lucia Valentine	do	do
11	J. M. Hernandez	1 lot	Fernandina	36	Ann Wiggins	do	do
12	Jos. Bruce	do	do	37	Isabella Wiggins	do	do
13	Mag. Villagonga	do	do	38	Nancy Wiggins	do	do
14	Jos. Bruce	do	do	39	do	do	do
15	José Bunnam	do	do	40	John Wright	do	do
16	Geo Beassme	do	do	41	Vicenti Gill	do	do
17	Philis Fatio	do	do	42	Ab. Hudson	do	do
18	Jacob Moor	do	do	43	Heirs of E. Waterman	do	do
19	John Mariana	do	do	44	Jos. S. Sanchez	do	do
20	John Moore	do	do	45	do	do	do
21	Patrica Moore	do	do	46	do	do	do
22	Harry McQueen	do	do	47	do	do	do
23	Clara Mariana	do	do	48	do	do	do
24	Benjamin Segui	do	do	49	do	do	do

In the above cases the parties have failed to file any evidence of title, and their claims are rejected.

C. DOWNING,
W. H. ALLEN.

No. 11.

Register of lots situated in the "Mil y Quinientas," or fifteen hundred yards without the gates of St. Augustine.

No.	Names of present claimants.	Names of original claimants.	Date of concession.	Quantity of land.	By whom conceded.	Remarks.
1	José Fernandez	M. Villalonga & J. Hernandez.	July 31, 1811	154 5-6 yards.	Estrada	On the left side of the road.
2	Francisco Fusha.	Thos. d'Aguilar.	June 22, 1807	57 yards	White	On the right side of the road.
3	Philip Solana	José Llorente	June 4, 1807	360¼ yards	do	On the right hand side of the road.
4	Francisco Fusha.	Pedro Fusha	Nov. 5, 1801	7 acres	do	Macaris.
5	Antonia Rogera	Augus. Tantana.	Aug. 8, 1810	599 1-6 yards.	do	Left hand side of the road.
6	Widow of John Lozenzo.	Juan Lorenzo	June 5, 1807	185 yards	do	Do. do.
7	Lorenzo Capella.	José Barrera	June 6, 1817	170 yards	Coppinger	Left hand side of public road.
8	Mary Ann Davis.	John Gianoply	June 3, 1807	60½ yards	White	Right hand side of the road.
9	José Noda	José Noda	Feb. 9, 1808	85 yards	do	Do. do.
10	Andrew Paceti	Andrew Paceti	May 10, 1807	110 1-6 yards.	do	Left hand side of the road.
11	Mary Ann Davis.	John Villalonga.	June 3, 1807	341½ yards	do	Do. do.
12	Pedro Estopa	Pedro Estopa	July 20, 1807	70½ yards	do	On the right hand side of the road.
13	José Noda	José Garcia		4 acres		Do. do.
14	Francis Triay	Francis Triay	Oct. 30, 1815	219 yards	Estrada	Left hand side of the road.
15	Margaret Cook	do	June 4, 1807	277 yards	White	Do. do.
16	do	José Baya	July 17, 1807	281 5-6 yards.	do	Do. do.
17	Clara Arnau	Francisco Arnau.	June 3, 1807	158 yards	do	Right hand side of the road.
18	Stephen Arnau	John Gonzalez	June 3, 1807	260 yds. 30 ins.	do	Do. do.
19	Bartolome Lopez.	Bartolome Lopez.	June 3, 1807	58½ yards	do	Left hand side of the road.
20	John Andrew	John Andrew	July 19, 1820	1 acre	Coppinger	Right hand side of the road.

The above lands were all granted in the same manner and under the same conditions, to wit: that they should revert to the government whenever required for the military defence of the place. As we presume that the present government will never need them for the purposes specified, we recommend that the title of the United States be relinquished, in each case, to the several claimants.

C. DOWNING, *Register.*
W. H. ALLEN, *Receiver.*

REPORT No. 12.

OF THE CASES OF GEORGE J. F. CLARKE, &c.

No. 1.—*George J. F. Clarke, claimant for* 2,000 *acres of land.*

The grant is said to have been made by Governor Kindelan, on the memorial of claimant, stating his many services; and as a further inducement, "that he had no pay, stipend or other pecuniary aid from the government for four years." He prays for 2,000 acres; one thousand in Twelve Mile swamp, bounded by the lands of Charles and George Clarke, and one thousand in the hammock called Chacala, which bounds Payne's savannah on the west.

The decree of Governor Kindelan in July, 1814, is this:—That being aware of the services of the petitioner, and the sovereign will "*requires that good subjects should be rewarded,*" the petition is granted. Now the "*sovereign will,*" which grants the power to reward good subjects, is dated in March, 1815, nearly one year after this grant.

It is Thomas Aguilar's certificate alone; we reject it.

No. 2.—*George J. F. Clarke, claimant for* 2,000 *acres of land.*

This tract is divided; one thousand acres is situated in Cedar hammock, south of Mizelle's lake, and one thousand acres at the head of Deep creek. In his memorial to this board the claimant states, "the grant was made for services rendered government." The governor's decree is dated February 16, 1811.

If this grant is for services, it is too early by four years. The royal order authorizing their reward in land bears date 1815. If it is made for head rights, cultivation and occupancy should be proved, which is not done. Let it be remembered that in the preceding grant in 1814, and this is dated in 1811, he states that he had received no pay, stipend, or other pecuniary aid from the government for four years.

This, too, is Aguilar's certificate; rejected.

No. 3.—*George J. F. Clarke, claimant for* 4,500 *acres of land, Tallahassee and Chacala hammock.*

This is a part of a grant made to George J. F. Clarke by Governor Coppinger, as appears by the certificate of Juan de Entralgo, on the 17th December, 1817, for services. Clarke sold of this tract 2,000 acres, to Entralgo, to whom that portion was recommended for confirmation by the former board of land commissioners, July 6, 1824. This part must abide the fate of the other.

No. 4.—*George J. F. Clarke, claimant for* 4,000 *acres of land.*

No. 5.—*Elias B. Gould, claimant for* 500 *acres of land.*

No. 6.—*Simington, Forbes & Smith, claimants for* 1,500 *acres of land.*

No. 7.—*Thomas Massier, claimant for* 1,000 *acres of land.*

These three claims are a part of No. 4.

This tract is divided in the petition of the claimant into three parts: 1,000 acres at a place called Spring Garden, on the west side of Lake George; one thousand on the river Hillsborough, at a place called M'Dougall's old plantation; two thousand acres at the big bend of Derbin's swamp. The original decree is presented to the board of date May 3, 1816, and two respectable witnesses, Perpall and Alverez, depose positively to their belief that the decree and signature are in the handwriting of Coppinger. The witnesses had frequently seen the governor write, and we have no doubt the claim is genuine. The consideration is for services, and as those of Mr. Clarke were notoriously many and meritorious, we have no hesitation in recommending this claim for confirmation.

Of this land 500 acres in Derbin swamp have been sold to E. B. Gould, who has presented his claim to this board, and the same quantity to Simington, Forbes & Smith, so as to make up the tract of 2,000 acres in that place; 1,000 acres at M'Dougall's has been sold to Thomas Napier, and 1,000 acres at the Big Spring still belongs to the grantee. We consider it as one integral grant and beyond our final jurisdiction; it is, therefore, recommended. These lands were surveyed in 1819, by Andrew Burgevin.

No. 8.—*George J. F. Clarke, claimant for* 4,000 *acres of land.*

Nos. 9 and 10.—*M'Intosh & Clinch, claimants for* 2,000 *acres of land.*

No. 11.—*Thomas Napier, claimant for* 1,000 *acres of land.*

Parts of No. 8.

On the 10th June, 1816, Charles W. Clarke having petitioned Governor Coppinger for this quantity of land "for services," the governor decrees accordingly. The original is before the board, and proved to be genuine by two respectable witnesses, well acquainted with the governor's handwriting. The land lies on Chacala hammock, and has been surveyed. Two thousand acres of this land has been sold to General McIntosh and Colonel Duncan Clinch, the first of whom has since transferred it to George J. F. Clarke. The said George has purchased the balance of his brother Charles, and of the whole he has conveyed to Thomas Napier 1,000 acres. The present claimants are all before the board for their separate tracts, but we consider it an integral grant and beyond our jurisdiction to confirm. As it is evidently a genuine grant, we recommend it for confirmation.

No. 12.—*William Garvin,* 3,000 *acres.*

No. 13.—*Thomas Napier,* 1,000 *acres.*

Garvin, in 1817, prays a grant, in absolute property, of 3,000 acres of land—2,000 on the Indian river, at a place called Flounder creek, and 1,000 on Youngblood's hammock.

The original memorial and decree is presented to the board, and proved to be genuine by two repectable witnesses. The land is granted for losses and services. One thousand acres of that on Indian river is claimed before the board by Thomas Napier, who is a purchaser of Garvin. The title of the United States is relinquished.

No. 14.—*George J. F. Clarke,* 350 *acres.*

No. 15.—*McDowell & Clarke,* 450 *acres.*

No. 16.—*Charles and George Clarke,* 1,000 *acres.*

No. 17.—*James Clarke,* 300 *acres.*

No. 18.—*Duncan L. Clinch,* 500 *acres.*

No. 19.—*Charles and George Clarke,* 1,000 *acres.*

These claims are subdivided parts of a claim of Honoria Clarke, the widow of Thomas Clarke. Thomas Clarke had obtained several grants of land from the British government here, and had purchased some of other grantees. In 1787, Florida having then become a Spanish province, and Thomas Clarke dead, the widow proceeded to consummate her titles by application to the Spanish governor, Zespodes, for their recognition. In her memorial to the governor she presented nine documents, which, together with the memorial accompanying them, were placed before the secretary of the government for his report. The three first were evidences of titles to the lots in this city, with which we have no concern. The other six are as follows, viz:

No. 4. 300 acres of land on the western bank of the Matanzas, 2½ miles northwest of the fort called Worcester, granted to Thomas Clarke in 1770.

No. 5. 500 acres of land 16 miles south of this city, granted in 1780, called Holmes, to the widow Honoria Clarke.

No. 6. 300 acres near Pablo creek, granted in 1775.

No. 7. 700 acres on the Middle creek of Nassau.

No. 8. 500 acres on the Twelve Mile swamp, now the property of Duncan L. Clinch, was granted in 1769 to William Penn, and by him sold to Thomas Clarke.

No. 9. 300 acres east of Pablo creek.

No. 9 was given to the widow Honoria by a direction of Governor Tonyn to the surveyor general to measure off to her that quantity of land at the place specified. The secretary, Howard, reported that this property, from Nos. 4 to 9 inclusive, belonged, from the documents presented, to the widow Honoria Clarke.

In 1792 Mrs. Clarke represented to Governor Quesada that the lands which she owned on Nassau, 700 acres, and on Pablo creek, 600 acres, "were so encroached on by neighbors, and it was so difficult, from the removal of the British settlers, to ascertain the lines, that she was willing to relinquish them to the government if the government would grant to her the same quantity on Julington creek." The governor, on a favorable report of the comptroller of the royal domain, authorizes the transfer, and directs the survey to be made by Don Pedro Marrot on Julington creek. In 1815 Thomas Aguilar certified that on the memorial of Honoria Clarke, in 1792, praying a grant of 1,000 acres for head rights at the following places to wit: 300 acres on the south side of Emery creek, at Matanzas; 300 acres at a place called Johnson's Old Plantation, near to Francis Pellicer's; 400 acres in a hammock, between Derbin's swamp and the Twenty-Mile House, on the road to the Bluff—the governor made the grant, and decreed the survey "as soon as convenient."

The survey does not appear on the list of Marrot in 1801; but, in the titles and positions of Buyck and Dupont, in 1792 and 1801, (2 and 5,) the land of Mrs. Clarke on the Matanzas are referred to as boundary lines to the grant. So seem to stand these titles until 1801, when Honoria Clarke represented to Governor White that the land on Julington creek, 1,300 acres, were occupied previously to her exchange, authorized in 1792; and those on Emery's creek, 300 acres, were too much inundated for cultivation; wherefore she prays for 1,600 acres of land on Graham's swamp, at the head of Matanzas river. Governor White authorized the survey, and directed that she be furnished from the secretary's office with "a certified copy of the memorial and decree, which will serve her as a copy in form." This last is a genuine document. Some time after the death of Mrs. H. Clarke her property was divided amongst her heirs—a copy of which division is filed before us from the record.

The testimony before the board is solely in reference to the grant of 1,000 acres made, as certified by Aguilar, by Quesada in 1792, "for *head rights*." It is this Francis Pellicer swears: "That C. W. Clarke, the son of Honoria, has been for many years, and is now, in the cultivation of a tract of land on Emery's creek, Matanzas river, which he understands to be a part of this grant." Joseph S. Sanches swears "that the land *at Emery's creek* has been cultivated and possessed by claimants for more than fifteen years." So stand the document and testimony in these cases—cases which have given us more trouble to understand and elucidate than any other in the office.

To the lands granted by the British government to Thomas Clarke and Honoria, his widow, and to those under whom they claim as purchasers, the Clarkes have an undoubted title. The British grantees were required in 1787 to submit their claims to the government, and obtain a confirmation. Mrs. Clarke has done so; and on her title to Nos. 4, 5, 6, 7, 8, and 9, the decision of the secretary, sanctioned as it was by the Spanish government, is conclusive. Nos. 6 and 9, 300 acres each, on Pablo creek, and No. 7, 700 acres on the river Nassau, she exchanged in 1792 with government for the same quantity on the Julington creek; and subsequently, in 1801, adding to the 1,300 acres on Julington 300 of a grant on Emery's creek, (part of 1,000 for head rights,) she petitioned and obtained leave to locate the whole 1,600, to wit: 1,300 on Julington, and 300 on Emery's creek, on Graham's swamp.

No. 4 of the document presented to Secretary Howard, to wit: 300 acres, called Worcester, on Matanzas; No. 5 of the same document, to wit: 500 acres at a place called Holmes; and No. 8, 500 acres on the Twelve Mile swamp, now claimed by Colonel Duncan L. Clinch, already alluded to in this report, are based upon valid British grants, recognized by the Spanish government, and are valid.

Mrs. Clarke, though a British subject, took the necessary oaths of allegiance to Spain, and remained in the country; and the many acts of the Spanish government, already alluded to, show that her claims were recognized as good; and we so consider them.

Nos. 6, 7, 8, and 9 of lands on Nassau river and Pablo creek, and were exchanged and abandoned for 1,300 acres on Graham's swamp. This exchange was made by Governor Quesada first, and Governor White afterwards.

The title to the 1,300 acres of land on Graham's swamp is valid; but the parties claim 300 acres more, under the same title, by exchange, for the 300 relinquished on Emery's creek.

It should be remembered that this on Emery's creek is a part of 1,000 acres claimed as a donation to Mrs. Clarke in 1792, of which there is no direct evidence but the certificate of Aguilar. Such a certificate, if unaided by collateral proof, we can never recognize. The best evidence that the grant was made is to be found in the memorial of Mrs. Clarke in 1801, to permit her to exchange lands, a part of which are these very 300 acres on Emery's creek, proved nowhere to be granted, but by the certificate aforesaid, and the authority given by Governor White to do so. Take away this grant by exchange in 1801, to lands in Derbins' swamp, and we should have no hesitation in rejecting this claim of 1,000 acres; as it stands, with the evidence before the board, that these lands were divided among the heirs of Honoria Clarke in 1806, and that division recognized as valid, and admitted to record; taken too in connexion with the testimony of Sanchez and Pellicer, we have no doubt that the grant was made in 1792, and

conceded by Governor White in 1801, as the property of Mrs. Clarke. It at the same time appears to us that Mrs. Clarke did not abandon Emery's creek as she had proposed; and that she is not entitled to the 300 acres in Derbin's swamp, which her representatives claim, as obtained in its place. In 1806 Emery's tract was divided amongst the heirs of Mrs. Clarke. In 1828 the evidence is that the place had been cultivated fifteen years back.

They cannot, therefore, claim the 300 acres in Derbin's swamp, and still hold possession of Emery's tract, which was tendered by Mrs. Clarke in exchange for it. For these reasons we confirm to Mrs. Honoria Clarke's representatives the 1,000 acres granted in 1792 for head rights, and divided into three tracts, as above described, and 1,300 acres only in Derbin's swamp.

In our decision on these cases it will be seen that the numbers which we have used refer to the document presented by Honoria Clarke, and not *to the* number on this report.

No. 20.—*Geo. J. F. Clarke, claimant for* 2,000 *acres of land.*

Thomas Aguilar's certificate is dated the 13th January, 1812 There is no original in the office of public archives. It is to this effect, that in the memorial of George J. F. Clarke, of the same month and year, stating that Governor White had granted him 2,000 acres of land in Derbin's swamp for his services during the years 1797 and 1799, he had found those lands not suitable to his purpose, and prays that he may locate the grant at a place called Yellowsasse, which is an orange grove, situated west of the river St. John's, and south of the road to Panton Leslie's store. Estrada decreed the exchange. It is strange, if this grant was ever made, that the original by White cannot be found. It should be remembered that the royal order authorizing grants of lands for services is dated in 1815, and this certificate in 1812, one year after Governor White's death. The claim is rejected. *See No.* 1 *of this report, where the claimant declares, in* 1814, *that he had received "no pay, stipend, or reward, for four years."*

No. 21.—*C. W. Clarke, claimant for* 375 *acres.*

This is a petition in 1815 for 500 acres of land as head rights. Estraldo, the acting governor, decides that he is entitled to only 375. Aguilar's certificate of these facts is dated in the same year. There is no evidence of occupancy. It is rejected.

No. 22.—*C. W. Clarke, claimant for* 300 *acres of land.*

Aguilar certified that Coppinger granted claimant 300 acres of land on the east side of Lake George, for agriculture and raising of stock, in 1817. There is an affidavit taken in this case, of too general a nature to benefit the claimant; it is, "that the country, from the revolutions and invasions of the province, was in that state of troubles and fears which went to deter settlement in the unprotected part thereof." A man has no right to ask for land incumbered with condition of settlement, when he knows he cannot settle it. It is at his price. If he chooses to settle it, and run the hazard, he may; but he cannot give as a reason for not performing a condition implied a fact which he knew at the same time would prevent the performance. In any event it does not cure the defect of Aguilar's certificate. It is rejected.

No. 23.—*C. W. Clarke, claimant for* 1,576 *acres.*

No. 24.—*Richard Weightman, claimant for* 200 *acres.*

No. 25.—*Andrew Stores, claimant for* 500 *acres.*

No. 26.—*C. W. Clarke, claimant for* 2,300 *acres.*

No. 27.—*Daniel Clarke, claimant for* 500 *acres.*

No. 28.—*James Clarke, claimant for* 500 *acres.*

No. 29.—*Thomas Clarke, claimant for* 500 *acres.*

No. 26 is another of Aguilar's eternal certificates, of which Nos. 23, 24, and 25 are portions.

In the memorial to this board Clarke says the land was divided as follows, to wit:

800 acres on the east side of Lake George.

404 acres at the same place.

202 acres at the same place.

200 acres sold to Richard Weightman, situated at the same place.

500 acres sold to Andrew Stores.

All these tracts, except the two last, are said to have been surveyed, and we are favored with the metes and bounds.

By the certificate of Aguilar, already mentioned, it appears that this land was granted by concession for services in 1817.

Nos. 27, 28, and 29 are all grants for services, dated on the 18th December, 1817, and located in Twelve Mile swamp, evidenced by Aguilar's certificate, the original of which is not to be found.

The evidence in claim No. 26, of which Nos. 23, 24, and 25 are component parts, is this: George J. F. Clarke, the brother of the claimant, deposes that, at the suggestion of the governor, made to the deponent, the said Charles W. Clarke would get more land; deponent wrote a petition for claimant, presented it, and understood from the governor that it would be granted. The evidence in claims Nos. 27, 28, and 29 is the oath of the same party, G. Clarke, the father of the three claimants, "that Governor Coppinger having spontaneously expressed to me his sense of the services of these men, and his desire to give each of them a tract of land, witness wrote claimants' memorials, and handed them to the governor, who passed them over to his secretary, Aguilar, for *their decrees;* and that he, witness, afterwards received from Aguilar the certified copies now before the board." As these claims of his brother and sons depend solely upon the evidence of Mr. Clarke, we take pleasure in saying, from our knowledge of his character, that notwithstanding his relationship to the parties, we place implicit reliance on his statement, and confirm the four claims above.

No. 30.—*George J. F. Clarke, claimant for* 1,000 *acres in the Big Savannah, at Matanzas.*

A grant, as Aguilar certifies, made in 1801, for cattle grazing. There is no proof, and the claim is rejected.

C. DOWNING.
W. H. ALLEN.

The cases of George J. F. Clarke, &c.—Continued.

Numbers.	Names of present claimants.	Names of original claimants.	Date of concession or order of survey.	Quantity of land, acres.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Situation.	General remarks.
1	George J. F. Clarke	George J. F. Clarke	July —, 1814	2,000	Kindelan	1815	None	Twelve Mile swamp and Chachala hammock	Aguilar's certificate. Rejected.
2	do	do	Feb. 16, 1811	2,000	White	1815	None	Cedar hammock and Deep creek	Do. do.
3	do	do	Dec. 17, 1817	4,500	Coppinger		None	Tallahassee and Chachala hammock	This is part of a grant; the balance of which was recommended for confirmation by B. L. C.
4	do	do	May 3, 1816	4,000	do		None	Spring Grove, Hillsboro', and Derbin's swamp.	
5	Elias B. Gould	do		500				Derbin's swamp	These three claims are portions of No. 4, sold to present claimants by the grantee, Clarke, and are all recommended for confirmation.
6	—— Simonton	do		1,500				do	
7	Thomas Napier	do		1,000				McDougal	
8	Charles W. Clarke	Charles W. Clarke	June 10, 1816	4,000	Coppinger	1815		Chachala hammock	
9 & 10	Gen. McIntosh and Col. Clinch	do		2,000				do	These are parts of No. 8, and are recommended for confirmation.
11	Thomas Napier	do		1,000				do	
12	William Garvin	William Garvin	1817	3,000	Coppinger	1815		Indian river and Young Blood's hammock	Confirmed.
13	Thomas Napier	do		1,000				Indian river	A part of No. 12.
14	George J. F. Clarke	Honoria Clarke		350					Subdivided parts of land confirmed by the Spanish government to Honoria Clarke, originally granted by the British. See report.
15	McDowell and Black	do		450					
16	Charles and George Clarke	do		1,000					
17	James Clarke	do		300					
18	Duncan Clinch	do		500				Twelve Mile swamp	Confirmed.
19	Charles and George Clarke	do	1801	1,000	White	1790		Matanzas	Do.
20	George J. F. Clarke	George J. F. Clarke	Jan. 13, 1812	2,000	Estrada	For services		Orange grove, west of St. John's river	Rejected.
21	Charles W. Clarke	Charles W. Clarke	1815	375	do	1790		Dunn's lake	Do.
22	do	do	1817	300	Coppinger	1815		East side of Lake George	Do.
23	do	do		1,576				Situated on the east side of Lake George	This is a part of No. 26 that follows. Recommended for confirmation.
24	Richard Weightman	C. W. Clarke		200				do do	These are parts of No. 26. Recommended for confirmation.
25	Andrew Stores	do		500					
26	Charles W. Clarke	do	1817	2,300	Coppinger	1815		do do	Recommended for confirmation.
27	Daniel Clarke	Daniel Clarke	Dec. 18, 1817	500	do	1815		Twelve Mile swamp	Confirmed.
28	James Clarke	James Clarke	do	500	do	1815		do	Do.
29	Thomas Clarke	Thomas Clarke	do	500	do	1815		do	Do.
30	George J. F. Clarke	George J. F. Clarke	1801	1,000	White			At the Big Savannah, Matanzas	For cattle grazing. Rejected.

C. DOWNING.
W. H. ALLEN.

REPORT No. 13.

List of claims in which no title of property has been filed.

Nos.	Names.	No of acres.	Papers filed.
1	Absalom Beardon and wife	150	
2	Daniel Brockington	200	
3	Spicer Christopher	500	We suppose this land the same confirmed to his ancestor
4	John M. Carter	100	
5	Heirs of Andrew Dewees	1,809½	
6	Horatio S Dexter	Alachua.	
7	H. S. Dexter and John Grace	3 miles sq.	
8	Horatio S. Dexter	2,000	This is a part of a grant to J. F. Rattenbury, made after date, and rejected by B. L. C.
9	Thomas C. Doremus	500	
10	J. Drysdale and J. Rodman	2,262	This is a part of Alachua, recommended for confirmation by B L. C.
11	Joseph Delespine	200	
12	James Darley	500	Plat and certificate of survey.
13	Stephen Eubanks	256	Concession since filed, and reported at length in Report 2, No. 120.
14	William Frink	321	
15	Isaac Frost	1,500	
16	------do	2,000	
17	The executor of J. Frazer	3,000	
18	Domingo Fernandez	322	
19	E Fallis	mill seat.	Deed of bargain and sale.
20	Robert Gilbert	200	
21	------do	300	
22	John Gennings	250	
23	William Hollingsworth	250	
24	Mary Hayden	250	
25	Isaac Hendricks	450	
26	William Lane	300	Affidavit of Samuel Wilson.
27	William Lain	300	
28	------do	100	
29	William Lane	400	
30	George Long	300	The papers in these two claims have been brought in, and six hundred acres confirmed. See Report 1, No. 77.
31	The heirs of George Long	350	
32	John McClure	900	
33	Manuel Marshall	250	
34	Heirs of John McQueen	10,000	
35	Heirs of William Mills, jr	500	
36	Jane Miers	200	
37	William Monroe	300	
38	Heirs of George Morrison	Indefinite.	
39	James Plummer	265	Plat and certificate of survey.
40	Daniel Plummer	600	
41	Heirs of Isaac Revaz	4,000	Affidavit of Edward Wanton.
42	Heirs of James Richard	200	
43	Samuel Russell, sr	300	
44	James Suydam	500	
45	Anthony Suarez	500	
46	Philip Solana	100	
47	William Thomas	200	Affidavit of John Hall, and conveyance.
48	Heirs of George Taylor	Casacolo.	Claimed to be same land decided on. Rep. 1, No. 23.
49	------do	Punta del Cano de San Pablo.	
50	------do	64	
51	------do	Surra de Agua, water saw-mill.	
52	George Tillet	Undefined.	
53	John Uptegrove	100	
54	James Woodland	200	Two deeds of sale.
55	John Williamson	850	
56	Robert Walker's administrator	100	
57	Joseph F. White	200	

In all of the above cases, with the exception of Nos. 30 and 31, there has been filed by the parties no evidence of title, and they are therefore *all* rejected.

C. DOWNING,
W. H. ALLEN.

REPORT No. 14.—A REPORT ON CONFLICTING BRITISH AND SPANISH GRANTS.

No. 1.—*William Thomas Jones, claimant for* 2,000 *acres of land.*

This is a British grant made by Governor James Grant, on the 12th January, 1770, to Abraham Jones, the ancestor of the present claimant. There is a survey properly certified, and an indorsement on the back of the grant that it was registered in January, 1770.

The land lies in the fork of Maxton's, now McGirt's, creek and the river St. John's. Much testimony has been filed in the case, all of which amounts to this: That when this province was transferred by the British to the Spanish government in 1763, Abraham Jones, the grantee, being then dead, all his family, with the exception of his son William, removed to the State of Georgia. William, then a minor by the laws of Spain, remained in the city of St. Augustine, an apprentice to a trade. The treaty between Spain and Great Britain was signed in January, 1783, and ratified by the King of Spain in September following. In May, 1783, William Jones's brothers signed a deed to him for the land in question, conveying to him all the right and title which they might possess thereto. The deed further specifies that William intends to remain in Florida; and by the direction of their father's will his lands should belong to either of his sons who should continue to reside in the province. It is uncertain at what time William abandoned his residence in this place. It appears from the testimony before us that in 1794 or 1795 he removed to the State of Georgia, and continued there until his death in 1814. Whether he remained in the province until his settlement in Georgia we have no means of deciding.

The above is a succinct abstract, embracing, as we believe, all the important points contained in the voluminous testimony before us from William Jones; the title to the present claimant is regularly deduced.

No. 2.—*John H. McIntosh, claimant for* 3,274 *acres of land.*

This is as good a Spanish title as can be made; and if there was no conflicting British claim, we should have no hesitation in confirming it. As it is, it becomes our duty to report the evidence of title to Congress.

It covers the land claimed by Jones in the preceding number of this report. It lies between the river St. John and McGirt's, once Maxton's, creek. The title is as follows: In 1792 a survey, under the direction of Pedro Marrot, of ninty-eight cavallerias and eight acres (3,274 acres;) and on the 27th of February, 1804, a royal title, made by Governor White to John McQueen, to whom it had been first surveyed and conceded; and in March, same year, a sale by McQueen to the present claimant, duly authorized and recorded.

CHARLES DOWNING.
W. H. ALLEN.

No. 14.—*On conflicting British and Spanish grants.*

No.	Names of present claimants.	Names of original claimants.	Date of grant.	Quantity of land.	By whom conceded.	Situation.
				Acres.		
1	Wm. Thos. Jones..	Abraham Jones...	Jan. 12, 1770	2,000	Grant..	Maxton's or McGirt's creek, St. John's river.
2	John H. McIntosh..	John McQueen....	Feb. 27, 1804	3,274	White .	

No. 15.—*A report of* 16 *claims omitted on the abstracts of the land commissioners and transmitted to us by the Commissioner of the General Land Office.*

No. 1—*W. J. Fatio, and others, claimants for* 720 *acres of land.*

This claim was confirmed by the commissioners on the 12th of October, 1824. It was a mistake in the department to transmit it to us with those which follow. It is the third claim on report No. 6, of December 29, 1824, and has been confirmed by Congress.

No. 2.—*Francis P. Sanchez, claimant for* 800 *acres of land.*

Sanchez purchased this land of Joseph Maria Agarte, to whom it was conceded by Coppinger, for services, in December, 1817. It was surveyed by Burgevin, at a place called Alligator Creek, and at another place called Funk's Savannah, in February, 1821. 350 acres were laid off at the first place, and 450 acres at the second. The decree of confirmation is dated June 10, 1824.

No. 3.—*Bernardo Segui, claimant for* 7,000 *acres of land.*

This grant was made by Estrada to the claimant on the 20th December, 1815, surveyed by Burgevin on the 10th of September, 1818, and recommended for confirmation on the 20th of January, 1824. It lies on the east side of the St. John's river, at a place known as Buffalo Bluffs.

No. 4.—*Wm. Williams' heirs, claimants for* 2,020 *acres of land.*

No. 5.—180 *acres of land.*

In 1803 Williams having proved to the satisfaction of Governor White, by the report of the engineer, that under the royal order of 1790 he was entitled as a new settler to 2,200 acres of land, they were granted to him at Smyrna.

In 1804, having discovered that the lands at the place were sterile, and the location sickly, he applied for and obtained leave to locate 2,020 acres, a part of the grant on the St. John's river, on a creek called Spring Garden, "the mouth of the aforementioned creek forming the survey," reserving at the same time 180 acres of the first location to cover the buildings which he had already erected. The evidence in this case, to wit, the testimony of Summerrall and Dexter, is already before the department at Washington. It was confirmed on the 1st of October, 1824.

No. 6.—*Nicholas Rodriguez, claimant for* 300 *acres of land.*

Quesada conceded this land to Lorenzo Rodriguez in February, 1793. On the death of Lorenzo, Nicholas, the son, became the purchaser; and the petition and sale of Lorenzo was confirmed by an official act of the Spanish government on the 18th of September, 1816. The land was confirmed to the present claimant by the board of land commissioners on the 11th of September, 1824. It is situated on Anastatia island, at a place called Buena Vista, and on a creek called *Cano de la Escelta,* near the light-house.

No. 7.—*George Atkinson, claimant for* 550 *acres of land.*

All the papers in this claim were copied at large by the former board of commissioners and sent on to Washington. They are shortly these: in 1816, George Clarke having surveyed the land in the preceding year, Governor Coppinger granted to Atkinson 550 acres of land, on the north side of the river St. John's, by royal title. Atkinson was a new settler, and obtained the land under the order of 1790. This claim, as was suggested by a note indorsed at the department, is on the abstract of 1824, No. 26 of report No. 1. It is there registered in the name of Francis P. Sanchez, which is a mistake; Sanchez has no such claim, and the date of the survey and of the grant, as well as the location and boundaries of the land, prove the identity of the claim and the misnomer of the claimant on the abstract. It was confirmed on the 11th of June, 1824.

No. 8.—*Antonio Alverez, claimant for* 1,500 *acres of land.*

This land, on the first memorial of the claimant to the board, was claimed to be situated on the west side of the Octawaha creek, and to have been surveyed there by Andrew Burgevin, "by the authority of the government," granted to Burgevin for that purpose. By the permission of the board he subsequently changed the location of the grant, having perhaps discovered better land upon which to place it. The title to this property has been transmitted to the department. It was recommended for confirmation on the 8th September, 1824.

No. 9.—*Samuel Clarke and George S. Brown, claimants for* 3,000 *acres of land.*

In April, 1798, Thomas Travers, on behalf of the children, then in the United States, of his brother, Patrick Travers, deceased, "a subject of his Catholic Majesty," petitioned for 3,000 acres of pine land, at

a place called Pigeon creek, on the river St. Mary's, "for the purpose of building a water saw-mill," and 300 acres of planting land, on Amelia island, at a place called the Horse-Pen. On a favorable report of the engineer, Governor White conceded the land to the claimant in 1799, Geo. Clarke surveyed it in 1819, and Governor Coppinger, in the same year, issued a royal title. The lands seem to have been regularly conveyed from the grantee to the present claimants. Three witnesses have been sworn in this case, whose testimony is on file in the department at Washington. They all prove the same fact, that Travers built the mill in compliance with the terms of the grant, and that Clarke and Brown have greatly improved the property. This claim was confirmed by the board of commissioners on the 28th of December, 1824. We do not know what has been done with the claim to the 300 acres at the Horse-Pen, on Amelia island.

No. 10.—*William Travers, claimant for* 450 *acres of land.*

In pursuance of the royal order of 1790, Governor White granted to L. Ortega, June, 1798, 450 acres of land, at a place called Santa Lucia, on the North river. It was surveyed by Andrew Burgevin, and sold by Ortega to the present claimant. On the testimony of one witness, that it had been cultivated by Ortega up to May, 1821, it was confirmed by the board of land commissioners on the 30th of September, 1824.

No. 11.—*W. P. Sanchez, claimant for* 100 *acres of land.*

In 1797 Governor White conceded to John Bousquet 200 acres of land, situated on Guano creek, on the North river. In the subsequent year the governor permitted the grantee to transfer his claim to John Cavedo and A. Acosta, one-half to each. In 1804 it (Acosta's portion) was surveyed, and came by regular conveyances to the possession of the present claimant, to whom it was confirmed on the 11th of October, 1824.

No. 12.—*John B. Gaudry, claimant for* 1,500 *acres of land.*

Gaudry claims this land under a grant made to Don Bartolo de Castro y Ferrer, by Governor Coppinger, on the 9th of October, 1817, under the royal order of 1790. The land is situated at a place called Spring Garden, on the river St. John's, and was recommended for confirmation on the 21st of September, 1824.

No. 13.—*Frances Ferreira, claimant for Key Bacas.*

The grant to this land was made by Governor Kindelan, in January, 1814, for services. The testimony is filed in the land office at Washington. It was recommended for confirmation on the 19th June, 1824.

No. 14.—*Joseph M. Hernandez, claimant for* 3,200 *acres of land.*

Hernandez claims this land as attorney for his wife, Dona Anne Maria Hill, widow of Samuel Williams, to whom it was granted by royal title dated April 18, 1817, "by virtue of the royal order of 1790." It is situated in the territory of Halifax, and was surveyed by John Purcell in 1804.

No. 15.—*Michael Crosby's heirs, claimants for* 2,000 *acres of land.*

It appears by the decree of the boards in this case of December, 1824, that Coppinger conceded this land to Michael Crosby on the 24th January, 1818, and issued a royal title for the same on the 2d day of March succeeding. It was surveyed by George Clarke on the 12th day of April, 1818. It lies on the west side of the river St. John's, opposite to a place called Mount Tucker. All the papers in this case are on file in the land office at Washington.

No. 16.—*Margaret Acosta, claimant for* 34½ *yards front of land.*

Acosta laid her claim before the board of commissioners for six hundred and forty acres of land under the donation act. That claim was rejected, and thirty-four and a half yards front upon the road leading from the gate of the city, and within five hundred yards of its fortifications, were confirmed to her. It is a claim similar to those on report No. 11 of this session. The decree of confirmation bears date the 28th December, 1824.

C. DOWNING.
W. H. ALLEN.

ABSTRACT No. 15.

Sixteen cases sent back from Washington to the register and receiver for their report.

Number.	Present claimants.	Original claimants.	Date of royal title.	Date of concession.	No. of acres of land.	By whom conceded.	Royal order, &c.	Situation and remarks.
1	Frs. J. Fatio and others...	Francis P. Fatio.....	British title.	.....	Resurveyed..	.....	1793	This claim will be found in report No. 6, of 1824; No. 3 in said report.
2	Frs. P. Sanchez.....	Joseph M. Ugarte....	.....	Dec. 17, 1717	800	Coppinger.	1815	Alligator creek, 350 and 450 on Funk's Savannah.
3	Bernardo Segui	Bernardo Segui	.....	Dec. 20, 1815	7,000	Kindelan..	1813-'15	Between Dunn's lake and Horse Landing.
4	Wm. Williams's heirs....	Wm. Williams.....	.....	Sept. 6, 1804	2,020	White.....	1790	Spring Garden.
5	.....do.....	.....do.....	.....	.....	180	....do.....	1790	Mosquito.
6	Nicholas Rodriguez	Lorenzo Rodriguez...	.....	Feb. 16, 1793	300	Quesada...	1790	Buena Vista, Anastatia island.
7	George Atkinson.....	George Atkinson.....	.....	Feb. 22, 1816	550	Coppinger.	1790	West river, St. John's.
8	Antonio Alverez.....	Antonio Alverez	.....	Dec. 7, 1817	1,500	....do.....	1815	Big hammock.
9	S. Clarke and G.P. Brown.	Thomas Travers.....	.....	Apr. —, 1798	3,000	White.....	.....	For building a water saw-mill, St. Mary's river.
10	Wm. Travers	Lazaro Ortega.....	.....	June 4, 1798	450	....do	.....	Santa Lucia, North river.
11	Francis P. Sanchez.....	John Bousquet.....	.....	Aug. 18, 1797	100	....do.....	1790	North river, Warner creek.
12	John B. Gaudry.....	Barth. de Castro de Ferrer	.....	Oct. 9, 1817	1,500	Coppinger.	1790	Spring Garden, St. John's river.
13	Francis Ferreira.....	Francis Ferreira	.....	Jan. 5, 1814	....	Kindelan..	1790	Key Bacas.
14	Jos. M. Hernandez, attorney, &c..	Samuel Williams	.....	July 21, 1808	3,200	White.....	1790	Halifax river.
15	Mich. Crosby's heirs	Michael Crosby.....	Mar. 2, 1818	Jan. 24, 1818	2,000	Coppinger.	1790	West side river St. John's.
16	Margaret Acosta	Peter Estopa.....	.....	June 3, 1807	34½ yds. front	.....	.....	Situated outside of the gates.

C. DOWNING.
W. H. ALLEN.

No. 16.—*Abstract of claims rejected by the board of land commissioners, and not reported to Congress.*

Numbers.	Names of— Present claimants.	Original claimants.	Date of royal title.	Date of concession.	Quantity of land.	By whom conceded.	Royal order.	Situation.
					Acres.			
1	McDowell & Black ..	Wm. Travers.....	Nov. 5,1818	.....	1,000	Coppinger	1815	East of Dunn's lake.
2	Belton A. Copp	Francisco Rivera	Oct. 31,1818	.....	1,000	....do.....	1815	South of Lake George, St. John's river.
3	Fras. P. Sanchez.....	Fras. P. Sanchez	Oct. 31,1818	.....	1,000	....do.....	1815	Head of Indian river.
4	Robt. Miller and wife.	David Garvin.....	Dec. 5,1814	.....	Martin's island.	Kindelan	1790	Martin's island, St. Mary's river.
5	N. Wilds	N. Wilds.....	....	.....	184	.....	.....	Geo. J. F. Clarke's survey, dated May 8, 1818; St. Mary's river.
6	James Woods.....	James Woods	.....	.....	75	.....	.....	Geo. J. F. Clarke's survey, dated Dec. 13, 1818; Mills's swamp.
7	Fred. Hartley.....	Fred. Hartley.....	.....	.....	400	.....	.....	Surveyed by Pedro Marrot, March 6, 1792, on Nassau river.
8	Theo. J. Woods, sr...	Theo. J. Woods, sr...	.....	.....	370	.....	.....	Surveyed by Geo. Clarke in two tracts, Nov. 9, 1818, and Dec. 10, 1820.
9	Thos. Higginbottom..	Thos. Higginbottom..	.....	.....	200	.....	.....	Geo. J. F. Clarke's survey, dated Oct. 17, 1818; river St. Mary's.
10	Charles Hovey.....	Charles Hovey.....	.....	.....	400	.....	.....	G. J. F. Clarke's survey, dated June 18, 1821; river Nassau.
11	Stephen Eubanks	Stephen Eubanks	.....	.....	450	.....	.....	G. J. F. Clarke's survey, dated Dec. 17,1818; north of Thomas's swamp.
12	Maxey Dell.....	Maxey Dell.....	.....	.....	700	.....	.....	Surveyed by Geo. Clarke in two tracts, dated July 9, 1818, and May 18, 1818.
13	Fras. R. Sanchez	Fras. R. Sanchez	.....	.....	500	.....	.....	G. J. F. Clarke's survey, dated Nov. 16, 1819; Hog Town creek.
14	Jos. S. Sanchez	Jos. S. Sanchez	.....	.....	400	.....	.....	G. J. F. Clarke's survey, dated Dec. 8, 1819; Hog Town creek.
15	John Sanchez	John Sanchez.....	.....	.....	400	.....	.....	Geo. J. F. Clarke's survey, dated Dec. 6, 1819; Hog Town creek.
16	Peter Mitchell.....	J. F. Rattenbury.....	.....	Feb. 26,1818	3,500	Coppinger.....	.....	Volucia, St. John's river.
17	Robert Miller.....	James Baird.....	.....	Jan. 3,1812	Undefined	Estrada	.....	Indian and Jupiter rivers.
18	Joseph Summerall ...	Jos. Summerall.....	.....	May 7,1817	150	Coppinger.....	.....	Cormorant branch, Julington creek.
19	Lewis Guibert.....	Lewis Guibert.....	.....	.....	640	.....	.....	A donation claim.
20	Seymour Picket.....	Seymour Picket.....	.....	.....	640	.....	.....	Same.
21	David Scurry.....	David Scurry	....	.....	640	.....	.....	Same.
22	Jesse Carlisle.....	Jesse Carlisle.....	....	.....	640	.....	.....	Same.
23	Hardy Elanier	Hardy Elanier	.....	.....	640	.....	.....	Same.
24	William Evins.....	William Evins.....	.....	.....	640	.....	.....	Same.

In addition to the above, the following claims were presented to the board of commissioners, and by them rejected, as will appear by the following extract from their minutes of March 29, 1824:

"The following British claims were this day presented to the board, viz:

25 "The Earl of Grosvenor, for twelve thousand acres of land, situated on the west side of St. John's river.

26 "Sir W. H. Cooper, for twenty thousand acres of land, on the east side of Indian river.

27 "The Earl of Besboro', for twenty thousand acres of land, on the east side of St. John's river.

28 "The honorable John Berresford, twenty thousand acres, on the east side of St. John's river.

29 "The honorable William Berresford, twenty thousand acres, on the east side of St. John's river.

30 "Lord Templeton, twenty thousand acres, on a branch of North Hillsboro' river.

31 "Lord John Rolle, twenty thousand acres, on the east side of St. John's river.

32 "Marquis of Hastings, twenty thousand acres, on the western side of St. John's river.

33 "Marquis of Waterford, twenty thousand acres, on the east side of St. John's river.

34 "Earl of Cassilis, twenty thousand acres, east side of Lake George.

35 "Heirs of P. Tonyn, esq., for twenty thousand and one hundred and twenty-five acres: the first on the west side of St. John's river, and the last on
36 Woodcutter's creek.

37 "Heirs of Jane Tonyn, for one thousand acres, in the Twelve Mile swamp.

38 "Jane Hughes, for two thousand acres, on Nassau.

39 "James Patterson, for two hundred and fifty acres, head of Rainsford Saw-mill creek.

40 "Heirs of David Yates, one hundred acres, head of St. Sebastian creek; one hundred and fifty-eight acres, five miles north of St. Augustine; one
41 hundred acres, at the head of Tolomato river; six hundred and forty acres, at Diego Fort; five hundred acres, at the forks of Rain's Cowpen creek;
42 three hundred and thirty-six acres, at Twelve Mile swamp; six hundred and twenty-five acres, on a branch of Nassau river; one town lot, No. 2,
43 on Grenville quarter; one town lot, No. 3, on Grenville quarter.
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"Whereupon it is ordered that these claims be rejected, the applicants having failed to show that they are *bona fide* citizens of the United States, and that they have never been compensated for these claims by the British government, from whom they derive title."

And from the minutes of April 1, 1824, we extract the following:

49 "J. Freeman Rattenbury presented his memorial to this board for two thousand six hundred acres of land, situated in the following manner, viz: one-sixth part thereof, situated on the southern extremity of Jupiter island; one-sixth part on the point, situated to the north thereof, on Indian river; and the four remaining parts in the wood or swamp in the southeast part of Lake George, without exhibits; which was, after due consideration, rejected by the board.

50 "J. Freeman Rattenbury *et al.* presented their memorial to this board for fifty thousand acres of land in East Florida, without exhibits, which was rejected by the board."

CHAS. DOWNING.
W. H. ALLEN.

21st Congress.] No. 785. [1st Session.

DEFICIENCY IN QUANTITY OF LAND SOLD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 19, 1830.

Mr. Hunt, from the Committee on Public Lands, to whom was referred the petition of John Salady and George Salady, reported:

That the petitioners show, by a certificate of the register of the land office at Chilicothe, that on the 6th day of August, 1814, they purchased the fractional section twenty-six, in township two, of range twenty, containing 434.10 acres, for which they have paid $1,000 70, including $132 50 as interest. On the 30th day of May, 1820, the petitioners state that they received a patent of the same.

The petitioners produce the affidavit of William Kendall, a county surveyor, that he surveyed the same fractional section on the 31st of September, 1819, and that it contains only 370.96 acres. For this deficiciency in the quantity of land purchased and paid for, the petitioners pray Congress to afford them some relief.

Two questions are presented in this case: one is, whether there is an error in fact, as represented by the petition; and the other is, whether Congress should now correct the error, if it is satisfactorily established? The township stated in the petition was subdivided under the provisions of the act of Congress approved the 11th of February, 1805, concerning the mode of surveying the public lands. It appears by the official plat of survey in the General Land Office, and by a calculation now made agreeably to that survey, that the fractional section contains the full quantity as purchased and paid for by the petitioners. The committee are of opinion that it would be impolitic and hazardous to consider the survey of William Kendall, or any other person not employed by the government, of superior authenticity to the survey made by the United States surveyor, and are, therefore, not satisfied that any deficiency in quantity does exist.

If the deficiency could be satisfactorily shown by a certificate of the United States surveyor, still the policy of the government would not, in the opinion of your committee, warrant the correction of errors, except, perhaps, in extreme cases, after a patent has been issued. The townships and subdivisions surveyed under the authority of the United States generally contain, and even exceed, the quantity represented; and if in any instance there may be a deficiency, the government is under no covenant or obligation to make good or supply the defect. In the survey of the public lands it must be equally known to all that mistakes may occur; but a defective measurement may always be ascertained and avoided by a careful examination or resurvey before purchase. If, however, purchasers trust in the correctness of the public surveys, and there is a deficiency in the tract patented, it is their loss; and if there is an overplus, it is their gain. After land has been selected, the money paid for it, and the patent has issued, the contract should be regarded as final and complete.

The committee recommend the following resolution:

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

21st Congress.] No. 786. [1st Session.

CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 20, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Ann Brashears, reported:

The petitioner claims four hundred and eighty acres, being a residue of eight hundred arpents surveyed to and occupied and cultivated by her as long ago as the year 1788 or 1789. She states in her petition that in the year 1788 a patent and grant for eight hundred arpents of land, lying in the now county of Claiborne and State of Mississippi, situate on the waters of Bayou Pierre, was made to her by the Spanish government. That an order of survey issued, and that one William Thomas, then acting as deputy for William Vausdan, the surveyor for the Natchez district, surveyed the tract on the north side of the said Bayou Pierre, including a place called the White Ground Lick. That she entered upon and occupied the land, resided upon it, and raised several crops of corn, &c. That she intrusted her papers to the care of the deputy surveyor, who lost them, or at least never returned them to her, whereby she lost the evidence of her claim. That evidence of her claim was afterwards collected and handed to George Poindexter, a representative from that State, to lay before Congress, which she believes never was done; but the papers were lost, or not returned to her, nor does she know what became of them. She further states that the said Vausdan, instead of laying off for the quantity of eight hundred arpents, he only laid off and made return of three hundred acres, without giving any reason to the petitioner for so doing. That subsequently to the grant made to her, a grant issued to one Benjamin Foy, an interpreter to the Spanish government, and a favorite of the officers of the government, for five hundred arpents, who intended to locate his warrant on the same lands which she occupied and cultivated; but that, by and with the advice and consent of the then governor, a compromise was made between them, and Foy agreed to accept of three hundred and twenty arpents; and it was agreed between them, the governor consenting thereto, that she should have the three hundred and twenty arpents taken by Foy in some other place. She further states that she requested and authorized a certain Major Stephen Minor, lately a governor in that part of the country, in the fall of the year 1804, to procure, of the commissioners appointed by the

government of the United States to adjust land claims east of Pearl river, for her a confirmation to the said land. That the said Minor, understanding that the location of Foy covered five hundred arpents, claimed of the commissioners only three hundred arpents. That she being a widow, and unable to attend to her own affairs, her papers, many of them, being lost, and the said Minor failing to inform her what other evidence was necessary, and the commissioners not being satisfied of the validity of her claim, were constrained to reject it.

That she has always been considered the owner of the said four hundred and eighty arpents, the residue of the said tract after deducting the said Foy's three hundred and twenty arpents, and has paid the taxes for the same. That Foy transferred his claim to one Richard Sparks, who was confirmed in the same by the said commissioners. That she has as yet no legal title to her land, and asks Congress for relief. The justice and equity of her case appears clearly established by the records of the commissioners allowing the claim of Sparks and rejecting hers, the letter of Governor Minor, the affidavit of Gipson Clark, together with various other papers exhibited in the case. The committee therefore report a bill.

21ST CONGRESS.] No. 787. [1ST SESSION.

LAND CLAIMS IN MISSOURI AND ARKANSAS.

COMMUNICATED TO THE SENATE JANUARY 20, 1830.

Mr. BARTON, from the Committee on Private Land Claims, to whom was referred the report of the Commissioner of the General Land Office of the 22d December, 1826, reported that they find that the greater part of the claims mentioned therein have been heretofore sufficiently provided for by law. They have taken into consideration the particular claim of Wilson P. Hunt, esq., as assignee of Gregoire Sarpy, for a patent to the quantity of a league square of land, French measure, containing seven thousand and fifty-six French arpents, equal to six thousand and two acres and a half of English measure, lying on the *Rivierre des Peres*, near St. Louis, in Missouri, and report:

That, on the 28th day of October, 1802, Don Carlos Dehault Delassus, then lieutenant governor of Upper Louisiana, granted to Gregoire Sarpy six thousand arpents of land, on the said river, which was surveyed by the Spanish authority before the 10th day of March, 1804, part on the Rivierre des Peres, and part on the river Merrimack, about twenty miles from St. Louis.

Under the act of Congress passed April 12, 1814, the recorder of land titles at St. Louis, acting as a commissioner of the United States, confirmed the claim of Mr. Sarpy for a quantity "not exceeding a league square," to lie on the Rivierre des Peres, in the county of St. Louis, and transmitted his report of confirmations to the General Land Office, which was laid before Congress.

By the act of April 29, 1816, Congress confirmed this report of the recorder and ordered the survey to be made accordingly by the surveyor of the United States. This was afterwards done for the whole quantity of a league square, as represented in the accompanying plat and certificate of survey.

After the confirmation of 1816 Wilson P. Hunt, being disposed to settle at St. Louis, purchased this tract, for the whole quantity of a league square, upon the faith of the several confirmations under the acts of 1814 and 1816, and of the assurances of the proper officer of the United States that the claim was valid to that extent by virtue of those confirmations; and, accordingly, on the 13th September, 1825, the recorder of land titles at St. Louis issued and delivered to the claimant the final patent certificate for the league square, of 7,056 arpents or 6,002.50 acres, which is herewith shown to the Senate.

By the letter of the existing laws the confirmee is entitled to his patent, unless it shall appear that the patent certificate was not fairly obtained. There is no unfairness pretended in the case on the part of the grantee or his assignee. The mistake in confirming six thousand acres instead of six thousand arpents was the sole act of the officer of the United States, the recorder. That act was afterwards confirmed by the act of Congress of 1816; and the present claimant seems to have purchased in good faith, confiding that this confirmation of Congress, upon a review of the proceedings of the recorder, was irrevocable.

The Commissioner of the General Land Office deems it his duty to withhold the patent for the present on account of the mistake in the first confirmation, and has presented the case to Congress for their consideration and decision.

The committee are disposed to consider the present claimant as an innocent purchaser, confiding in the acts of the government itself, and that it is of more importance that such confidence should be realized, and such titles settled and quieted, than that the United States should gain a few acres of land.

The committee, therefore, report a bill directing a patent to be issued in this case.

21ST CONGRESS.] No. 788. [1ST SESSION.

CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE SENATE JANUARY 20, 1830.

Mr. BURNET, from the Committee on Private Land Claims, to whom was referred the petition of the heirs and devisees of Andrew Turnbull, deceased, reported:

The petitioners, who claim to be heirs and devisees of Andrew Turnbull, deceased, represent that the said Andrew and some of his younger children were seized of several tracts of land in the province of East Florida, amounting to upwards of seventy thousand acres, granted to them by the British govern-

ment, while that province was subject to Great Britain; that during the revolutionary war the said Andrew joined the Americans, and became an American citizen, in consequence of which neither him nor his children received any compensation from the British government for the said lands. They further state that when the commissioners appointed under the act of 1822 met at St. Augustine, the petitioners sent an agent to that place, by whom their claim to the said lands was presented to the commissioners. That the commissioners were satisfied, and so reported, that the said lands had been regularly granted, and that no compensation had been received therefor from the British government. The prayer of the petitioners is, that whatever claim the United States have, or appear to have in the premises, may be remitted and released to them according to their respective rights.

With a view of ascertaining the grounds on which the claim of the petitioners rests, the committee have examined the treaty of 1783, by which Great Britain ceded the provinces of East and West Florida to Spain, and the proceedings of the Spanish government subsequent thereto. The fifth article of that treaty is in these words: "His Catholic Majesty agrees that the British inhabitants, or others, 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, 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."

On the 7th of February, 1785, the following royal order was published by the Spanish government: "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 months stipulated in the definitive article of peace for the emigration of the English subjects who may be in West Florida."

In the attestation of Juan de Entralgo, notary of government, attached to the certificate of the foregoing order, it is recited that process had been instituted in the year 1790, upon the sale of houses and lands which were abandoned and returned into the royal patrimony in consequence of their English owners having emigrated.

The fourth article of the "Edict of Good Government" is in the following words: "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 remain in it, protected in the possession of their lands and effects, under the indispensable conditions of taking the oaths of fidelity, of not augmenting the said lands, not transferring them themselves to any others; consequently, all those who have not conformed and do not conform to the said conditions in 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."

The treaty of 1819, by which the Floridas were ceded by Spain to the United States, provides, in the eighth article, "that 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 said grants would be valid if the territories had remained under the dominion of his Catholic Majesty."

After the United States had received possession of the ceded territory, Congress passed an act on the 8th of May, 1822, for ascertaining claims and titles to land within the Territory of Florida. The fourth section of that act provides "that every person, or the heirs or representatives of such person, claiming title to lands under any patent, grant, concession, or order of survey, dated previous to the 24th of January, 1818, *which were valid under the Spanish government or by the law of nations*, and which are now rejected by the treaty ceding the territory of East and West Florida to the United States, shall file before the commissioners his, her, or their claim, setting forth," &c. The fifth section authorizes the commissioners to inquire into the justice and validity of the claims filed with them, and prohibits them from confirming any claim, or part thereof, where the amount claimed is undefined in quantity, or shall exceed one thousand acres. The last proviso in the same section directs "that the commissioners shall not act on or take into consideration any British grant, patent, warrant, or order of survey, but those which are *bona fide* claimed and owned by citizens of the United States, and which have never been compensated for by the British government."

On the 3d March, 1823, an amendatory act was passed creating separate boards for the two Floridas, and granting some additional facilities to actual settlers at the time of the cession.

On the 24th of February, 1824, an act was passed extending the time limited for the settlement of private land claims in the Territory of Florida.

On the 8th of February, 1827, an act passed to provide for the confirmation and settlement of private land claims in East Florida, and for other purposes, but which does not appear to have any bearing on the claims in question.

On the 23d of May, 1828, another act was passed, supplementary to the acts before mentioned, but equally inapplicable to the case under consideration.

The facts relating to the claim, as far as they are known to the committee, appear to be these: Andrew Turnbull, under whom the petitioners claim, and also his children, to some of whom separate grants had been made, left the province of East Florida about the commencement of the revolutionary war, and it does not appear that the said Andrew returned to the province, for the purpose of claiming these lands, during the time the country continued under the dominion of Great Britain or of Spain; nor was the said Andrew, or the petitioners, or any other person for them, in the occupancy of any of the said lands at the time Florida was ceded to Spain, or at any time thereafter prior to the transfer by Spain to the United States; nor is there any evidence to show that the petitioners or their ancestors have been in possession of any part of the property now claimed at any time within the last fifty years; nor does it appear that any attempt was made to reclaim or dispose of the said property within the period allowed by the treaty of 1783. But notwithstanding the staleness of the claim, the committee have deliberately examined it with a disposition to relieve the petitioners.

The attention of the committee has been directed by the claimants to the law of 1812. That law, however, does not appear to have any reference to the subject. It relates altogether to the territory claimed by the United States as a part of Louisiana, and cannot affect or apply to grants in East Florida, which was not ceded to the United States until about seven years after the law of 1812 had been passed.

The petitioners seem to rely, also, on the last proviso in the fifth section of the act of 1822, which

prohibits the commissioners from taking into consideration any British grants but such as belong to American citizens, and which have not been compensated for by the British government. It is understood that the petitioners are American citizens, and that they have not been compensated by the British government, and that therefore the commissioners were not prohibited from examining their claims; but most surely it does not follow because the board had power to examine any description of claims, that therefore those claims were to be confirmed, as a matter of course. Had such been the intention of Congress, instead of authorizing an examination after proof of citizenship, and that no compensation had been received, they would have directed a confirmation at once. The true construction of that proviso seems to be, that British grants, although they may be in all other respects such as the law recognizes to be valid, shall, notwithstanding, be rejected, unless they come, also, within the description contained in the proviso. The fact, therefore, of citizenship and want of compensation decides nothing. The question is still open, whether the grants be of such a character in other respects as entitles them to confirmation? This inquiry must be solved by a reference to the fourth section of the same act, which enumerates and describes the claims that may be filed before the commissioners. By that section the commissioners were authorized to receive only such claims *as were valid under the Spanish government or by the law of nations.* They were not permitted to receive or to place on their files claims of any other description, and consequently could neither examine nor allow any others. The true construction of the statute, therefore, must be that such British grants, and such only, as were valid under the Spanish government or by the law of nations, and belonged to American citizens, who had not received remuneration for them, might be received and decided by the commissioners. To bring the case within the law, therefore, the petitioners must do more than show that they are American citizens and have not received compensation for their lands from the British government. They must establish the previous proposition, that their grants were valid under the Spanish government or by the law of nations.

Some weight seems to be attached by the petitioners to the circumstance that Mr. Turnbull joined the Americans at the commencement of the revolution. It is not perceived how this fact can change the merits of the claim, because it did not in any degree affect his privilege under the treaty of 1783 of selling his lands, which is expressly secured, not only to British subjects, but to others who may have been subjects of the King of Great Britain in the said countries. Mr. Turnbull had been a subject of Great Britain in East Florida, and was therefore within the provision. Nor is it perceived how the claim, in a legal point of view, is strengthened by the fact that he has not been remunerated by the British government, inasmuch as the remuneration made by that government was purely gratuitous, and not in consequence of any existing right. They were therefore at liberty to withhold it altogether, or to grant it to whom they pleased. It can be viewed in no other light than that of a bounty, voluntarily given, which the donor had a perfect right to distribute to whom he pleased and as he pleased. The petitioners, therefore, were not wronged by its being withheld from them, for the obvious reason that they had no right to demand it. The liberality of the British government might, perhaps, be cited as an example worthy of imitation; but it cannot be referred to as evidence of injustice to the petitioners, much less does it authorize them to demand remuneration, as a matter of right, from the American government.

The claims now under consideration were presented to the commissioners in East Florida, and not confirmed, on the ground that they were not valid under the Spanish government or by the law of nations, and consequently not embraced in the statute of 1822. It is very evident that Spain never did admit these claims, and it is equally evident that she was not bound to do so. The only provision in favor of proprietors holding under British grants is contained in the fifth article of the treaty of 1783 and in the royal order of February 7, 1785, prolonging the time named in the treaty by an addition of four months; at the expiration of that time all British grants not disposed of were forfeited to the crown. An omission to sell was a voluntary abandonment of title, by the operation of the fifth article, which evidently implies that Spain, after the expiration of the stipulated period, should be vested with all the rights acquired over a conquered country ceded to the conqueror by a subsequent treaty; and it is very evident, from the course pursued by Spain, that she claimed those rights. On the 30th of August, 1785, less than two months after the expiration of the additional term of four months allowed by the King to British claimants to dispose of their possessions, a decree was published at St. Augustine virtually forfeiting all British grants to persons who had left the province without disposing of them, or who had remained in the province and had not taken the oath of fidelity to the King of Spain; and in justification of that measure, the decree refers to an article in the treaty of cession from Spain to England in 1763 of the same character, under which Great Britain claimed, as absolutely forfeited to her, all Spanish grants that had not been disposed of at the expiration of the term allowed for that purpose. The rule adopted by Great Britain, and applied to Spanish subjects, is cited as a precedent justifying the adoption and application of the same rule to British subjects. That Spain determined to assert her treaty rights against British proprietors who had left the province may be inferred from the edict of April 5, 1786, before quoted, which permitted foreigners who inhabited the province at the time of English authority to remain, and by which they were protected in the possession of their lands and effects, on the indispensable condition of taking the oath of fidelity and obedience, and by which all those who had not, and who should not in thirty days, take that oath, were ordered to depart the province.

But the determination of the Spanish government to avail itself of the rights acquired by conquest, and by the treaty of 1783, is still more clearly expressed in the decree published at St. Augustine on the 30th of August, 1785, which contains this explicit declaration: "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."

It also appears, from a recital in the protest of F. M. Arredondo, that the houses and grounds which reverted to the royal patrimony at the time the English evacuated the province, by their owners having left them, *pro derelicto*, had been sold under the authority of the crown.

These edicts and proceedings afford satisfactory evidence that Spain has not admitted, but on the contrary has disavowed the grants under which the petitioners claim, and they also show that the treaty authorizes her to do so. From this view of the subject the conclusion seems to follow that the grants to Mr. Turnbull were not valid under the Spanish government. It remains to inquire if they were supported by the law of nations. Vattel, b. 2, c. 14, sec. 207, states "that the governor of a place, and the general

who lays siege to it, have the power of agreeing about the capitulation, and that everything they thus conclude within the terms of their commission is obligatory on the state or sovereign who has committed to them the power."

The same author, b. 3, c. 13, sec. 197, says "immovables, lands, towns, provinces, &c., pass under the power of the enemy who makes himself master of them; but it is only by the treaty of peace, or the entire submission or extinction of the state to whom these towns and provinces belonged, that the acquisition is completed, and the property becomes stable and perfect."

And again, in b. 2, c. 8, sec. 114, he says "every state has the liberty of granting or refusing foreigners the power of possessing lands or other immovable goods within its territory. If the sovereign does not permit aliens to possess immovables, nobody has a right to complain of it, for he may have very good reasons for acting in this manner; and strangers, not being able to claim any right in his territories, they ought not to take it ill that he makes use of his power and of his rights in the manner which he thinks most for the advantage of the state; and as the sovereign may refuse strangers the power of possessing immovables, he is doubtless at liberty to grant it only on certain conditions." In b. 3, c. 14, sec. 212, he maintains the doctrine "that when a surrendered town is retaken it becomes restored to its former rights, and receives its immovable possessions from the hands of those who were precipitate in purchasing them; but if this town has been *ceded to the enemy by a treaty of peace*, or was absolutely fallen into his power by the submission of the whole state, it has no claim to the right *post liminium*, and the alienation of any of its possessions by the conqueror *is valid and irretrievable*." It was no doubt in consequence of this principle of international law that the fifth article was inserted in the treaty of 1783, and that a similar one was introduced into the preceding treaty of 1763.

Spain, having conquered the province, and received a confirmation of her right by the treaty of peace, was at liberty to sell her acquisition, as she did do, to the United States, unencumbered by the right *post liminium*. All parties were bound by the proceeding, and Mr. Turnbull, in common with others, must submit. The only right he retained was the one secured by the treaty of 1783, of disposing of his possessions within a limited period. They were not disposed of, consequently they vested in the King of Spain, and have passed from him to the United States by the treaty of 1819.

If the proposition be established that the grants in question were not valid under the Spanish government or by the law of nations, it must follow that they were not embraced in the law of 1822, which is the only statute in the knowledge of the committee providing for the confirmation of British grants in the province of East Florida. If the claim be not sustained by that statute, the committee do not discover any ground on which it can be urged as a matter of right, nor do they perceive any obligation on the United States to indemnify the petitioners for a loss which has evidently resulted from the negligence of their ancestor. The lands in question became forfeited to the crown of Spain in the year 1785, thirty-four years before the province was transferred to the United States. Spain had acquired a perfect right to these lands by conquest, by treaty, and by a voluntary dereliction, long before she ceded them to the United States; and the United States, by that cession, succeeded to all the rights of Spain, subject only to the reservations and stipulations in her own treaty. Among those stipulations we do not discover any in favor of British grants, for this obvious reason, that by the treaty of 1783, no British proprietor was allowed to retain his real estate unless he remained in the province, continued to occupy it, and received a confirmation from Spain which would give to it the character of a Spanish grant, and thereby entitle it to protection. It is worthy of remark that, by the eighth article of our treaty with Spain, grants made by his Catholic Majesty are to be ratified and confirmed only to persons *in actual possession*, and to the same extent that they would have been if the country had remained under the dominion of Spain. It does not appear that the petitioners, or any other person for them, were in possession, or that their claims, or any part of them, would have been valid if Spain had retained the country. The reverse of the proposition seems to be true; for, by the construction of the treaty of 1783, acquiesced in by Great Britain, British claimants were not allowed to remain in the province except on the condition of becoming Spanish subjects; and all British grants held by emigrants, and not sold within the period allowed by the treaty, were considered as being relinquished to the crown, and were disposed of accordingly. The petitioners and their ancestors were emigrants, and continued to be so during the occupancy of Spain. They did not sell their lands, they were not in possession, and, as a matter of course, their grants would not have been valid had Spain continued to occupy the province.

The petitioners place some reliance on the fact that their ancestor joined the Americans at the beginning of the revolutionary war. Although that course entitles him to the most favorable consideration, it does not affect the merits of the present claim, inasmuch as the loss of his lands was not in the smallest degree occasioned by that act, because the treaty of 1783 embraced his case, and enabled him, at the close of the revolutionary war, to reclaim and dispose of his property. The fact that he had joined the Americans formed no objection to his right, which was lost, not because he had become an American citizen, but because he voluntarily chose to neglect and abandon it.

After a careful examination of the subject referred to them, the committee are of opinion that the petitioners have not sustained their claim, and report to the Senate the following resolution:

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

21st Congress.] No. 789. 1st Session.

CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1830.

Mr. Gurley, from the Committee on Private Land Claims, to whom were referred the petition and documents of Alexander Love, of West Florida, reported:

That petitioner claims, in the Territory of Florida, 2,000 arpents of land, as having been granted by the Spanish government in 1817 to Nairo Balderas, and by him conveyed to Eugenio Lavalle, and by the said Lavalle to petitioner. He further represents that the said claim was duly entered and recorded

with the commissioners of land titles, in the district in which it is situated, in pages 280 and 281; but that they omitted to report thereon. It is in evidence that the grant or concession was made as before stated, and immediately possessed and cultivated; that the land was conveyed to Lavalle, and by him to petitioner. It further appears, by an examination of the report of the commissioners of land titles, that no report on this claim was made, although there is no evidence that it was entered with them. This fact is alleged by petitioner, but not proven.

Your committee are, however, satisfied that this omission should not prejudice his claim, if just in itself, and such as under the law would have entitled him to a favorable report, if it had been so entered, especially as this case furnishes strong presumption that his title was recorded as is by him alleged.

From a view of the whole case, your committee are of opinion that the petitioner is entitled to the land claimed, and therefore report a bill relinquishing to him the title of the United States.

21st Congress.] No. 790. [1st Session.

PROPOSITION TO SELL THE PUBLIC LANDS IN OHIO TO THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 28, 1830.

Mr. Irwin, from the Committee on Public Lands, to whom was referred the resolution of the House instructing the committee to inquire into the expediency of selling to the State of Ohio, on equitable terms, the unsold land belonging to the United States situated in said State, reported:

That the State of Ohio contains 24,810,100 acres of land, of which the following quantities have been appropriated:

	Acres.
The Ohio Company's purchase	892,900
Donation to the Ohio Company	100,000
Two townships for a college to the same company	46,080
The western Connecticut reserve	3,267,910
The Virginia military district	3,709,484
The United States military district	1,461,666
John C. Symmes's purchase	272,000
The perch grant	25,200
The refugee grant	103,000
Grant to Arnold H. Dohrman	20,480
Three sections to Ebenezer Zane	1,920
To the United Brethren	12,000
Deduct these appropriations from the whole quantity, and there will be left	15,897,460
To this ought to be added that portion of the United States military district which remained unlocated	36,827
	15,934,287

The whole quantity of land heretofore sold at the respective land offices in that State amounts to 9,432,185 acres, and for which the United States have received the sum of $16,102,505, which is at the rate of about one dollar and seven cents per acre, for the whole amount of the public land within that State, without deducting therefrom any of the grants made for common schools, colleges, roads, or canals. If these grants were deducted, the government has received at the rate of about one dollar and twenty cents per acre for the residue.

There is yet unsold, of the public land in that State, 4,802,162 acres, which was offered for sale at the following periods, and have been in market ever since, to wit: at the land offices at Steubenville, Marietta, Chilicothe, and Cincinnati, in the years 1800 and 1801; at the land office at Zanesville in 1803; at Canton in 1808, and at Delaware and Piqua in 1820, 1821, and 1822. A very considerable quantity of the unsold land has been in market between twenty-five and thirty years, and is believed by the committee to be generally of inferior quality; and that which remains unsold in the districts of Delaware and Piqua, after deducting therefrom the part located for the Ohio and Indiana canals, is believed also to be low, wet, and of little value, when compared to what might be termed lands of the first quality. The committee, however, cannot pretend to set a price on these lands, or say what sum they are worth, or would bring in market, if offered to the highest bidder. Until further information is procured on this subject, they would not advise a reduction of the price for which the public lands have heretofore been sold in that State.

In 1825 that State engaged in the construction of two canals: one from Dayton to Cincinnati, in the western part of the State, about sixty or seventy miles in length; the other from Cleveland, on Lake Erie, to Portsmouth, on the Ohio river, a distance of about three hundred and nine miles. The canal from Dayton to Cincinnati has been completed for some time, and is now in successful operation. That portion of the main canal from Cleveland to the Licking Summit, a distance of one hundred and ninety miles, is finished, with the exception of a few small jobs, and will be ready for navigation the ensuing spring. The balance of the canal, from the Licking Summit to Portsmouth, on the Ohio river, a distance of 119 miles, is all under contract, and by those contracts is to be completed prior to June 1, 1831.

In the construction of these canals, the State has contracted a debt of about four millions of dollars, which it will have to pay from direct taxation and the profits of the canals. The exemption of a large portion of the landed property within the State from taxation has ever embarrassed its fiscal concerns,

but in the present emergency is more severely felt, in consequence of the increased taxation which has become necessary to meet the engagements of the State.

The benefits arising from the accomplishment of this great work will not be confined to the State by which it was achieved. By its completion an unbroken chain of inland navigation will be secured from the city of New York to the Gulf of Mexico, and to every portion of that vast extent of country lying on the east and west of the Mississippi, as far as its waters are navigable. In times of peace it will afford commercial advantages to a great extent; and in time of war it will furnish to the government immense facilities in the transportation of its troops and munitions of war.

As the committee are disposed to view this as a work of national concern, they think it not unreasonable that the United States should relieve that State of a part of its public debt, by becoming the purchaser of a portion of its canal stock. This can be effected by selling and conveying to that State the residue of the public lands within its limits, upon condition that the State, by its legislative act, will agree to sell those lands for cash only, and at such price and in such quantities as Congress may from time to time direct; and will faithfully apply the net proceeds to the purchase of its canal stock, at par, as fast as practicable; and will forever guaranty the payment of interest thereon, not exceeding four, and never less than three per cent. To carry into effect this equitable arrangement, the committee herewith report a bill.

21st Congress.] No. 791. [1st Session.

CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 28, 1830.

The Committee on Private Land Claims, to whom was referred the petition of Robert Irwin, junior, of Green Bay, in the Territory of Michigan, reported:

The petitioner sets out in his petition that, in the year 1820, he purchased of one Joseph Ducharm a lot of land designated on the plat of private land claims at Green Bay, in Michigan, as lot number seventeen, on the east side of Fox river; that he so arranged his buildings thereon that when the surveys under the direction of the government of the United States in the year 1828 came to be made, it was discovered that a portion of his buildings fell within the lines of lot number eighteen, adjoining to his on the south. He asks Congress to convey to him, or permit him to purchase at a fair value, that part of the said lot, number eighteen, upon which his buildings have been erected. It appears, and the fact is admitted by the petitioner, that lot number eighteen has, by an arrangement with the government, been assigned to the Protestant Episcopal Church for missionary purposes, and thereby become private property. Your committee know of no authority vested in Congress to wrest property from the hand of one individual proprietor, to place it in that of another. It is therefore resolved that the petitioner is not entitled to any relief upon his petition.

21st Congress.] No. 792. [1st Session.

DISPOSITION OF THE PUBLIC LANDS IN TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 29, 1830.

Mr. Crockett, from the Select Committee appointed to inquire into the most equitable manner of disposing of the refuse public lands lying south and west of the congressional reservation line in the State of Tennessee, reported:

That, by reference to a report made at the present session of Congress by the Commissioner of the General Land Office, accompanied by an official communication from the secretary of state of Tennessee, it appears that the whole quantity of land in the State of Tennessee, lying west and south of the line, commonly called the congressional reservation, is six millions eight hundred and sixty-four thousand acres; of which there has been appropriated for the satisfaction of North Carolina military warrants, and of warrants issued by that State to defray the expenses of the revolutionary war, four millions five hundred and ten thousand one hundred and seventy-six acres; leaving the quantity of two millions three hundred and fifty-three thousand eight hundred and twenty-four acres of unappropriated lands subject to the disposition of the government. It appears to the committee that the lands which have been thus appropriated for the satisfaction of warrants in this district of country have been entered by selection at the option of the claimants; and the Commissioner of the General Land Office, in his report, says: "There can be no doubt that very nearly all the lands of the best quality have been appropriated, and that a very small portion of the residue could be sold at the minimum price of the United States, until further progress shall have been made in the settlement and improvement of the country, and a greater demand thereby created for the inferior lands." By an inspection of the general plan or map of this district, and

the letter of the secretary of state of Tennessee, accompanying this report, it will appear that the lands yet vacant are refuse lands; that they lie in small bodies and detached parcels; and the secretary of state of Tennessee states that it is probable that one-twentieth part of the vacant land would be entered at twelve and a half cents per acre, and one-fifth of the residue at one cent.

The committee would refer the House to a report made by a committee of the House of Representatives at the first session of the last Congress, containing a minute statement of the situation and real value of the vacant lands in the country in question, and to various laws of North Carolina and Tennessee, by which the North Carolina land warrants have been entered and granted. By an act of Congress passed April 18, 1806, Tennessee was authorized to satisfy the North Carolina claims. In it is this provision: "And the State of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children forever." It appears that the existing claims of North Carolina turned out to be so numerous that they exhausted all the valuable lands north and east of the line established in said act, so that very few school tracts were laid off. South and west of the line no school tracts have been laid off; and upon this latter point the Commissioner of the General Land Office, in his report already referred to, says: "By the act of Congress approved April 18, 1806, provision was made for the reservation of lands for the use of schools from that portion of lands thereby ceded to the State of Tennessee; and whatever disposition may be made of the unappropriated lands south and west of the congressional boundary line, *the uniform practice of the government would require that a quantity of land equal to one thirty-sixth part of the whole district should be appropriated for the use of schools.*"

It appears to the committee that there are now settled upon these vacant spots of land, where they are of any value, a number of poor persons, with their families; who, in the opinion of the committee, should be entitled to a right of pre-emption, at a small price, to the places they occupy. In considering the proper disposition to be made of these lands, the committee are of opinion that a number of acres ought to be granted to the State, equal in quantity to the number of acres which the State would have had if one section in each township, or one thirty-sixth part, had been laid off for the use of common schools, agreeably to the requirements of the act of 1806; and that it should be a condition of the grant that the State, in disposing of the same, shall give a right of pre-emption to the settlers upon it at a reduced price. The committee are aware that this will fall very far short in value of what the State would have had if the school tracts had been laid off on the good lands before they were taken by warrants, a privilege secured by the act of 1806, and which also had been granted to all the other new States. The legislature of the State of Tennessee pray in their memorial for a relinquishment of all the remaining vacant lands south and west of the line, and allege that the whole would not be sufficient in value to make up the deficiency in the school lands; and the committee are of this opinion, but are induced not to recommend this because of the objections made by some, that a cession might operate injuriously as a precedent in other quarters of the Union.

The main objects proposed to be effected by the bill which the committee report, are: 1st. That the occupant settlers may be secured in their homes at a low rate, and thereby become freeholders in the country. 2d. That the lands granted may be subject to taxation; and lastly, that justice may to some extent, in regard to common schools, be done to Tennessee, although not so great as that which has been extended to all the other new States where the government has owned lands. The committee therefore report a bill in accordance with the principles herein set forth.

21st Congress.] No. 793. [1st Session.

JUDICIAL DECISIONS AND LEGAL OPINIONS ON LAND CLAIMS IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 1, 1830.

Office of the Attorney General of the U. S., *January* 29, 1830.

Sir: In obedience to a resolution of the House of Representatives of the 26th instant, I have the honor herewith to transmit copies of a correspondence, or of so much thereof as can be found on the files and records of this office, between the attorney of the United States for the Territory of Arkansas and the Attorney General of the United States, in relation to the subject matter of that resolution, and to state that no other information connected therewith is to be found in this office.

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

JNO. MACPHERSON BERRIEN.

Hon. Andrew Stevenson, *Speaker of the House of Representatives, U. S.*

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1. The attorney of the United States for Arkansas Territory to the Attorney General of the United States, referred to in letters of the Attorney General of the United States, dated September 22, 1826, and October 31, 1828. Dated August 8, 1826. (Not found.)
2. The Attorney General to the United States attorney for Arkansas, dated September 22, 1826.
3. The attorney of the United States for Arkansas to the Attorney General, dated December 27, 1826.
4. The Attorney General to the United States attorney for Arkansas, dated December 8, 1827.
. The attorney of the United States for Arkansas to the Attorney General, dated January 10, 1828.

6. Same to same. Referred to in letter of the Attorney General of the United States, dated October 31, 1828. Dated February 8, 1828. (Not found.)
7. Same to same, dated May 7, 1828.
8. Same to same. Referred to in letter of the Attorney General of the United States, dated October 31, 1828. Dated July 30, 1828. (Not found.)
9. The Attorney General to the United States attorney for Arkansas, dated October 31, 1828.

OFFICE OF THE ATTORNEY GENERAL OF THE U. S., *September* 22, 1826.

SIR: I have had the honor to receive your letter of the 8th of August last, accompanied by four transcripts of cases decided by the superior court of the Territory of Arkansas, under the provisions of the act of Congress of May 26, 1824. If you will have the goodness to advert to the 9th section of that act, you will perceive that it requires the district attorney, in the case which has occurred, of a decision against the United States, to make out and transmit to the Attorney General "a statement containing the facts of the case, *and the points of law on which the same was decided;*" and this, in order that the Attorney General may decide whether the interest of the United States requires that an appeal should be taken. The transcripts now sent are by no means a substitute for the statement required by the act of Congress; for that transcript contains no statement *of the points of law on which the cases were decided,* and the statement of facts presented by the transcript is too meagre to enable the Attorney General to collect what the points in dispute were. The commissioners must have had some ground for the rejection of the claims in the first instance. Would not the cases have been better prepared for the revision of the Supreme Court if that rejection, and the ground of it, had been exhibited with the answer of the district attorney? I await your explanation, and remain with respect, your obedient servant,

WM. WIRT.

SAMUEL C. ROANE, Esq.,
United States attorney, Little Rock, Arkansas Territory,

LITTLE ROCK, *December* 27, 1826.

SIR: Your letter of the 22d September, ult., in reply to mine of August 8, has been duly received. In answer to which I have to inform you that probably the construction which I give the 9th section of the act of Congress of May 26, 1824, providing for the adjudication of unconfirmed French and Spanish land claims, was incorrect. I had supposed that an entire transcript of all the proceedings had in the several cases would have been equivalent to a statement of the facts of the cases, and the points of law upon which the same were decided. In those cases which have been forwarded the facts and the points of law are the same with all the cases now pending in this court—in fact, the general principles are the same in all the cases as yet filed, viz:

1. That the petitioner or claimant produced to the court a petition addressed to the then post-commandant, praying for a concession of certain land described in said petition, in the margin of which the commandant indorsed the concession of the lands prayed for.
2. Proof that the petition and concession were genuine, and the act of the Spanish officer who purported to have signed the same.
3. When the concession purported to be made to a person then resident in the country, proof of such residence.
4. When conditions were added to a concession, proof that these conditions were complied with by the grantee, so far as was in his power previous to the change of government.

The only points of law arising in the cases were, whether the claim came within the provisions of the first section of the act of May 26, 1824, providing for the adjudication of those claims? And if so, under what treaty, law, or ordinance, the claim is protected to the claimant, as provided to be stated in the decree of confirmation by the 2d section of the aforesaid act?

On the subject of those claims having been referred to the former board of commissioners and rejected, I have been unable to ascertain the grounds of their rejection. The reports of those commissioners, as forwarded to me by the Commissioner of the General Land Office, merely state the name of the claimant, the number of acres claimed, its situation, the name of the Spanish officer making the concession, and the date of that concession. The decisions of the board are uniformly in these words: "*It is the opinion of the board that this claim ought not to be confirmed.*" I conjecture that those claims were rejected by the former board of commissioners for want of the proof now adduced in their support. As these commissioners held their sittings at St. Louis, near five hundred miles from the post of Arkansas, where most of the present claimants then lived, or from an ignorance in the claimants, what proof, if any, would be required?

I now enclose to you the transcript of two other cases. The facts and points of law will be found to correspond with the statement made in this letter.

If any other or further statement or explanation should be necessary, please prescribe such forms, or state such requisites as you may deem necessary, and I will endeavor to forward them to you with all convenient despatch.

I have the honor to be, sir, your most humble and obedient servant,

SAM. C. ROANE, *U. S. District Attorney for Arkansas Territory.*

WM. WIRT, Esq., *Attorney General of the United States, Washington City.*

OFFICE OF THE ATTORNEY GENERAL OF THE U. S., *December* 8, 1827.

SIR: I am sorry to differ with you in your construction of the 9th section of the act of May 26, 1824, concerning the claims to lands in Missouri and Arkansas.

The language of that section is, that it shall be the duty of the district attorney to make out and transmit to the Attorney General *a statement containing the facts of the case,* and *the points of law on which the*

same was decided; this you construe to mean to send the Attorney General a copy of the record; but if this had been the intention of Congress, how easy would it have been to say so at once, without using a periphrasis so ill calculated to convey that simple idea, and so well calculated to convey another. Congress was perfectly aware that these titles depended on the peculiar local usages and regulations of Spain and France, which, however familiar in those provinces, formed no part of the library of the general lawyer, and could not be supposed to be known in advance, either to the Attorney General or the Supreme Court. The district attorney, residing on the spot, would naturally be presumed to be professionally well acquainted with the foundation of the land titles in the district; and being called by his duty to examine the laws, regulations, and evidence in every particular case on which the claim of the petitioner rested, to take part in the discussion himself, and to hear the principles on which the court rested the decision, he would be in a condition to perform, with ease to himself, the duty required of him by the law, which I consider to be, to make a statement of all the circumstances necessary to a clear apprehension of the controversy, to state the precise point in dispute, with a *precise* reference to the particular law, ordinance, or regulation on which these points arose, and to state with equal clearness and distinctness the principles on which the court rested the decision. To the fulfilment of the object which this particular provision of the act of Congress had in view, a general reference to the Spanish and French law is not enough; the reference ought to be specific and precise to the particular regulation or provision on which the case turns; and I think that this particular regulation or provision ought, in some form or other, to be incorporated in the record as part of the case. Foreign laws are not matters of fact, and are to be proved as such, unless admitted; and though these Spanish and French regulations have, to a certain extent, been domesticated by our treaties, still they belong to a foreign code, and ought to be proved or admitted, and spread upon the record, as foreign laws which govern, *pro hac vice*, the decisions of domestic courts of admiralty, are proved or admitted, and form part of the case. The cases which you have heretofore sent me, (if the records in these be full,) seem to me too defective for a final decision. You will, therefore, please to take appeals in them according to the ninth section of the act, and send on complete records, to be docketed in the Supreme Court, with the allowance of the appeal annexed. It will be desirable to have the course of decision and practice under this act settled by the authority of the Supreme Court. Meantime, please forward to me a specific and precise reference to the regulations under which these cases were decided, and if to be had, a full copy of the system of regulations on which the land titles depend; and be pleased to consider the opinion which I have expressed as to the construction of the act of Congress as the guide in future.

I remain, sir, very respectfully, your obedient servant,

WM. WIRT.

SAMUEL C. ROANE, *Little Rock, Arkansas.*

LITTLE ROCK, *January* 10, 1828.

SIR: Enclosed you will receive a transcript of the record in the case of François Degne *vs.* The United States, for the confirmation of three thousand two hundred arpents of land. I have deemed it more expedient to forward to you the entire case, with all the evidence, than the report that would seem to be contemplated by the act of Congress; the entire record shows all the *points* of law, together with the *evidence* on which the case was decided. I would remark that there are a considerable number of cases now pending on the docket in this court, in all respects situated as this one is; and for my government in those cases which are yet pendant, I would earnestly request of you an answer respecting the cases now forwarded at as early a period as practicable. As to the amount of land confirmed in this case, you will perceive from the decree that there is only one-half the quantity confirmed that the complainant, Degne, claims; this arises from the doubtful language used in the petition. Asking for a concession of forty arpents on both sides of the river, with the ordinary depth, (forty arpents,) the petitioner claims the ordinary depth on each side of the river; the court in their decree have applied the term ordinary depth to the whole tract, and not to each side of the river, as prayed for in the bill filed in this case. I would further draw your attention to the section of the law that provides for the payment of costs in these cases, as there appears to be some doubt with the court what amount of fee to tax to the United States attorney in each case, and consequently the court, heretofore, have refused to tax any costs to the United States attorney. Your opinion on this point will relieve the court from much embarrassment; my own opinion is that the United States attorney is entitled to the same fees, to be paid by the complainant, as would be taxed to an attorney in the supreme court of the State of Missouri in a suit in chancery.

I have the honor to be, sir, your most obedient servant,

SAM'L C. ROANE, *United States Attorney, Arkansas Territory.*

WILLIAM WIRT, Esq., *Attorney General of the United States, Washington City.*

LITTLE ROCK, *May* 7, 1828.

SIR: Herewith you will receive the record, with an allowance of an appeal, in the case of François Degne, and also a certificate of the clerk of the motions made by myself in all the other cases of confirmation of land claims under the act of Congress of May 26, 1824, where the claims were over five hundred acres, which motions were overruled by the court, under the provisions of the second section of said act—the court here, on argument, having solemnly decided that an appeal will not lie from their decisions unless ordered by the Attorney General within one year after the adjudication by the court. Your letter instructing me to send up the appeals bears date December 8, 1827; all the cases except the case of François Degne, herewith transmitted, were adjudicated more than one year previous to that time; whether the opinion of the court was correct or not will be for you to judge. I doubt the correctness of the decision in overruling my applications for those appeals; but unless, from additional instructions by you, the court should be ordered to change their opinion, I shall be wholly unable to procure the necessary transcripts and allowances of the appeals in those cases required by you.

I take the liberty of informing you that there are now pending in this court upwards of one hundred

petitions for confirmation, all, or nearly all, of which are for small tracts under five hundred acres. From the unexpected number of those small claims, and other circumstances attending them, I am induced to believe that many of them are fraudulent, although they are proven by witnesses brought here from Louisiana, whose credibility, with all the exertions I have been able to make in this country, I am unable successfully to arraign. My object in giving you this information relative to the cases yet pending in our court is to ascertain from you, by way of instruction or otherwise, whether it be my duty, or would the government allow my necessary expenditures in going to Louisiana, or elsewhere, to procure testimony. Whether I should succeed or not is doubtful; those persons who know most about claims are interested in their confirmation. The court here have refused to allow me any fees or compensation whatever for my defending, on the part of the government, except a *per diem* pay of five dollars while actually in attendance on the court in session; with this limited means it is impracticable for me to make the exertions to procure testimony which I deem the interest of the government requires. I have succeeded in getting all the cases now pending in court continued until October next; in the meantime be pleased to inform me of the course to pursue in these cases. There has been no adjudication since December last.

I have the honor to be your obedient servant,

SAM'L C. ROANE, *United States Attorney, Arkansas Territory.*

WM. WIRT, Esq.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, October 31, 1828.

SIR: Your letter of the 30th of July reached this place during my necessary absence on an excursion to the north for the health of one of my family, and it is only a few days back that it has met my view. I am sorry to learn by that letter that we have lost the benefit of an appeal in the several cases stated in the list enclosed in that letter, and which were decided at the April term of 1826, and that of April, 1827, because not prayed for within twelve months from the rendition of the decrees. I am by no means satisfied with these decisions, and should have been extremely glad to have had them submitted to the revision of the Supreme Court; but I was without the statement required by the ninth section of the act of April 26, 1824; and I am still without such a statement in any of the cases, and therefore I had not the means which Congress intended I should have to enable me to judge whether justice to the individual claimant on the one hand, and the United States on the other, rendered it expedient that an appeal should be taken.

At the time of the passage of that act, the organization of the Spanish government in the provinces, the relative sphere of powers of the several officers—the governors, the intendants, and the commandants of posts—whether derived from royal commissions, edicts, orders, or proclamations; the regulations proceeding from the several Spanish governors and intendants, and the practice of the Spanish colonial government in carrying those regulations into effect, were necessarily unknown to me. There had been no perfect collection of these laws, ordinances, and regulations, and the practice under them printed, so that we were necessarily in the dark here on the whole subject, and could expect to derive light from no other quarter but the territories in which these land regulations had been carried into effect during their provincial connexion with Spain. It was in reference to this state of things, no doubt, that the ninth section was introduced into the law. It was naturally to have been expected that whenever a claim of one of these petitioners came to be discussed before the courts, either of Missouri or Arkansas, the petitioner would be required to show not only the grant, concession, or order of survey under which he claimed, but the power of the person who granted such concession, &c., to make such grant; that in doing this he would be required to deduce the power of such officer from the Spanish sovereign, through the governors of the provinces, and bring before the court, not merely the whole body of regulations, but lay his finger on the specific provisions in these regulations which made his title good, and show a compliance with these regulations in every particular, such as settling and making the partial clearing and cultivation, which seem to be required by all these regulations, (all, at least, that I have seen,) within a limited time, and show that he was in the peculiar predicament as to the number of family, of head of horses, cattle, &c., which entitled him to a grant under these regulations. It was also naturally to have been expected that the officers maintaining the rights of the United States would have demanded that the powers of the officer making the grant should be clearly shown; that he would have laid *his finger* on those articles of the regulations which seem to confine the power of making grants to the governors and intendants, and on those clauses, also, which seem to indicate that grants could be made only to persons in a peculiar predicament, and which declare that even a grant made shall be avoided, unless followed by settlement, clearing, and cultivation in a limited time, as within three years, and demanded proof that the party was in these predicaments; that he would have required proof of the process verbal which these regulations seem to require to accompany the survey, in order to inform the governor whether a grant could be safely made, and without which the party would not be in the situation to complete his title under the Spanish law, which the act of Congress makes the test of confirmation by the court. In such a discussion it was to have been expected that all the laws, ordinances, and regulations relative to the grants of lands by Spanish authorities would have been brought to light; and when these were doubtful, that the practical exposition of these laws, ordinances, and regulations would have been established by the full proof of several enlightened and respectable witnesses—competent, from their situation, to speak intelligently and satisfactorily on the subject of such continued and uniform practice, and its recognition by the higher Spanish authorities. In short, it was to have been expected that the collision would have struck out all the lights which properly belonged to the subject, and that this dark, perplexed, and unknown branch of the local law of provincial Spain would be fully and clearly developed, so as to have enabled a legal mind to come to a just conclusion on every title. It was not, indeed, to be expected that the record would contain all these discussions; but it was to have been expected that they would have taken place at the bar on the trial of the cause, and, consequently, that the district attorney would be enabled to furnish to the Attorney General that full and at the same time minutely-detailed information, together with such specific references to the articles of the several regulations on which the questions arose as would place him in a situation to judge whether the interest of the United States required an appeal. Congress well knew that a knowledge of the laws of Spain, and still less a knowledge

of the Spanish local laws in granting lands in her provinces, did not belong to the science of law in the United States. Congress well knew that these local laws were locked up in royal orders, decrees, manifestoes, proclamations, commissions, and in the regulations issued from time to time by the Spanish governors and intendants, many of which had never been published, but lay scattered over the different provinces in the bureaus of private individuals; and, consequently, that there was no general published collection of these laws and regulations to which the Attorney General could have access. They knew that these sources of the powers of the several officers of Spain, and the authentic practical exposition of them, were only to be brought to light by the controversies which were authorized by the act of 1824, and, consequently, that the Attorney General must, of necessity, depend on the full and at the same time minutely-detailed reports and specific expositions which should be furnished to him by the district attorney for the means of forming an opinion whether it would be advisable to appeal or not. Such a statement as this, you are aware, I have not been furnished with to this day from Arkansas. The short records, in the cases referred to in your letter of the 30th July, gave me no such information, but left me as entirely in the dark as I was before. Had these cases been determined on the laws of the United States, or the common law of England, the record would have been sufficient. But appealing, as they do, to the obscure and complicated provincial laws and regulations, which are *terra incognita* to the most enlightened lawyer, and even to the most enlightened judge on the bench of the Supreme Court, it was certainly to have been expected that something more than a short and meagre record would have been furnished under the requisitions of the ninth section of the act of 1824. I can well conceive that you, sir, as well as the judges of Arkansas, must have been placed at great disadvantage in the earlier decisions on this subject by the causes which I have mentioned. But I beg permission to refer you to the opinion of Judge Peck, in the case of James G. Soulard *vs.* The United States, pronounced so soon after the passage of the act of Congress as to have been published in the Mississippi Republican of the 30th March, 1826, and to the printed argument of Mr. John B. C. Lucas, on the part of the United States in that cause, printed and published at St. Louis in 1826, for the purpose of showing the array of lights and the range of investigation of which this subject, so unknown here, was susceptible there, from the mere local advantage of having been tried in the country in which the Spanish laws had been so recently operating. Arkansas possessing, I presume, from the same causes, something of the same advantages, it was to have been expected that a discussion of the same character would have been had on the claims in this latter Territory, and that the district attorney would have been, consequently, in a condition to have furnished the statement contemplated by the act of Congress of 1824. Such a statement not having been furnished, and the Spanish regulations and the practice under them not having been within my reach, I have never been in a condition to advise you, in these cases, whether appeals should be taken or not. Your first communication to me, under the act of Congress, was by your letter of August 8, 1826, in which you merely forwarded to me four transcripts of the records in four cases, decided in the preceding April. This communication reached me in September; and, by my letter to you of the 22d of that month, I had the honor to request that you would forward me the statements called for by the ninth section of the act of Congress. About the last of January, or beginning of February, 1827, I was honored with your letter of December 27, 1826, in which you give a general view of the grounds of the claims, but this still was not, in my estimation, the statement with which it was the intention of Congress that the Attorney General should be furnished; not only because it was general, but because it took no notice of the important legal questions arising under the only Spanish regulations then within my knowledge, to wit: 1st. The power of the commandants of posts to issue grants, concessions, or orders of survey. 2d. If they had the power to institute an incipient title in the form of orders of survey, whether an actual survey and the *process* required by the regulations *to* the Spanish governor or intendant had been made. 3d. Whether the conditions of settlement, clearing, and cultivation, annexed *by the published regulations themselves to all grants*, and required to be made within a limited time, say three years, had been made. 4th. If they had not, since the omission to make them had been declared by these regulations sufficient to vacate even a perfect and consummated grant, how could a mere incipient order of survey, never executed, subsist in spite of these omissions? 5th. Were the parties in the predicament which authorized them to call for grants, according to the published regulations of the Spanish governors and intendants? Seeing no notice taken of these points, and others which belonged to the subject, so far as any of the regulations of the Spanish governors or intendants had met my view, I was led to suppose, either that there were other regulations or official explanations of past regulations which I had never seen, or some established or well-known practice, subsequently recognized by the high authority of the governor and intendants, by the issue of grants founded on that practice, which removed the objections apparently arising on the only public regulations which I had seen, and justified the court in confirming these incipient titles. On these heads I waited your further explanations, but finding that you continued to send me records without any such statement as seemed indispensable to the enlightened performance of my duty under the act, I took the liberty to write you again, on December 8, 1827, giving you my ideas, in a few words, on the character of the statement which the act of Congress authorized me to expect. In your letter of February 8, 1828, you acknowledge the receipt of my letter, and say: "I am sorry that my construction of the act of Congress of May 26, 1824, was incorrect, and will endeavor to be governed in future by your instructions on that subject. The course heretofore pursued was in consequence of the suggestions of the judges of the superior court of the Territory, believing it would give a more *general view* of the cases, with the *evidence and reasons of the decree.*" But a *general view* is exactly that which I do not want; I wanted a *particular and detailed statement*, both of the facts and the points in controversy, with a reference to the *particular articles* of the *particular land regulations* of the Spanish authorities by which these points were to be determined, or, if the decision rested on *usage*, a statement of the evidence on which such usage had been set up, in the face of the promulgated regulations of the Spanish governors or intendants. Without such a statement, it was impossible for me, as I have already remarked, to understand a question turning on the unpublished local laws and usages of the Spanish authorities. But since your letter of February 8, 1828, I have never received a single statement *of any kind* from you, general or particular. I incline to think some of your letters must have miscarried. In your letter of last July you refer to a letter of May 7 preceding, which I have no recollection of having ever received, and which is not now to be found. It is, therefore, possible that you may have forwarded statements which I have never seen. Meantime I am by no means satisfied with the course of decision in Arkansas, on the lights which I do possess, possibly because these lights are not perfect. They are certainly at variance with the principles on which Judge Peck decided the case of Soulard; and I do not understand that there is any difference in the Spanish laws as applicable to Missouri and Arkansas. If

Judge Peck is right, the decisions in Arkansas are wrong; and in all future cases I must beg you to consider the decision of Judge Peck as right, until it shall be reversed by the Supreme Court, and, in resisting these claims, to take all the grounds applicable to them on which he has rested; and to appeal in every case susceptible of appeal, in which the judges of Arkansas shall decide against the principles assumed by Judge Peck. It would be well, too, to frame your answer in such a way as to raise all the questions applicable to each case which he has discussed and decided. I would call your attention particularly to the great questions ———— by the regulations now published in the new edition of the Land Laws, as those of O'Reilly, Gayoso, and Morales, to wit: first, whether the grantee was within the description, as to the number of family and amount of property, of persons entitled to grants of lands; second, whether any but the governor or intendant could issue either a grant, concession, or order of survey, more particularly, whether the commandants of posts could do this; third, if they could, whether these incipient stages of title were not imperfect till confirmed by the governor or intendant, on the report of the surveyor and others called for by these regulations, and whether the grant at least, *meaning hereby the patent of the governor or intendant*, being his confirmation of such incipient title, was not necessary to carry the title into effect; fourth, whether (as it would seem by these regulations that even a title consummated by the grant of the governor might be declared void for the non-settlement, clearing, and cultivation of a portion of the lands within three years) an incipient title could be held in suspense, at the pleasure of the persons to whom granted, for any length of time he chose, or whether, under the Spanish law, he would not be considered as having abandoned the land after a failure of three years to perfect his title and comply with the conditions aforesaid; and here I must beg you to distinguish between the conditions which the commandant of a post may have chosen to annex to a grant, and those conditions which *the published regulations annex to all grants;* and, unless there be something in these cases more than I am aware of, I would insist that the commandants of posts had no authority to annex any other conditions than those which had been annexed by the public promulgated regulations of the governors and intendants; fifth, whether a usage of the commandants of posts to issue grants, concessions, or orders, can be set up as proof of their lawful authority to do so, in the face of the published regulations; and this more especially, on the very slight and loose proof of such usage which seems to have been offered in these cases, or whether such usage be not in legal contemplation a nullity without the exhibition of a written authority; sixth, (and to this I invite your particular attention,) whether, inasmuch as the act of Congress authorizes the confirmation of such titles only as could have been perfected under the Spanish government, the petitioner must not prove before the court all the facts, and a compliance in due time with all the formalities and conditions, the proof of which would have been necessary, under the Spanish government, to authorize him to call upon the governor or intendant to confirm his title.

These instructions flow from a perusal of the published regulations of O'Reilly, Gayoso, and Morales, as they stand before me in the last edition of the Land Laws, and from a careful perusal of the decision of Judge Peck, to which I beg leave to invite your attention. If there be any other authentic regulations than these, I should be glad to be informed of them and to be furnished with copies. I have adverted in a former letter to the legal rule of evidence, that foreign laws must be proved as matters of fact; but to the proof of a foreign law some other qualification is expected of a witness than such as would enable him to speak of an ordinary fact. When a foreign law is to be proved, it is expected that the witness called to prove it shall have been engaged in pursuits which qualify him to speak on the subject; that is to say, that he shall have been a lawyer or a judge, or in some way so officially or professionally connected with the administration of the law as to command the respect and confidence of the tribunal before which he is called to say what the law is; and where *usage* is attempted to be set up over the promulgated law of a foreign country, it is not a single, obscure, unenlightened, and perhaps corrupted plebeian whose evidence shall be permitted to establish such usage; but the fact should be established by the concurrent testimony of several enlightened and respectable men, and it should be shown to have been constantly recognized by the high authorities whose printed regulations it seeks to impugn. How far the very meagre and loose proceedings you have sent me are from conforming with these views of the subject I need not tell you. I am under the impression that great injustice has been done to the United States in these decisions, and that claims have been confirmed which the petitioners would never have dared to present to the Spanish authorities had these authorities continued. That the judges have discharged their duty with the most perfect purity of principle, motive, and intention, I entertain no doubt; but that they have erred in judgment, to the prejudice of the United States, in their anxiety to do justice to the individual claimants, I feel myself constrained to apprehend from a view of the Spanish regulations which lie before me. In the cases in which they have refused appeals the mischief is now done, and, I fear, irrevocably; though it is my purpose to raise the question before the next Supreme Court, whether the limitation in the right of appeal, after the year, applies to the United States. Meantime, unfurnished as I yet am with the statements required by the ninth section of the law, I have to request that appeals may be asked *immediately* in all the cases which have been decided, (except those in which they have been already refused,) by presenting petitions of appeal to the judges who compose the court, out of court time, and not waiting for the recurrence of the next term, lest more of the appeals should be barred by the limitation of time. If the judges refuse the appeal in the vacation, on the ground that it can be granted only in term time, let them note on the back of the petitions the time of the application and the rejection, and let notice be immediately made to the clerk, in writing, that the United States appeal in these cases; though in vacation he can enter the application for the appeals and the time at which it was made. My own opinion is, that, under the act of Congress, the appeal is a matter of right at any time within the twelve months, whether the court be sitting or not, and that neither clerk nor court can refuse it. If refused, therefore, in the manner I have supposed, let the certificates of refusal, both by the court and clerk, be forwarded to me, and I will move the Supreme Court for a mandamus, or to consider the appeals as regularly taken by the application to the clerk or the judges, unless, indeed, the judges will consider the application, though out of term, sufficient to bar the limitation and make the order of appeal at the first day of the following term. These directions, of course, will be unnecessary if this letter should reach you while the court is in session, because you can then move for the appeals in open court. I must further request you to enter appeals at once in all future decisions against the United States capable of appeals under the law, so as to save the right of appeal and give me an opportunity of considering whether the appeal shall be prosecuted. If it cannot, I can retract the appeal and enable the successful claimant to proceed on his decree with the least possible delay.

I have received records in all the cases on the list of rejected appeals except two, to wit: the second

case of Francis Vaugine *vs.* The United States, and Francis Degere *vs.* The United States. You will know whether these are all that you have sent me.

Are there any cases in which appeals have been allowed? My letter of December, 1827, was intended to direct a motion for appeals in all past cases. I should be glad to be informed, as soon as possible, what appeals shall be allowed on the motion now directed, and what refused.

It is rumored here that the claimants, in order to avoid an appeal, are reducing their claims below five hundred acres, and that claims of this character, to a great amount, have been made and sustained by the court. I should be glad to know the truth of these rumors.

I am sorry to have given you the trouble of this long letter, but it seemed to me to be called for by my official duties, and I was anxious to put you in full possession of my views on the entire subject.

I remain, sir, very respectfully, your obedient servant,

WM. WIRT.

SAMUEL C. ROANE, Esq.,
District Attorney United States, Little Rock, Arkansas.

21ST CONGRESS.] No. 794. [1ST SESSION.

APPLICATION OF ALABAMA FOR LAND FOR FEMALE ACADEMIES IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 1, 1830.

A JOINT MEMORIAL, requesting a grant of lands by the Congress of the United States for the use of a female academy in each county of this State.

The senate and house of representatives of the State of Alabama, in general assembly convened, respectfully represent to the Congress of the United States: That your memorialists have witnessed with great pleasure the munificence and liberality of your honorable body in the promotion of education, by the grant of sixteenth sections for the use of common schools in every township, and of other lands for the advancement of an asylum for the use of the deaf and dumb, and for the establishment and maintenance of a university; and whilst they have been greatly benefited and much pleased with such liberality in the promotion of objects so intimately and essentially interwoven with the moral and political prospects of the country, they respectfully suggest that another subject of equal or superior claims upon your liberality and munificence has not received the attention due to the importance which properly attaches to it, either from our own citizens or their representatives in the national legislature, to wit: the proper and necessary education of the females of this free and happy republic. Your memorialists beg the indulgence of your honorable body in remarking that the ornaments of this and every other country, so far as relates to talents, learning, and virtue, rest their claims mainly on the early impressions made by mothers; that it seldom happens that impressions derived from this source are calculated to sap the foundation of morality, or to injure in the smallest degree the best interest of society; but, on the contrary, the education, information, and examples drawn from them, exalt and ennoble our characters, and constitute the foundation and prop of our most estimable virtues and consequent prosperity in life. Your memorialists derive much pleasure from the reflection that the people of this State have aroused from their lethargy upon this all-important subject, and are now making exertions to compensate in some measure for their former apathy by laudable attempts on their part to promote female education; but your memorialists would here remark that the common schools are not places at which females can receive more than the first rudiments of education, and the importance of institutions exclusively for the use of female education must be admitted by all. Your memorialists, therefore, respectfully request that your honorable body will grant to the State of Alabama as much as two sections of land for each county in this State, to be selected and sold by the respective counties, and to be exclusively applied to the erection and support of an academy in each county in this State for the education of females. Your memorialists sincerely believe that by the selection of the best unappropriated lands, and prudent management of the same, no portion of the public land has been heretofore, or will be hereafter, applied in a manner to accomplish more good.

Therefore be it resolved, That our senators be instructed, and our representatives requested, to use their best exertions to obtain the object of this memorial. *And be it further resolved,* That it shall be the duty of the governor to transmit, as early as may be, a copy of this memorial to each of our senators and representatives in Congress, and one to the President of the United States.

JOHN GAYLE, *Speaker of the House of Representatives.*
LEVIN POWELL, *President of the Senate.*

Approved January 13, 1830. GABRIEL MOORE.

SECRETARY OF STATE'S OFFICE, *Tuscaloosa, January* 14, 1830.

It is hereby certified that the foregoing memorial is a true copy of the original roll on file in this office.

JAMES I. THORNTON, *Secretary of State.*

21st Congress.] No. 795. [1st Session.

APPLICATION OF ARKANSAS FOR GRANTS OF LANDS TO ENCOURAGE SETTLERS FOR THE DEFENCE OF THE FRONTIERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 1, 1830.

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

The general assembly of the Territory of Arkansas respectfully represents, that the exposed situation of our western frontier calls loudly for protection. Adjacent to an Indian population and an Indian country, the property of our citizens and their lives are frequently lost and endangered. The bold and fearless savage knows no law but that of force: vindictive in his feelings, the slightest insult is appeased only by human blood. He commits his depredations and his murders and escapes with impunity into his wild and native forest. Nothing can relieve us from these bold and fearless incursions but a dense population or the removal of the Indians from their present habitations. Every hope of their removal is extinguished by the determined policy of the general government to settle on our western frontier the Indians of the east. Your garrisons afford, if any, but little protection. Our limits have been so curtailed as to bring a number of us immediately within the Indian vicinity, and nothing but a dense population will secure to us peace and safety. With these views we submit to your consideration the propriety of granting to every man who may settle within twenty-four miles of our western frontier a donation of one-quarter section of land, after a residence of five years within such boundary. Hold out this inducement to emigration, and doubtless the frontier will soon be settled. A barrier of bold and hardy pioneers will be established—a barrier which will go further to protect our settlements than any other plan which is attended with little expense. With these observations we submit to the better judgment of your honorable body, with a firm reliance on its sympathy, the soundness of its policy, and its liberality.

JOHN WILSON, *Speaker of the House of Representatives.*
CHARLES CALDWELL, *President of the Legislative Council.*

Approved November 10, 1829.

JOHN POPE.

21st Congress.] No. 796. [1st Session.

LAND CLAIMS IN MISSISSIPPI.

COMMUNICATED TO THE SENATE FEBRUARY 3, 1830.

General Land Office, *February* 2, 1830.

Sir: On the 17th February, 1829, I had the honor to submit to the Senate copies of the reports of the register and receiver of the land office for the district of Jackson Court-House, under the provisions of the act of the 24th May, 1828, supplementary to the several acts for the adjustment of land claims in the State of Mississippi, (see No. 685, p. 328,) and I now submit a copy of an additional report of the same officers on six claims in virtue of settlements, with a copy of their letter, dated the 24th of December last, explanatory of the reasons why those claims were not embraced in their previous reports.

With great respect, your most obedient servant,

GEO. GRAHAM.

The Hon. Vice-President *of the United States and President of the Senate.*

Land Office at Augusta,
District of Jackson County, Mississippi, December 24, 1829.

Sir: We herewith forward a report on six claims received too late to be incorporated in our reports. The evidence in support of those claims appears to have been regularly taken before the magistrate, and placed in the post office before the 1st day of January, 1829. In proof of that fact, we forward a copy of the letter of the magistrate before whom the testimony was taken, and, although those claims did not come to hand until after the 1st day of January, 1829, we have deemed it not improper to submit them, with the circumstances of the case, to the consideration of Congress.

Very respectfully, your obedient servants,

WM. HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

Geo. Graham, Esq., *Commissioner of the General Land Office, Washington City.*

Pearl River, *December* 23, 1828.

To the register and receiver:

Gentlemen: Enclosed I must trouble you with a few entries. It is out of my power to go to the post office with them; therefore, please pay the expenses of postage, and charge the same to me, and confer a favor on your most humble servant.

With sincere respect,

CALVIN MERRILL.

G. B. Dameron, Esq.

REPORT No. 7.

A further 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,) who have no claims derived from either the French, British, or Spanish governments.

Numbers.	Present claimant.	Original claimant.	Date of original settlement.	Date of present settlement.	Where situated.
1	John J. Waterhouse..	John J. Waterhouse..	1811	.....	Pearl river.
2	Willis H. Arnold.....	John Bradley.....	1812	.....	Pearl river.
3	William Collins.....	William Collins.....	1812	....	Near Pearl river.
4	James Howard	John Reas.....	1818	.....	On Pearl River swamp.
5	Hezekiah Howard....	William Self.....	1818	.....	Habolochitto.
6	William Wheat.....	William Wheat.....	March 1, 1819	.....	Habolochitto.

REMARKS.—The above claims were received too late to be incorporated in our reports of claims registered under the provisions of the act of Congress passed 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." Claimants were allowed by the provisions of the aforesaid act until the first day of January, 1829, to file the evidence, &c., of their claims. It appears that the testimony in support of those was regularly taken before the first day of January, 1829; and although the claims were not filed with the commissioners until after that day, we are of opinion they ought to be confirmed to the same extent of claims of the same description in our reports Nos. 5 and 6.—(See No. 685, p. 538.)

WM. HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

21ST CONGRESS.] No. 797. [1ST SESSION.

APPLICATION OF INDIANA FOR RELIEF TO HOLDERS OF CERTIFICATES OF FORFEITED LANDS FOR NON-PAYMENT, &c.

COMMUNICATED TO THE SENATE FEBRUARY 4, 1830.

A MEMORIAL to the Congress of the United States for the benefit of certificate holders of forfeited lands within the State of Indiana.

The general assembly of the State of Indiana view with grateful recollections the repeated relief bestowed upon various classes of her citizens from time to time by the general government, in giving indulgence to the purchasers of public lands; but we have still a class of sufferers whose case is not provided for by any of the laws in force, to wit, those persons who hold certificates for forfeited lands, a part of which lands may have been sold in November last. To such justice and the liberal policy hitherto pursued demands that the alternative should be tendered of paying for the land which their certificates may cover (if the same has not been sold) at the usual discount of thirty-seven and a half per cent., or of receiving negotiable scrip for the amount paid into the land office; and where the same has been sold the like scrip be authorized to issue.

It is only necessary here to reiterate former opinions that it is wholly inconsistent with our national character to retain in the common treasury of the Union, for any cause whatever or any pretence, the money of the citizen who has failed from misfortune or indigency to accomplish the laudable purpose of becoming a freeholder in the country without any compensation therefor.

Resolved, therefore, by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to procure the passage of a law, if possible, which will allow all holders of land certificates, on or before the 4th of July, 1831, the privilege, where the lands have not been sold, of possessing themselves with the land which said certificates call for at a discount; or of transferable scrip, receivable in any of the land offices in this State, for the actual amount received by the United States; and in cases where any of the lands aforesaid shall have been sold by the United States, that the certificate holders be entitled to negotiable scrip as aforesaid for the amount which may have been paid thereon.

Be it further resolved, That the governor transmit a copy of this memorial and resolution to each of our senators and representatives in Congress.

ROSS SMILEY, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved January 14, 1830.

J. BROWN RAY.

21st Congress.] No 798. [1st Session.

ON THE APPLICATION OF OHIO TO BE ALLOWED TO APPLY THE LANDS GRANTED FOR CANALS TO RAILROADS IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 8, 1830.

Mr. Barton, from the Committee on Public Lands, to whom was referred the expediency of modifying the act to aid the State of Ohio in completing the Miama Canal from Dayton to Lake Erie, and for other purposes, reported:

That it appears from the last annual report of the Ohio canal commissioners that 180 miles of the Eastern Canal, in that State, will be opened for navigation early in the ensuing spring; and that the residue, being 130 miles, is under contract, to be finished in the year 1831. It also appears that $759,666 have been expended on the Western or Miami Canal.

The enterprise and zeal manifested by the State in carrying on her arduous undertaking, and the great progress already made towards its accomplishment, justifies a belief that the State will progress with the work, and will complete it as soon as her ability will permit, without the ungracious penalty imposed by the law in question.

It appears that the land granted by Congress to the State of Ohio to aid in the construction of the Miami Canal has not been located, and that the proceeds of it will constitute but a comparatively small portion of the entire sum required to complete the work. From the best estimate that can now be made, the completion of that canal will require a disbursement of more than a million of dollars in addition to the grant of the government and the sum already expended by the State. This consideration, in connexion with the fact that the State has already incurred a debt in the construction of her canals exceeding three millions and a half of dollars, renders it imprudent for her to encounter the risk of becoming a debtor to the United States in consequence of contingencies or accidents, which cannot be foreseen or guarded against. The committee are of opinion that in this case, as in every other of a similar character, the State ought to be bound to a faithful application of the proceeds of the land to the object designated, and to refund the money to the United States in case of a misapplication; but they do not consider it just to require her to refund it after it has been appropriated in good faith to the object intended; nor do they believe it to be good policy to legislate with a view of creating debts against the States. They consider it equally exceptionable to annex to grants, made for purposes of public improvement, such conditions as may be calculated to defeat their object. The condition and the penalty in the law referred to are of that character, and in the opinion of the committee ought to be so modified as to be placed on the same ground with a similar provision in the law of the same session, granting lands to the State of Alabama.

It appears from the statement of the Commissioner of the General Land Office that the entire sum received by the United States on the sale of public lands is $37,597,615; and that there has been paid of that sum by purchasers within the State of Ohio $16,410,115; the principal part of which was paid while the minimum price of land was $2 per acre; from which it appears that the purchasers in that State have paid to government about $6,000,000 more than they now ask for the same quantity of land in other States.

In addition to these sales it will be recollected that from the lands within the limits of Ohio the United States have satisfied the Virginia military land warrants, the military land warrants granted by Congress to the officers and soldiers of the army of the revolution, the lands promised by Congress to the refugees from Canada and Nova Scotia, and the claim of the State of Connecticut for her relinquishment of right to western lands alleged to be within her charter. These appropriations of land, amounting in the whole to about nine millions of acres, were in satisfaction of just and legal claims on the government, and are therefore equivalent to a sale of the same quantity of land for cash. This statement presents to the Senate at a single view the extent to which the government has availed herself of that portion of her domain which lies within the State of Ohio.

It will be recollected that when the emigrants from the old States commenced their settlements in the Northwestern Territory the country was a wilderness, in the possession of numerous and powerful tribes of Indians, who claimed the soil, and opposed the occupancy of it by citizens of the United States with all the violence belonging to their character. The consequence was that those adventurers who were the pioneers of the country northwest of the Ohio, and opened the way to the interior of the public domain, were subjected to the calamities and cruelties of a seven years' war, which terminated in the defeat of the savages, gave the undisturbed possession of the country to the government, and insured comparative safety to subsequent adventurers.

Taking into consideration the quantity of land disposed of in Ohio, the price at which it was sold, the amount of money paid by her citizens to the government, and the privations and distresses which were endured in effecting the settlement of the country, it would seem that Ohio is entitled to the favorable consideration of Congress, and to have the grant in question put on as easy a footing as any of those which have been made to other States.

The improvements and experiments recently made in the construction and use of railroads has produced a favorable impression on the public mind, and the more intelligent part of the community seem to be adopting the opinion that they are in many, if not in all, respects preferable to canals. On that account the committee think it advisable to authorize the legislature either to continue the Miami Canal or to apply the proceeds of the canal in the construction of a railroad, as may be judged most advantageous.

21ST CONGRESS.] No. 799. [1ST SESSION.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 11, 1830.

Mr. FOSTER, from the Committee on Private Land Claims, to whom was referred the petition of Charles Comb or Cohm, reported:

That from the evidence accompanying said petition it appears that, about thirty-one or two years ago, one Louis Dozi and his wife Margaret settled on a certain tract of land in the Attakapas country, now embraced in the State of Louisiana; that they continued to reside on and cultivate said land for eight or nine years, when said Louis Dozi died, leaving (as the committee are informed) no children; that said Margaret remained on said land about a year, when she intermarried with the petitioner; that the petitioner and his said wife resided on and cultivated the tract of land aforesaid for about eleven years, when she died, having had by said last marriage three children; and that the petitioner has remained on and continued to cultivate said land ever since. It further appears that the land when settled by Dozi was public property, and that the failure to have it entered and claimed as provided by the acts of Congress arose from the total ignorance of the parties of the existence of those acts.

The committee have no hesitation in recommending that the claim for this land should be confirmed, but to *whom* is a question they have some difficulty in determining. They cannot consent to make the petitioner the sole heir of both his wife and her first husband. Under all the circumstances, and particularly as Dozi left no children, your committee have concluded that the claims of justice and charity would be better satisfied by confirming the title to this property to the children of the said Margaret, who doubtless shared in the toils and labor incident to the settlement and cultivation which are the foundation of the claim; and for this purpose they report a bill.

21ST CONGRESS.] No. 800. [1ST SESSION.

APPLICATION OF ALABAMA FOR A FURTHER GRANT OF LAND FOR INTERNAL IMPROVEMENT.

COMMUNICATED TO THE SENATE FEBRUARY 12, 1830.

Mr. MCKINLEY, from the Committee on Public Lands, to whom was referred the memorial of the legislature of the State of Alabama asking a grant of land for the purpose of improving the navigation of the Coosa river, and to connect its waters with the waters of the Tennessee river, reported:

That there has been granted to the State of Alabama, by act of Congress, four hundred thousand acres of land for the purpose of improving the navigation of the Tennessee river, and the surplus, if any, to be applied to the improvement of the navigation of other rivers in said State; the Coosa, being next in importance to the Tennessee, would have been entitled to such surplus. By this act of Congress the State of Alabama was restrained from selling the land thus granted for less than one dollar and twenty-five cents per acre. An act of the legislature of that State to provide for the sale of said land, among other things authorized the appointment of twelve commissioners to select the four hundred thousand acres of land out of the relinquished lands, in the counties designated in the act of Congress, and to fix a value on each tract. These commissioners, acting under the obligation of an oath, proceeded to the performance of the duties assigned them; and, from their report, it appears that there are but two hundred and sixty-one or two thousand acres of the land thus appropriated, worth one dollar and twenty-five cents an acre, and upwards, leaving a deficiency of one hundred and thirty-eight or nine thousand acres of the quantity intended to have been granted. The quantity selected and valued by said commissioners amounts to about $620,000, a sum entirely inadequate to the improvement of the navigation of the Tennessee river, in the manner directed by the act of Congress, and, of course, leaving no surplus for the improvement of any other river, or for connecting the waters of the Tennessee and Coosa rivers. The canal for connecting these waters is a work of great importance to Alabama, East Tennessee, and the western parts of Virginia, in a commercial point of view, and would be of immense importance to the nation in time of war, as it would afford great facilities for the transportation of troops, provisions, and munitions of war, from the interior to the sea-coast. It is believed by the memorialists that three hundred and fifty thousand dollars would effect the improvement of the navigation of the Coosa river, and construct the canal for the connexion of its waters with those of the Tennessee river. The land on the east bank of the Coosa river, extending to the Georgia line, is very fertile, and is now in the possession of the Creek and Cherokee Indians, and amounts to more than a million of acres. When these titles are extinguished the lands will be greatly enhanced in value by the proposed improvement, probably to an amount more than double its cost. The committee therefore recommend a grant of three hundred thousand acres of land, to be selected by the State of Alabama anywhere within its limits, excluding all lands heretofore sold or granted, and all that may be granted to individuals by acts to be passed at the present session of Congress, for the relief of purchasers of the public lands and actual settlers; and inasmuch as the State of Alabama has been subjected to much difficulty, and even to censure, in consequence of the mode adopted by it for the sale of said four hundred thousand acres of land, it is deemed proper that the land now granted should

be sold at public auction for ready money, and for the best price that can be obtained by that mode of sale; and that the surplus over and above the sum of three hundred and fifty thousand dollars be applied to the improvement of the navigation of the Tennessee river, in aid of the sum already granted. The committee would by no means wish it to be understood that any censure is intended to be cast upon the State of Alabama by the recommendation of an auction sale of the land proposed to be granted. On the contrary, they have seen the report of the committee of investigation of the conduct of the said commissioners, raised by both houses of the legislature of Alabama, which acquits the preceding legislature and said commissioners of all blame in the whole transaction; which report they beg leave to submit herewith. They also report a bill.

Report of the joint committee of both houses of the general assembly of Alabama, elected to investigate the conduct of the late land commissioners.

The joint committee appointed by the two houses of the general assembly of the State of Alabama for the purpose of investigating the conduct of the late land commissioners, chosen in conformity to an act passed at the session of the last legislature, to select, class, and value, four hundred thousand acres of land, granted by the Congress of the United States to this State, as a means of opening and constructing a canal navigable for steamboats around or through the Muscle shoals, obstructing and otherwise impeding the free navigation of the Tennessee river, and for other purposes, with authority to send for, and bring before them, persons and papers, report that they have performed the duty assigned them.

Your committee first attempted to learn whether the conduct of the commissioners had been improper; in doing which it was necessary, as far as practicable, to ascertain the actual conduct and procedure of the commissioners. The evidence adduced shows that a majority of the board of commissioners assembled at Courtland and agreed to make a short tour of observation, in order, by an examination of the different classes of land, and a pricing of the same, to establish a standard of value so as to produce as great a degree of uniformity as possible in their valuation after such observation. About twelve dollars per acre was partially agreed upon as the highest price of the first or best class of relinquished land, unless some local cause might raise particular tracts above that value. The commissioners then separated themselves into four companies, and assigned to each specified bounds as their sphere of action.

As appears by the memorial of Messrs. King & Terrel, the company who acted in Madison and Morgan had completed their examination in Madison before they were apprised that the companies generally were not acting up to the common rule established, as before stated, by the majority of the board. The apparent want of uniformity is in this way accounted for. The reason of the departure from such rule by the company that examined the lands in Limestone county is explained by the evidence of John D. Carrol, and is, that after their separation from the other commissioners, upon reflection they came to the conclusion that each company was bound to act in accordance with the opinion entertained by themselves as to their course of duty, and their *own* construction of the statute under which they acted, and particular observation and belief of the true value of the lands they selected, and that the commissioners had no right to establish rules for any other company than their own.

The commissioners, when the majority of them were together, as already observed, determined, as a general rule, that all settlers, or who were such before the passage of the act of the legislature establishing the board of commissioners, were entitled to preferences under the act, and that floating claims might be laid upon improved lands. The evidence shows that Mr. King, of Madison, and Mr. G. K. Hubbard were not at this general meeting, and that Mr. Hubbard dissented from the opinion in relation to preferences, but submitted to obey the decision of the board, although he did not believe that that decision as to preferences was correct. The evidence likewise shows that in Lawrence county the commissioners did act conformably to the instruction of the board in reference to the claim of occupants, and did allow floats to cover improved lands. We have no evidence that such was the rule of action with any other company of commissioners, as it respects preferences and floating claims, unless in the case of floats from the river, which might cover any lands to which another person had not a preference. As to the fact of the preference right claimed by G. K. Hubbard the testimony throughout proves it to be just, and the entire transaction correct and honorable.

The evidence submitted, with but little exception, will prove, as far as the evidence of numbers, virtue, and intelligence is capable of proving, that the lands in the four lower counties are generally valued correctly, or as nearly so as the same quantity of land could well be, and will also establish the fact that no land in the Tennessee valley, for the mere purpose of cultivation in cotton or corn, is worth more than ten dollars per acre, and further proves that no blame attaches to the commissioners or any of them. It is true that, in the opinion of your committee, the act or construction of the majority of the board of commissioners in relation to the allowance of preference rights and the location of floats was a misconstruction of the statute; nevertheless your committee are satisfied that the intention of the board in these respects was the honest dictate of their better judgment, and that a statute so complicated as the one under which the commissioners acted was well calculated to produce a difficulty of construction, not easy of solution to plain, unpretending agriculturists, unskilled in the abstruseness of jurisprudence, and even not devoid of difficulty to jurists themselves.

The fact that a reduction was made of the prices first assessed by the Lawrence board of commissioners upon many tracts, to the amount of about five thousand six hundred and seventy-one dollars, is, as your committee believe, explained and accounted for in a satisfactory manner by the testimony; by which it appears that the commissioners in such reduction, after they had examined all the land assigned to their board, and were better able to determine what was the true value of the land, made the reduction with the intention and for the purpose of placing upon the said tracts of land a just price; which act of the commissioners, for the purpose aforesaid, your committee, or at least a majority of them, believe was legal and just, and correct in the discharge of their duty.

Your committee further submit, that owing to the little observance paid to the standard of value affixed upon the lands and established by the majority of the board of commissioners in the four lower counties, and the strict regard to such standard of value by the board for Madison and Morgan, the failure of uniformity in value has in a great measure been produced. Your committee believe that the majority

of the board of commissioners could not legally establish a standard of value or rule of action for the several companies, and that it was the duty of each board, under the provisions of the act, to perform, according to their own observation and to the terms of the statute, the duties assigned them. Yet your committee are of opinion that the company assigned to Madison and Morgan acted with good and perfect faith; but that by the standard of value affixed by the board as aforesaid, and probably by the more exalted estimate in which those lands had been theretofore held by the inhabitants of those counties, they were induced, and in consequence did value the lands in the counties of Morgan and Madison at a rate of between twenty-five and fifty per cent. too high. Your committee therefore respectfully recommend to the legislature to pursue such measures as they may deem just and proper to produce uniformity in the valuation of said lands, in such manner as shall be equitable, that equal justice may be measured out to the occupants and purchasers, and the interest of the State protected.

Your committee are of opinion that the commissioners, under the provisions of the act, were bound to arrange the lands in three classes, and that all lands of less value than three dollars should be placed in the inferior or lowest class; yet as the commissioners were sworn to assess the *true value* when they believed the land was of *less value* than the minimum, it appears difficult to say how they could have assessed any *other sum* than that which they believed the *true* value; the committee, notwithstanding, think that the *law* denominated the class to which such as were valued below the minimum of the third class belonged.

Your committee believe that this was more the error of the legislature than the commissioners, and may be accounted for in this way: the legislature acted upon the belief that, from the alleged value of the land, the quantity granted would certainly be found which was worth the minimum, and more than that sum.

The committee are of opinion that the lands, as assessed by the commissioners, will command a greater sum of money than would have been produced under the auction system of the United States; for, that combinations would have been formed, and every means resorted to for the purpose of reducing the lands to a low price, which could hardly have failed in their effect, and that whatever complaint may in justice lie against the last legislature, or the commissioners, on account of injustice done to the citizens resident in the section of country where the lands lie, yet no just and veritable complaint can be made by the United States, or other States interested in the improvement contemplated to be made.

Your committee will now proceed to expose the true cause, in their opinion, as derived from the evidence, of the disappointment of all in the real value of the lands, which they conceive to be the following: *First*, the variable quality of the soil throughout the country, there being scarcely a quarter section of what is termed valuable land in the Tennessee valley that does not present almost every quality of soil, and it rarely occurring that, of a relinquished quarter section of land, three-fourths of it should be valuable, so far as it relates to mere soil; and the circumstance of the mode in which lands have been relinquished, a great portion of the valuable lands being retained under the eight-years' credit system, and either paid for or forfeited in July last; the relinquished lands also having been relinquished in such manner as to be compassed about by patented lands, or lands retained under the credit of eight years. Much of the relinquished land, besides, by a ruinous method of cultivation, was exhausted and rendered usually of little value to any person other than the occupant of adjoining land, or who owned the whole or some part of the land adjacent. Upon the relinquished lands the timber was in general felled, wasted, and destroyed. In the county of Lawrence, at its first settlement, the good lands were so scarce of timber as to have scarcely more than enough to enclose them once.

To these prominent and important causes may be added others of no inconsiderable weight: The unproductive crops made for many years in the valley of the Tennessee river; the low price of the staple commodity of the country, cotton, it bearing at times a price not greater than six or seven cents per pound; the great quantity of land to be had in the western district of Tennessee and in the State of Mississippi, at reduced prices, compared even with the assessed prices of the selected lands, eligibly situated in regard to commerce, and equally well adapted to the culture of cotton.

Another cause your committee will allude to: The former high prices of lands had awakened the people to a sense of sober reflection upon the subject, and convinced them that they estimated their lands far beyond a prudent, reasonable, or fair value. This induced a nearer approach to the true value, and must continue to bring about a decline in price, even actually below their real value—lands in this section of the country, as your honorable body by adverting to the evidence will perceive, having, within the course of the last twelve or eighteen months, been reduced and diminished in value from twenty-five to fifty per cent. The large quantity of land included in the donation, being brought at once into the market, has had indisputably a material effect in subtracting from the value of lands in North Alabama; so, too, the impression prevalent in some counties that the commissioners had fixed a very low valuation upon them.

Your committee deem it necessary to report the causes which, in their estimation, led to this investigation; they are the following: The magnitude and importance of the work in its national character, its utility and importance to the people of several of the States of this Union, more especially to those of North Alabama and Tennessee, together with the munificence and liberality of the grant, had induced almost every person to place a high and exaggerated estimate of value upon the lands granted. Added to this, the former enhanced and mistaken estimate of the value of land in the cotton-growing States, and the high price at which the relinquished lands have been purchased, contributed to cause even the more moderate to account the worth of the lands granted at from one to two millions of dollars. And when the valuation of the commissioners had reduced more than one third of the whole quantity of land below the minimum price of the United States, and that graduation was compared with the prices formerly given, and the fact was developed that the entirety of the land was worth only about six hundred and eighty-six thousand dollars; and, furthermore, when it appeared that the best of the land, which had been, anterior to this, purchased at prices varying from five to seventy dollars in four of the counties, were now valued at prices not exceeding ten dollars per acre, and the best lands in the other counties, also, out of which the selections were made, at prices below fifteen dollars per acre, most persons were exceedingly astonished and disappointed.

In this state of surprise, charges were made against the character and conduct of the commissioners and against the legislature, who had resorted to that method of ascertaining the value of the lands, and disposing of them. These charges were widely circulated in newspapers, probably from credence in their truth; suspicion in the minds of many was confirmed, from an impression that lands of the same class, in the different counties, under the same local circumstances, were of like value; and that, between the counties of Madison and Morgan, and the other four counties, viz: Limestone, Lawrence, Lauderdale, and

Franklin, there was great disparity in point of price affixed and valuation. Besides this, after more than one hundred and twenty thousand acres of the land had been examined, selected, and valued by the board of commissioners assigned to the county of Lawrence, Judge King, one of the commissioners, resigned, and another being appointed, the new commissioner, together with the two others, reduced in price some thirty-eight or nine tracts of the land, in the valuation of which the said King, prior to his resignation, had been engaged and assisted; which reduction varied from four dollars to seventy-five cents per acre. When Judge King received intelligence of this procedure, he communicated the information to the governor. The governor thus informed, and also advised that more than one-third of the selected lands was not classed; apprised, too, probably, of the contentions between occupants about preferences, or rather the right of pre-emption, which contests had been partially settled by the commissioners, by which settlement many of the citizens conceived that their rights had suffered, communicated to both branches of the legislature the failure of compliance on the part of the commissioners with the spirit and letter of the statute; and though his excellency did not for an instant entertain the suspicion of the existence of corruption, yet he considered it his duty, and incumbent on him, to recommend an investigation.

An investigation was, in fact, due to the State, to the United States, and to the gentlemen commissioners whose characters were so deeply implicated. And if investigation was to be had at all, it behooved it to be as full, free, and unrestrained as the good name of the State and reputation of the commissioners, the importance of the work and value of the donation, required. Hence an investigation was ordered, and your committee, by each house of this honorable legislature, appointed to prosecute the inquiry, which they have done, or endeavored to do, with a zealous and impartial view to the end designed, and with as careful an observance of economy as the measure would allow.

The result of their investigation is to be gathered from a book, submitted herewith as a part of this report, containing all the facts they have been able to collect, and which they feel a pleasure in saying, in their opinion, relieves the State and the commissioners from *all manner of blame*, and must satisfy all of the true causes which led to the dissatisfaction which has existed, it having, for the most part, arisen from the misconstruction of the law (as before adverted to in this report) in allowing floats on cultivated lands, in allowing preferences to settlers after the 1st of June, 1828, and in the inequality of valuation; all of which, if errors, were certainly involuntary and unpremeditated ones. Your committee suppose that in the adjustment of so many subjects of controversy as were brought before the commissioners by occupants, error in decision might have occasionally occurred, as from the fallibility of human discernment might have been expected and inferred; and although this may be the case; yet your committee are filled with the conviction that your honorable body are endowed with no power to make correction; and as to the allowance of preferences after the period as designated in the act, *that* has certainly had no tendency to create injury to the State. A further result of the investigation has been a disclosure of the true causes which led to the placing so improper and exaggerated an estimate on the value of the donation or grant; and, what is yet more, it will, as your committee believe, evince, besides the accomplishment of two objects by no means of light import, the substantiation of our good faith, by a manifesting of the fair and just price of the lands granted, and the protection of the occupant. And your committee believe that if *good faith* has been observed by the legislature of the State, and by the commissioners, the deputed agents of the State, the many highly colored statements which have gone abroad, which *rumor*, with her falsifying tongue, has amplified and disseminated, without the stable basement of truth whereon to found them, will no longer be suffered to rest over and tarnish the fame, or clothe with the dark vestment of suspicion the fair reputation, of any individual concerned.

All of which, for your consideration, is respectfully submitted.

ENOCH PARSONS.
HENRY GOLDTHWAITE.
THOMAS FEARN, *Chairman on the part of the House of Representatives.*

JOHN B. HOGAN.
THOMAS CRAWFORD.
JAMES ABERCROMBIE, *Chairman on the part of the Senate.*

21st Congress.] No. 801. [1st Session.

APPLICATION OF ALABAMA FOR RELIEF OF PURCHASERS OF PUBLIC LANDS THAT HAVE BEEN FORFEITED FOR NON-PAYMENT, &c.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1830.

MEMORIAL of the general assembly of the State of Alabama to the Congress of the United States in relation to forfeited lands within the State, and now advertised for sale by the proclamation of the President.

Your memorialists respectfully represent, that the sale of the forfeited lands in Alabama, as ordered by the President, without making provision for those who occupy and cultivate them, is an act of the government of the United States more vitally affecting the happiness and prosperity of the citizens of Alabama than any other measure of government which has been adopted since our existence as a State. The magnitude and importance of the subject, as it respects the people of Alabama, will engage, it is hoped, the earliest attention of your honorable body; and in behalf of the people we represent, your memorialists submit for your consideration the true condition of our people. In the years 1818, 1819, and 1820, our best lands were sold out by the general government to the highest bidder, at public auction, on long credits; and from causes well known to your honorable body, competition for Alabama lands was then without a parallel. Sales were made at prices so far above the true value of the lands, or above that value at which they had been estimated by reasonable men, that the people of the surrounding country, not engaged in the transactions of the day, attributed it to a frenzy among the bidders. Good lands were then bid off at prices varying from thirty to eighty dollars per acre, when lands of the like quality, equally productive and suitable for cultivation, could be purchased in the neighboring States for

at or about one-fourth part of what it was agreed to be paid for them in Alabama; and inferior lands were sold at prices proportionably high. When the sales had terminated and purchasers had moved upon their lands, and bought provisions for the support of their families, they had not only drained their purses, but many of them found themselves greatly in debt. They then became convinced of their folly; and as their prospects of making future payments at such exorbitant prices was hopeless, all classes of our citizens petitioned your honorable body for relief. The justice of Congress was appealed to, and a relief, partial in its operations, was granted. Holders of certificates were authorized to relinquish them in payment of other lands; but the relief extended mostly to the large land dealers, who, after selling all that could be sold to the *cultivators* of the soil, were, by the acts of Congress, enabled to relinquish their hard bargains, or sell to others their certificates for relinquishment. This, however, extended no relief to a large class of our useful citizens, whose utmost exertions only enabled them to make payment on perhaps a single tract, at probably from thirty to sixty dollars per acre. Those persons have already, on the first instalment, paid in cash more than the lands are now actually worth, or could be sold for; yet, by the several acts for their relief, they were unable to relinquish and make final payment on any part of their purchase, and the enormous amount at which the lands were first bid off made it equally impossible with them to pay the remaining instalments due the government. They have, therefore, been compelled to forfeit to the government not only the lands, but all the improvements made upon them; their houses and fields, their orchards and gardens—all the comforts which years of industrious toil had enabled them to provide for their families—are now to be offered for sale to the highest bidder, at public auction, whilst the wealthy and large purchasers have, by relinquishing part of their purchases upon other parts, retained for themselves a home. Your memorialists request that your honorable body will examine the attitude in which the government of the United States must present itself to this large and useful class of our citizens. When the country was invaded from abroad; when the savage had raised the *war club* over the heads of the defenceless frontier, your councils weakened from apprehension of danger, your rulers trembling for the safety of the nation, and the very walls in which you are now assembled had become the scene of hostile conflagration, these people stepped forward as champions of their country and the avengers of its wrongs. Aroused by the liveliest feelings of patriotism, they traversed the inhospitable wilderness in search of the *prowling* savage, or lay in swamps and ditches to guard and protect against the more formidable foe. No sooner is invasion repelled, our government protected, and peace restored, than the whole scene is changed. Those citizen soldiers, so lately relied upon as the bulwark of their country's defence, and who had breasted the storm of war, are left by that very government to shift and take care of themselves. With their families, they repair to the wilderness and settle upon lands then so recently acquired by their valor; by their labor they give value to the soil; their habitations are the homes of the traveller; the lands are increased in value by their industry, when the very government for whose protection they but a short time before had made every sacrifice makes merchandise of their homes by exposing them to sale, and then bring them into competition with the wealth and avarice of the country. In this contest gain is the object, and principle and justice is trampled under foot; and many were driven from their improvements to renew their toil and give value to more land, again to be taken from them, whilst those who were enabled to bear the contest are forced to give such extravagant prices that but few were able to pay the first instalment on more than a single tract. The contest proved ruinous to all the parties concerned, and all united in their prayer to the government for relief. Those who purchased largely have been relieved either by the power given to relinquish part, or having paid the one-twentieth, and forfeited, are relieved by the issuing stock in their favor, with which they can buy other lands; whilst those who were unable to purchase more than one or two quarter sections, after having paid to government more money than the lands are intrinsically worth, are told in a proclamation, "Your homes are again at auction!" What, let it be asked, must be the feelings of our people, after such acts of unkindness on the part of their government? This question is submitted to your honorable body. It is no picture of fancy, but a correct chart of the condition and feeling of a large portion of our people, which none but a selfish and calculating policy can disregard—a policy which strikes at the root of our government, based, as it professedly is, upon the affections of the people. It cannot long expect to retain that affection if their feelings and sufferings are disregarded, and when it is also known that ours is the only government upon earth which speculates upon its people in the sale of their homes. In conclusion, your memorialists ask your honorable body to look for a moment upon the millions of acres of the public lands within the States, and then behold, in Alabama alone, near forty thousand heads of families without even an acre to cultivate or the means to purchase it. See them driven from place to place, losing their little stock at every move; or if they should think it derogating from the spirit of freemen to be the tenants of others, see them going upon lands of their government to make improvements, and as soon as their labor has enhanced the value to the amount of the cost of the land, and long before the poor occupant can raise the sum required in payment, see the lands entered over them, their labor given to others, and they with their families again driven upon the world's common, to rent or improve land which can never be their own! Your memorialists have, in behalf of the people they represent, shown to your honorable body their true condition. They have paid for their lands their full and fair value, and more than the people of any other State ever paid for the fee-simple title to the same quantity of lands. They therefore hope and believe that substantial *relief* by your honorable body will be given—such relief as is due from a government to its people. A government whose magnanimity in behalf of our red brethren, the Creeks and Cherokees, pays for their improvements, and assigns them a country in the wilderness, with assurance of protection, cannot, will not, take from its own citizens, who have paid the full value of their lands, the amount which they have already paid, together with their improvements, and cast them with their families upon the world without house or home.

Resolved, therefore, by the senate and house of representatives of the State of Alabama in general assembly convened, That the executive be requested to cause a copy of the foregoing memorial to be forwarded to the executives of the several States holding public lands within their territory, and also a copy to our senators and representatives in Congress, with a request that they wait upon the President of the United States and ask a suspension of the sales of forfeited and relinquished lands within the State until Congress shall act finally on this subject; and if no means of permanent relief can be adopted by your honorable body, that the land sales will at least be postponed to a day certain, not less than twelve months from the times they are now advertised to take place.

J. GAYLE, *Speaker of the House of Representatives.*
LEVIN POWELL, *President of the Senate.*

21st Congress.] No. 802. [1st Session.

APPLICATION OF ALABAMA FOR A LAND OFFICE AT MONTICELLO, IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1830.

MEMORIAL of the general assembly of the State of Alabama to the Congress of the United States to procure the establishment of a land office at Monticello, in Pike county.

To 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 Alabama in general assembly convened, respectfully represents: That the public lands of the United States in the counties of Pike, Henry, and Dale, in the State of Alabama, are situated at great distance from the present land office at Sparta, Alabama, in which land district they are included, whereby great inconveniences, hardships, and expenses are experienced and incurred by those wishing to enter said land, in being compelled to travel from one hundred to one hundred and fifty miles to the aforesaid land office at Sparta, when, on the contrary, if an office was established at Monticello, many of the citizens in the aforesaid counties would be but little more than half the distance from that office. Your memorialists would further represent, that the establishment of this office would, in a particular degree, benefit those settlers in said counties of Henry and Dale, for the reasons aforesaid. Your memorialists would further represent, that the Indian lands adjacent to the town of Monticello, when purchased and brought into market, would be conveniently disposed of at that place. Therefore—

Be it resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That the Congress of the United States be, and they are hereby, requested to pass a law to establish a land office at Monticello, in Pike county, Alabama, and that our senators in Congress be instructed, and our representatives requested, to use their best endeavors to procure the passage of said law; and that his excellency the governor be, and he is hereby, requested to furnish the President and Vice-President of the United States, and each of our senators and representatives in Congress, with a copy of the above memorial.

JOHN GAYLE, *Speaker of the House of Representatives.*
LEVIN POWELL, *President of the Senate.*

21st Congress.] No. 803. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of John Buhler, of Louisiana, reported:

The petitioner sets out in his petition, that on the 8th of March last he became the purchaser, at probate sale, of a tract of land belonging to the estate of Stephen Hackney, deceased; that Hackney became possessed of it by a deed of transfer from Mary Berryman; that it would seem that Berryman became possessed of it by a deed of transfer from the heirs and representatives of Jeremiah Kelsey; that he finds that no entry has ever been made of it at the land office at St. Helena, and that the original titles, dated August 28, 1801, are lost, and cannot be found: wherefore he prays that he may be confirmed in his title to the premises by virtue of the settlement, habitation, and cultivation of Balam Berryman and Mary, his wife.

The affidavit of Joshua Alexander, a resident in the said parish, and who, it appears, joins lands with the premises, shows that the said Balam Berryman and Mary, his wife, settled on the said land in the beginning of the year 1809 or 1810, and that they inhabited and cultivated it, raising annual crops of corn and cotton, until the said Balam died; that the widow of Berryman continued to reside on the land until she died, having previously made a title to Stephen Hackney. The title deed of Mary Berryman accompanies the papers and appears in due form and to have been regularly enrolled in the appropriate office. It is acknowledged before Charles Tessier, the parish judge of probate for the parish of East Baton Rouge, and specifies that "for the love and affection which she (Mary Berryman) bears to the said Stephen Hackney, she transfers, assigns, and sets over to him (Stephen Hackney) the plantation whereon she now resides, containing five hundred and twenty-two acres, agreeably to a plat of the same made for Jeremiah Kelsey, of the date of August, 1801, and signed by Christopher Bollings." Phil. Thomas swears that Balam Berryman and Mary, his wife, settled on the land in the year 1809 or 1810; that they inhabited and cultivated until they both died, which was for six or eight years. John Perney, sr., swears to nearly the same facts. They all describe the land as lying on the east side of the Mississippi river, adjoining lands on its upper line belonging to the heirs of John C. Faulkner, and on the lower by lands claimed by Joshua Alexander, and on the east by lands confirmed by Congress to John Cooper. The certificate of the above-named Charles Tessier, the parish judge of probate, under his official seal, shows that the sale and tranfer to the petitioner was regular and in due form. There is little doubt as to the continued habitation and cultivation from the year 1810 until the death of Stephen Hackney. The committee think that no great reliance can be placed upon the transfer supposed to be made by Christopher Bollings to Jeremiah Kelsey, nor indeed does the petitioner himself seem to rely upon it, but asks a confirmation upon the ground of the cultivation and habitation of Berryman and his wife and Stephen Hackney. The sale

of the land, under and by the order of a competent tribunal having jurisdiction of the case, and the purchase by the petitioner for a valuable consideration at a public sale, being the highest bidder, seems to the committee to be conclusive evidence of the fairness of the transaction on his part. Under such circumstances the petitioner can, with much plausibility, if not justice, allege his ignorance of the fact that no entry had ever been made with the commissioners for examining such titles, or with the register of the land office in that district. The only question, then, for the committee to determine is, whether, from the facts stated in relation to the habitation of the former occupants, he is entitled to a confirmation of title to the premises. The statute of the 3d of March, 1819, seems to recognize as good and valid all titles to land in that part of the country in which these are situated, founded upon habitation and cultivation prior to the 15th day of April, 1813. That statute declares "that every person, or his or her legal representative, whose claim is comprised in the lis's or registers of claims reported by the commissioners, and the persons embraced in the lists of actual settlers, or their legal representatives, not having any written evidence of claim reported as aforesaid, shall, when it appears by the said reports, or by the said lists, that the land claimed or settled on had been actually inhabited or cultivated by such person or persons in whose right he claims, on or before the 15th day of April, 1813, be entitled to a grant for the land so claimed or settled on as a donation: provided, that not more than one tract shall be thus granted to any one person, and the same shall not contain more than six hundred and forty acres." The statute of the 8th of May, 1822, is a literal transcript of the foregoing, except that it embraces the lists of the registers and receivers of the land offices in the St. Helena and Jackson Court-House districts, instead of the commissioners who were appointed to examine titles in that part of the country.—(See Land Laws, pages 759 and 823.)

If the principle established by those acts extends to all the lands in the St. Helena and Jackson districts, (and that it does there can be little doubt,) the committee cannot avoid the conclusion that the petitioner has brought himself fairly within their equity, and is therefore entitled to relief under them. They therefore report a bill.

21st Congress.] No. 804 [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Susanna McHugh, reported:

The petitioner sets out in her petition that she and her husband, John McHugh, settled on and improved a piece of land in East Baton Rouge, in the State of Louisiana, in the month of March, 1813; that they resided thereon until December, 1814; that then her husband joined the militia under General Jackson to aid in the defence of New Orleans, where he died in consequence of great exposure and the severe duties he had to perform, leaving the petitioner and an infant son poor and destitute, who were thrown upon the bounty of her parents, indigent like herself, and she was compelled, in consequence, to abandon her improvement; that at the time she settled on the land she thought it was private property, but the claim was rejected, or at least not sustained by Congress, and that the land now belongs to the United States: wherefore she prays that she may be confirmed in her settlement right as a donation to aid in supporting herself and infant son. The facts are incontestably proved by William Shaw and Jeremiah McHugh, who are certified by the judge taking their affidavits to be old inhabitants and residents in the parish aforesaid. They likewise swear that the land is situate on White's bayou, in the said parish; and notwithstanding there have been two adverse reports previously made in this case, a majority of the committee think the petitioner, from the peculiarity of her situation, is entitled to favor; wherefore, without intending the present decision to operate as a precedent in future, they report a bill for her relief.

21st Congress.] No. 805. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Dorothy Wells, reported:

The petitioner sets out in her petition that, in the year 1805, she cleared and cultivated a tract of vacant land in the parish of West Feliciana, near the town of St. Francisville; that she kept the said land in actual possession and cultivation, &c.; that her son was draughted into the service of the United States (being her only son) in the month of August or September, 1814; and that he died in the service, after continuing therein until the month of January, 1815; that he never received any compensation for his services; that she is his heir-at-law: wherefore she prays Congress to grant her as a donation the land which she has thus settled and cultivated. Mathew Bethany swears that she did clear and improve

a tract of land situate in West Feliciana, and State of Louisiana, near to the town of St. Francisville, bounded on the north by land granted to William Williams; on the east by land granted to Gilbert Miles; on the south by lands unknown; and on the west by the river Mississippi. That in the year 1805 the said Dorothy Barnhill (now Dorothy Wells) built a house on the land, and in the spring following she planted corn upon it, and continued to cultivate it for three years, and that she never claimed any other land by settlement right; and that she married Benjamin Wells some time in the year 1809 or 1810.

Parson Carter swears substantially to the same facts as the previous deponent; and further, that she had the land in possession and actual cultivation from the year 1806 until the year 1811; and he further swears that all the material facts stated by Mathew Bethany, the above-named deponent, are true. The foregoing is the principal evidence before the committee. The committee are aware that the case has been unskilfully managed on the part of the petitioner; but, notwithstanding the looseness and unskilfulness with which the petition and affidavits are drawn, the committee think they present such a case as demands relief. They therefore report a bill.

21st Congress.] No. 806. [1st Session.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Eugene Borell, of Louisiana, reported:

The petitioner states that, by himself and others under him, he has inhabited and cultivated before and ever since December 20, 1803, a certain tract of land containing six hundred and forty acres, situate in the county of Attakapas, at a place called Sheepeck, and lying upon the west side of the bayou "Cypre-mort," and which he says was not confirmed to him in consequence of his not having it registered within the time allowed by law, and gives his total ignorance of the law as a reason for his neglect in that particular, and prays that the land may be confirmed to him The affidavit of Jean Baptiste Bourgeois shows the settlement and cultivation of the claimant, that the land is vacant, and describes it to be on the bayou "Cypre-mort," and on the west side thereof, and as a part of a tract of twenty-four acres, fronting on the said bayou, by forty back, bounded northwardly by lands of the heirs of Joseph Sorrel, (or Sowel,) southerly by other lands of the said heirs, and westwardly at the depth of forty arpents by public lands. He further swears that he has continued to improve the land ever since his settlement; that he made in the beginning a very small improvement, and had a few cattle upon the land, but that he has gradually increased the improvements ever since; and that there is now twenty-four acres under good fence, (or was at the time of making the affidavit,) besides a dwelling-house, kitchen, cabins, and out-houses.

Francis Borrell swears that, from his own knowledge, all the matters contained in the affidavit of Jean Baptiste Bourgeois are true; that he himself was born in the parish of St. Mary's, is now forty-four years old, has always resided there, and is well acquainted with all the facts stated in the preceding affidavit. The honorable William L. Brent, the former representative from that part of Louisiana, certifies that the justice before whom the affidavits were taken was duly qualified to take them; that he is acquainted with the witnesses, and believes them to be honest men and entitled to credit.

The act of March 2, 1805, Land Laws, p. 518, clearly recognizes the principle of allowing to actual settlers, prior to December 20, 1803, a donation of six hundred and forty acres of land, where they have inhabited and cultivated the same. The claim seems to the committee clearly within not only the spirit, but the letter of that act. The circumstance of the claimant not having made his claim within the time and in the manner prescribed by the various statutes in those cases made and provided, your committee think ought not to be permitted to preponderate against the justice of the claim, as they have no doubt of the truth of his affirmation, that it was his ignorance of the necessity of doing so which caused him to omit it. If the principle of granting such donations be sound, the omission to make the claim at a particular time, or in a particular manner, cannot affect the abstract intrinsic justice of the proposition. The committee therefore report a bill for his relief.

21st Congress.] No. 807. [1st Session.

APPLICATION FOR LAND ON ACCOUNT OF SERVICES OF A CANADIAN REFUGEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Wilcox, reported:

The petitioner states that he is the natural son of a Joseph Wilcox, who, he says, resided in Canada previous to the war, and left it for fear of the persecutions of enemies, and joined the United States; that he was a colonel in the army of the United States, and that he was killed in a sortie at or near Fort

Erie; that the deceased left considerable estate, which was wasted by the administrator; that he petitioned the legislature of New York to have the administrator and his securities sued on their bond for the due administration of the effects of the deceased; that before anything could be made by the suit the administrator and his securities left the State and moved to Indiana; that although the legislature of New York passed an act authorizing the attorney general to collect the money due from the said administrator and his securities, and to pay it to his mother for his use, yet he has not been able to realize any part of the said estate. He further states that he understands that his father or his legal representative is entitled to military bounty land for his services in the war, and that there is no heir or other person entitled except himself.

The committee cannot see upon what ground his father could claim bounty land, except it be as a Canadian volunteer; and if that be the ground, the statutes allowing bounties in land to that class of persons have all become obsolete, and it is very questionable whether, under any circumstances, it would comport with justice or sound policy to revive them; but in this instance the petitioner does not bring himself within any of the acts of Congress upon that subject. Therefore—

Resolved, That the petitioner is not entitled to relief.

21st Congress.] No. 808. [1st Session.

ON AN APPLICATION FOR A GRANT OF LAND ON ACCOUNT OF POVERTY AND A NUMEROUS FAMILY OF CHILDREN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of George Raymond, of the State of Ohio, reported:

The petitioner states that he had a family of eight small children when he came to the State of Ohio; that since his arrival there his wife has had three at a birth; that he is in indigent circumstances, and finds it hard to maintain his family: wherefore he prays that a tract of land may be granted to him or to his children.

If poverty, and the having of a numerous family of children, constituted a claim for a grant of land, the petitioner's would seem equal to any which could be presented; but Congress have never adopted the policy of granting lands to settlers and heads of families, and the committee do not feel disposed to change the course of policy in this respect at this time. Therefore—

Resolved, That the petitioner is not entitled to relief upon his petition.

21st Congress.] No. 809. [1st Session.

APPLICATION OF MISSISSIPPI FOR LAND IN LIEU OF A SIXTEENTH SECTION INTENDED FOR SCHOOLS AND PATENTED TO AN INDIVIDUAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 22, 1830.

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 whereas it appears from representations made to this legislature that the law of the Congress of the United States appropriating the sixteenth section of land in each township for the benefit of schools in each and every county in this State has been inoperative as regards one section of land in the county of Lawrence; that a private individual (William Whitehead) located himself on the sixteenth section, near the town of Monticello, in Lawrence county, it is presumed without his being apprised of the fact; that some years after Mr. Whitehead discovered the situation in which he was placed, and drew a petition to the surveyor general, setting forth his embarrassment, and representing as a grievance the great loss and injury he must sustain by removing, and praying that the sixteenth section might be located elsewhere. Under these circumstances, it seems he was allowed to enter the sixteenth section, on which he had settled, and for which he obtained a patent. The heirs of Mr. Whitehead have continued to remain in peaceable possession of the aforesaid sixteenth section of land under the faith and guarantee of a patent from the federal government, and no wish or expectation is entertained that they can or should be dispossessed of their just and equitable claim; and whereas it further appears that no location of land has been made in lieu of the same, thereby depriving the citizens of the county of Lawrence of the benefits that might result from application of the proceeds as contemplated by the act of the Congress of the United States: wherefore your memorialists respectfully request that your honorable bodies pass a special act authorizing the location of a section of land, in lieu of the land above specified, for the benefit of the school fund in the county of Lawrence, in this State, or appropriate in money the amount which the government of the United States received for the land aforesaid, to be applied to the county and purposes named above, whenever you, in your wisdom, may think proper.

And your memorialists, as in duty bound, &c.

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 representatives requested, to use their best exertions to have the objects of the above memorial granted; and that his excellency the governor of this State be requested to forward a copy of this memorial and resolution to our senators and representatives in Congress.

JO. DUNBAR, *Speaker of the House of Representatives.*
A. M. SCOTT, *Lieu't Governor and Pres't of the Senate.*

Approved January 28, 1830.

GERARD C. BRANDON.

21st Congress.] No. 810. [1st Session.

ON AN APPLICATION TO CHANGE AN ENTRY MADE AT THE LAND OFFICE WEST OF PEARL RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 22, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of William Burris, of Mississippi, reported:

The petitioner sets forth in his petition that on or about the year 1819 one Edmund Andrews, as his friend and agent, entered for him the northwest quarter of section 21, township 3, and range 6 east, in the district of lands west of Pearl river. Not supposing that any mistake had happened, he went on to complete the payment for the northeast half of said quarter; that when he received his patent he found the lands he had purchased were worthless, barren, and useless; wherefore he prays that he may be permitted to withdraw his entry, and transfer the money to other lands. Edmund Andrews swears that he entered the land described by the petitioner as his friend and agent; that his intention was to have entered the northeast quarter of the said section instead of the northwest, and he really believes he told the register of the land office so; but, he says, it now appears that he was mistaken, or misunderstood by the register, for that the money appears to have been paid on the northwest quarter instead of the northeast.

The committee think it would be rather a dangerous precedent set were they to grant the relief prayed for by the petitioner. There appears to have been a number of cases in which persons have been allowed to withdraw their entries in consequence of mistakes; but there appear to be none like the present. It cannot but excite surprise how the petitioner could have so long remained ignorant of the mistake, or, if sooner discovered, that he did not sooner make his application to have it rectified. To grant relief in this case would be to establish this principle: that a person might enter any quantity of land, retain it in his possession, and prevent the government from selling it for ten years, and at the end of that time, (perhaps, too, after some better lands in the neighborhood should be brought into market,) if he could procure some witness to say there was a mistake in the entry, and the land not good, he might withdraw his entry, or rather surrender his patent, (for it appears in this case he has received his patent,) and receive in lieu thereof other lands. Our surprise is still further excited that such a mistake could happen, or remain so long undiscovered, when, by the act of February 24, 1810, it is made incumbent upon the applicant for the purchase of a piece of land at private sale to produce to the register a memorandum in writing, describing the tract he proposes to enter by the proper number of the section, half section, or quarter, (as the case may be,) and of the township and range, with his name subscribed thereto; and which memorandum the register is, by the said act, in duty bound to file away and preserve, and more especially as it appears from the evidence in the case, by an inference obvious and irresistible, that the petitioner, before he obtained his patent, had relinquished one-half of the quarter and retained the other; for it is clear he had in the first place entered the whole quarter. It should seem, indeed, that after the passage of the act of February 24, 1810, requiring the purchaser to present a memorandum in writing, describing the land he enters, with his name subscribed thereto, and that of the act of May 24, 1824, which provides for rectifying such mistakes, the necessity of legislation upon this subject was almost, if not entirely, precluded, and that where an irremediable mistake should happen on the part of the purchaser himself, it must be through a grossness of negligence that deserves to be punished with the inconvenience it produces. Therefore—

Resolved, That the petitioner ought not to have relief upon his petition.

21st Congress.] No. 811. [1st Session.

ON MEMORIALS OF SUNDRY INSTITUTIONS FOR THE EDUCATION OF THE DEAF AND DUMB FOR GRANTS OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 23, 1830.

Mr. GOODENOW, from the Select Committee to whom was referred the resolution of the assembly of Ohio, and the memorials of the institutions for the education of the deaf and dumb in New York, Pennsylvania, and North Carolina, reported:

That, by estimation from the best *data* before us, there are in the United States between 5,000 and 6,000 deaf and dumb persons, a large proportion of whom are probably in indigent circumstances, and must, in great numbers, in despite of public and private munificence, live and die without enjoying any of the benefits derived from the use of letters, or even partaking of the greatest blessings of social intercourse.

Your committee feel that they need not expatiate upon the unfortunate, the miserable condition of these their benighted fellow-beings, or upon the claims, the undeniable claims, which their melancholy state presents to an enlightened and munificent legislature; nor need we descant upon the insurmountable obstacles which stand in the way of the efficient exercise of private beneficence, in a matter of such general import and consequence as that under consideration, when unaided and unprotected by public patronage and protection. The committee, therefore, rest satisfied that they need only present to the House the following statement:

That there are institutions already established, on firm and liberal bases, in Ohio, New York, Pennsylvania, and North Carolina, for the education of the deaf and dumb, in whose hands the bounty of the nation may be securely placed, without the fear of being improvidently applied, or fraudulently diverted from its intended purpose.

The Ohio Asylum for educating the Deaf and Dumb was incorporated by act of the general assembly in 1827, and has received from that State several appropriations of money for erecting buildings, purchasing lots, &c.; and the asylum is now rising in estimation and consequence, and requires only pecuniary aid to become a respectable and efficient institution.

The New York Institution for the instruction of the Deaf and Dumb was incorporated by an act of the legislature of that State in 1817, and has, for many years, been in efficient operation, under the direction of a highly respectable and intelligent board of directors. The State of New York has cherished this institution with a munificent and enlightened spirit, having, in one instance, appropriated $10,000 to aid in the erection of its buildings, which are now completed at an expense exceeding $30,000. The institution is now prepared to accommodate from one hundred and fifty to two hundred MUTES, thirty-two of whom are to be of *the poor and indigent*, by the special limitation of the patronage of the State.

The Pennsylvania Institution for the Deaf and Dumb was incorporated by the legislature of that State some years since, and has been for several years in successful operation. "This institution contained, at the recent report of the board of directors to the legislature of Pennsylvania, seventy-nine pupils, forty-three males, and thirty-six females; of these thirty-four are supported by the State of Pennsylvania, fourteen by the State of Maryland, and six by New Jersey; fourteen are maintained by their respective parents and friends, and eleven are dependent, in whole or in part, upon the private funds of the corporation, arising from charitable subscriptions or donations." It is perhaps enough to say of this institution, "it is known *by its fruits.*"

"The North Carolina Institution for the instruction of Deaf and Dumb" was incorporated in the year 1828 by an act of the general assembly of that State. This institution, although in its infancy, promises much in the great and benevolent design of imparting intelligence, and the power of interchanging thought, to those to whom nature has denied the high prerogative of speech, and only needs public patronage to give it efficiency and usefulness.

Your committee are further advised that other States in the Union have made liberal appropriations for the instruction of indigent deaf and dumb persons; and some of them have established and endowed institutions for the purpose upon ample and permanent bases, and have already received donations from this government, while others, possessing comparatively few in numbers of such persons, or from their situation or limited resources, have joined with neighboring States in the support and patronage of the institutions therein established. Such is the case, especially with New Jersey and Maryland, who send their deaf and dumb to New York and Pennsylvania for instruction, but would, as well as other States of the Union who have not already experienced the munificence of the general government, be equally entitled to the consideration of the national legislature whenever they should present an institution to the public prepared to receive and give effect to the patronage and bounty of this government.

Your committee would further remark that they conceive the disposition heretofore made of the public lands, especially for literary, scientific, and charitable purposes, accords with the most enlightened and noble policy of a great, free, and affluent people. The soil we tread, which daily yields to man his subsistence, is not of his own creation; it is the gift of the same Providence which has sealed the lips and closed the ears of the MUTE, who beckons at your door for *relief*.

In the year 1819 Congress granted to "the Connecticut Asylum for teaching the Deaf and Dumb" a township of land, or tract of land equal thereto; and, in the year 1826, a like grant was made to "the Kentucky Asylum for teaching the Deaf and Dumb;" and your committee unanimously recommend the same liberality to the four institutions in New York, Pennsylvania, Ohio, and North Carolina, as above described, and report herewith a bill for that purpose.

21st Congress.] No. 812. [1st Session.

CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 24, 1830.

Mr. Pettis, from the Committee on Private Land Claims, to whom was referred the petition of Matthews Flournoy and R. J. Ward, reported:

That in 1825 the petitioners settled on and improved a tract of land on Lake Washington, in the State of Mississippi, clearing about 300 acres; that the public lands in this section of the country had not at that time been surveyed, but had been returned as unfit for cultivation. A number of persons settling in that country, the government, in 1827, caused these lands to be surveyed; and the tract of land thus improved fell within the 16th section, and was therefore reserved from sale for the use of schools within the township. The inhabitants of the township now join in the petition that section 11, in that township, be taken in lieu of section No. 16, so that the said last mentioned section may be sold by the government. The government, at the request of the inhabitants, has reserved from sale No. 11, in the expectation, it would seem, that Congress would allow the exchange.

The committee, believing the petition reasonable, and that the goverment will lose nothing, report a bill.

21st Congress.] No. 813 [1st Session.

ON AN APPLICATION FOR A RENEWAL OF LOST CERTIFICATES FOR MONEYS PAID AND FORFEITED TO THE UNITED STATES IN THE PURCHASE OF LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 25, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Samuel Watson and George Hoppas, reported:

The petitioners state that they were entitled to two several certificates for moneys paid and forfeited to the United States on two certain lots of land, upon which they had taken the benefit of the act of May 23, 1828, entitled "An act for the relief of purchasers of the public lands that have reverted for non-payment of the purchase money," to wit: one to Samuel Watson for sixteen dollars, paid and forfeited, on the southeast quarter of section No. 36, in township 6, and range 16, in the Chilicothe district, purchased the 17th February, 1820; and one other certificate, in the name of George Hoppas, for the sum of seventy-nine dollars and twelve cents, for that sum, paid and forfeited, on the northwest quarter of section No. 12, in the same township and range. That they had employed one Samuel R. Holcomb to go to the said land office, to transact the business for them, and procure the certificates aforesaid, which he did. But their said agent casually lost the certificates, and never afterwards could find them; and they pray that Congress may pass an act authorizing the register of the land office to reissue the certificates, that they may reap the benefit of them, agreeably to the act aforesaid. Samuel R. Holcomb, their agent, swears to the fact of his having taken out the certificates and lost them. No reasonable doubt exists in the mind of the committee as to the truth of the statement contained in the petition, nor can they see any danger or inconvenience to the government to be apprehended from granting the prayer of the petitioners. They therefore report a bill for their relief.

21st Congress.] No. 814. [1st Session.

ON CLAIM OF INDEMNITY FOR EXPENSES INCURRED IN DEFENDING A TITLE TO LAND DERIVED FROM THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 25, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of the widow and heirs of Joseph Hulse, deceased, reported:

The decedent, who died some time in the year 1825, was a purchaser of the United States of lands in Ohio, situated between Roberts's and Ludlow's lines. A transcript of a part of the record of the circuit court of the United States for the district of Ohio, certified by the clerk, shows that he was evicted by the judgment of the court at their January term in 1819, and that he had, on that occasion, to pay twenty-three dollars and twenty-five cents cost; upon which sum, if interest be allowed for eleven years, the

aggregate sum will be thirty-seven dollars and ninety-three and a half cents, which the committee have allowed, believing that the present is a claim differing in principle from those in which interest has been refused by the government. The land which the decedent was evicted from appears to be a tract of two hundred and thirty-five acres, which, among a number of others, situated in the same way, have been valued by persons duly authorized, and for the loss of which the petitioners will be indemnified by the bill from the Senate, reported to the House by this committee some time ago, and which has not yet been acted upon. The justice of the claim appears from the documents exhibited with the petition; the committee therefore report a bill.

21st Congress.] No. 815. [1st Session.

ON CLAIM OF INDEMNITY FOR LAND PATENTED WHICH WAS TAKEN BY AN OLDER PATENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 26, 1830.

Mr. Clay, from the Committee on Public Lands, to whom was referred the petition of Timothy Risley, reported:

The petitioner claims to be indemnified for the defective title to a quantity of land, estimated to be one hundred acres, patented to him on the 8th September, 1814, as the assignee of Zachariah Sherwood, a revolutionary soldier, and located in Licking county, Ohio, on the ground that the United States, before granting his patent, had granted the same land, on the 12th January, 1801, to another person. This was not known to the petitioner till 1826; prior to which time he had paid the taxes, and been at other expenses on account of said land, and defending what he conceived to be his title to the same, amounting in all, including what he paid for the warrant, to the sum of $346, besides his time spent in the business.

These facts are satisfactorily proved to the committee; and, inasmuch as they are further satisfied that this land, which has been taken from him under a previous grant, is now worth much more than it was when the United States patented it to him, and the residue of the military lands on which any new warrant must be satisfied are now of a very inferior quality, the best selections having been already made, the committee are of opinion that he ought to receive a new warrant for double the quantity contained in the defective patent aforesaid as an indemnity for the loss he has sustained; and therefore report a bill for his relief.

21st Congress.] No. 816. [1st Session.

APPLICATION OF INDIANA FOR OTHER LANDS IN LIEU OF ALTERNATE SECTIONS GRANTED FOR CANALS, WHICH HAVE BEEN TAKEN BY INDIAN RESERVATIONS AND GRANTS TO INDIVIDUALS LOCATED THEREON.

COMMUNICATED TO THE SENATE MARCH 1, 1830.

A JOINT RESOLUTION on the subject of canal lands donated to Indiana by Congress.

Whereas the board of canal commissioners of Indiana represent, in their report of this year, to this general assembly, that, by a division and selection of the alternate sections of land on the margin of the Wabash and Erie canal route within our boundaries, in conformity to an act of Congress approved March 2, 1827, and it has become known that eleven thousand four hundred and seventy-eight acres and seventy-eight hundredths have been sold, and fourteen thousand six hundred and ninety acres have been permanently reserved by treaty to individuals, and three thousand three hundred and sixty acres have been located by individual grants since the passage of said act granting the alternate sections as aforesaid to this State, and that one hundred and forty-three sections of the land donated by said act is found within Indian reservations whose claim is not yet extinguished—all of which would have otherwise become State lands: Therefore—

Be it resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to procure the passage of a law to vest in this State a quantity of land equal to the quantity sold and disposed of as aforesaid, to be selected by our canal commissioners from the alternate sections reserved to the United States in the division made under the act of Congress before the said reserved lands be offered for sale, and to adopt such measures in regard to the donated sections, now in the Miami reservations, as may be deemed most advisable to secure to us the use and possession of the same at as early a period as possible.

Be it further resolved, That the governor be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in Congress.

ROSS SMILEY, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved January 29, 1830.

J. BROWN RAY.

21st Congress.] No. 817. [1st Session.

APPLICATION OF MISSISSIPPI FOR LAND IN LIEU OF A SIXTEENTH SECTION INTENDED FOR SCHOOLS, AND LOCATED UPON BY AN INDIVIDUAL.

COMMUNICATED TO THE SENATE MARCH 1, 1830.

MEMORIAL of the general assembly of the State of Mississippi.

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 whereas it appears from representations made to this legislature that the law of the Congress of the United States appropriating the sixteenth section of land in each township for the benefit of schools in each and every county in this State has been inoperative as regards one section of land in the county of Lawrence; that a private individual (William Whitehead) located himself on the sixteenth section near the town of Monticello, in Lawrence county, it is presumed without his being apprised of the fact; that some years after Mr. Whitehead discovered the situation in which he was placed, and drew a petition to the surveyor general, setting forth his embarrassment, and representing as a grievance the great loss and injury he must sustain by removing, and praying that the sixteenth section might be located elsewhere. Under these circumstances, it seems he was allowed to enter the sixteenth section on which he had settled, and for which he obtained a patent. The heirs of Mr. Whitehead have continued to remain in peaceable possession of the aforesaid sixteenth section of land under the faith and guarantee of a patent from the federal government, and no wish or expectation is entertained that they can or should be dispossessed of their just and equitable claim; and whereas it further appears that no location of land has been made in lieu of the same, thereby depriving the citizens of the county of Lawrence of the benefits that might result from the application of the proceeds as contemplated by the act of the Congress of the United States: wherefore your memorialists respectfully request that your honorable bodies pass a special act authorizing the location of a section of land in lieu of the land above specified, for the benefit of the school fund in the county of Lawrence, in this State, or appropriate in money the amount which the government of the United States received for the land aforesaid, to be applied to the county and purposes named above, whichever you, in your wisdom, may think proper. And your memorialists, as in duty bound, &c.

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 use their best exertions to have the objects of the above memorial granted; and that his excellency the governor of this State be requested to forward a copy of this memorial and resolution to our senators and representative in Congress.

JO. DUNBAR, *Speaker of the House of Representatives.*
A. M. SCOTT, *Lieutenant Governor and President of the Senate.*

Approved January 28, 1830.

GERARD C. BRANDON.

21st Congress. No. 818. [1st Session.

APPLICATION OF INDIANA TO BE ALLOWED TO SELL THE SALINES IN THAT STATE, AND TO DISPOSE OF THE PROCEEDS.

COMMUNICATED TO THE SENATE MARCH 2, 1830.

MEMORIAL of the general assembly of the State of Indiana to the Congress of the United States on the subject of saline reserves.

The legislature of the State of Indiana would respectfully call the attention of Congress to the situation of some of the saline lands for working salt springs in this State, set apart for that purpose by an act of Congress of April 19, 1816, and which were not embraced in a former memorial of the last session of the general assembly, approved January 23, 1829, to wit: Section 15, township 2 north, and section 28, township 3 north, of range 4 east, in the Jeffersonville land district; and also the west half and northeast quarter of section 30, township 6, range 1, west of a meridian line drawn from the mouth of the great Miami river, in the Cincinnati land district, together with all other lands reserved for similar purposes. As these lands have failed to answer the end designed by the United States in granting the same to the State, and are rapidly deteriorating in value on account of the numerous trespasses and waste committed upon them without accountability; and as the soil is desired for cultivation, and as the proceeds (if said lands were sold) might be appropriated to some useful end, we, therefore, would respectfully request Congress to authorize the sale of the same by the State, and the application of the proceeds thereof for some useful purpose. Therefore—

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 exertions to procure the passage of a law authorizing the State of Indiana to sell said lands, and to use the proceeds at pleasure.

Resolved further, That the governor transmit a copy of the foregoing memorial to each of our members in Congress.

ROSS SMILEY, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved, January 18, 1830.

J. BROWN RAY.

21st Congress.] No. 819. [1st Session.

ON APPLICATION FOR BOUNTY LAND BY A SOLDIER WHO HAD OBTAINED A SUBSTITUTE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 2, 1830.

Mr. Nuckolls, from the Committee on Private Land Claims, to whom was referred the petition of Ambrose Hudgins, of Alabama, reported:

That the petitioner represents himself to have been a private soldier in the regular army in the late war, and prays Congress to grant him a small tract of land set forth in his petition in consideration of his services.

It appears from the petitioner's own showing that, before the expiration of the first four years of his term of enlistment, he employed a substitute, who, before he had served out the term for which his principal had undertaken to serve, deserted and left the army.

The committee are of opinion that this case presents no ground for the favorable consideration of Congress. The principal, Hudgins, in employing a substitute, became fully responsible for all his actions so far as pay, bounty, or emoluments were concerned, and must therefore, in these respects, abide the consequences of his desertion. To establish a different rule, would be productive of insubordination, desertion, and other evils materially affecting the discipline and well-being of the army. They therefore recommend that the prayer of the petitioner be not granted.

21st Congress.] No. 820. [1st Session.

CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 2, 1830.

Mr. Nuckolls, from the Committee on Private Land Claims, to whom were referred the petition and documents of John F. Girod, of Louisiana, reported:

That the petitioner sets forth that, in the year 1804, he removed to and settled in the parish of Ouachita, in the State of Louisiana, and, by purchase from different individuals claiming under the Spanish government, acquired title to, settled on, and commenced cultivating a tract of land in said parish, represented on the accompanying map by the letters A and B B, and that he has continued to reside on and cultivate the same from his settlement in 1804 to the present time. He further sets forth that the United States commissioners for settlement of land claims in Louisiana gave him certificates of confirmation for the part of said tract marked A, having a front of 19 arpents by 60 deep. He now claims the part B B, on the grounds, 1st, that by the Spanish law the front B B belonged to the tract A, as indemnity for the low and untillable land usually to be met with in running 40 arpents back; and 2d, that the said part B B was conceded by the Spanish government to Louis Radius, under whom he claims, in 1798, and had been in possession by said Radius up to 1804, and of the petitioner, who claims under him, ever since.

In support of the first ground is the affidavit of one A. Briard, who is proven by the official certificate of the parish judge to be well known to him, who, besides other facts, swears that such was the Spanish law on that subject.

In support of the second ground, the said Briard, who was syndic for the parish, swears that, when he removed to the parish in 1799, he found Louis Radius, under whom petitioner claims, in possession of a point of land, which the commandant told him (Briard) had been given to Radius, on condition of his making a bridge, road, and levee on that point to prevent dangerous inundations of the Ouachita river; and that, in 1801 or 1802, the commandant ordered him, (Briard) as syndic to see if the levees in his district were made; and on the report of the syndic, that they were not in order, Radius was compelled to comply with the conditions annexed to the gift or concession.

Mr. H. Bry, register and receiver of public moneys at Ouachita, also certifies that, in 1803, he saw Radius in possession of the land, and understood that he held it as a grant from the Spanish government on condition of making a road and levee as above set forth. He further says that, in 1804, one Choll, and Girod, the petitioner, bought this land from Radius; that Choll died, leaving Girod, the petitioner, sole owner of this land, which he has continued to occupy and cultivate ever since.

Three fractional quarter sections, containing 260.71 acres of this land, was sold as public land, in 1829, in consequence of Girod not presenting his claim, and the evidence in support of it, to the commissioners for settlement and confirmation, whereby it appeared to be public land, and subject to sale. The land thus sold was bought by one Hemkin, (agent for Girod,) who, at the time of the sale, claimed it as the land of his principal, and reserved the privilege of showing cause why the money paid for said land should not be returned to Girod.

The committee, entertaining the opinion that, if the evidence now presented to them had been before the commissioners for settlement of land claims in Louisiana, they could not have refused a certificate of confirmation for the part B B, which petitioner now asks, and that the money *paid* by Hemkin, as agent, cannot honestly be retained, nor that *due* collected without oppression on the part of the government, respectfully report a bill for petitioner's relief.

21st Congress.] No. 821. [1st Session

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 2, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Jean Frugé, claiming one thousand arpents of land in Opelousas, in Louisiana, reported:

That they have examined his case with much diligence, and with a view to do him the most ample justice. He states in his petition that he is in possession of a piece of land in the county of Opelousas, in Louisiana, situate in Mallet's woods, in the prairie of Bayou des Cannes, containing one thousand superficial arpents of land; that the same has been inhabited and cultivated by himself since 1800 or 1801, and previously by his vendor since 1798 or 1799; that he filed his notice under the act of February 27, 1813, with the register of the land office at Opelousas, to be laid before the commissioners for examining into private land claims in that part of the country; that notwithstanding he proved to the said commissioners the occupancy and cultivation beyond all reasonable doubt, yet they rejected his claim, on the ground that the transfer was not made to him in due form by the original occupant, Honaquine; and he asks Congress to confirm him in the title. On examining the report of the commissioners in the case, it appears that there was no exception taken to the evidence, and which the committee, indeed, believe to be unexceptionable. They say "it appears by the evidence of William Hay, taken November 1, 1815, that the land had been inhabited and cultivated for sixteen consecutive years preceding that date, first by Honaquine, who sold it to the present claimant about fourteen years previous thereto, but did not pass a sale (except by private deed) until within four or five years before that time." The commissioners, in rejecting the claim, give the following reasons for so doing: they say "he ought to have produced an authentic deed of sale from the previous occupant; that it does not follow that because a person occupied a tract of land in time to entitle him to a donation, but abandons his claim thereto, that another person has a right to avail himself of that settlement, and claim the land in consequence thereof, without showing a legal transfer from the original occupant." The committee have no doubt of the correctness of the commissioners' reasoning, but they do not think it applies to the present case. The transfer appears to be honestly and fairly made from Honaquine to the petitioner, as evidenced by a private deed of sale, (as they call it,) which, although not strictly amounting to a legal title, yet very clearly shows an equitable one, and such an one as the committee think would have entitled him to a confirmation of a donation, especially, too, as the claimant and his vendor had been in actual possession, inhabiting, and cultivating the premises for sixteen consecutive years previous to 1815, or, in other words, by his vendor as far back as 1799, and the petitioner himself from 1803 or 1804. And the petitioner, in order to strengthen his claim, now produces a regular deed of the premises from the original occupant to himself, duly acknowledged and recorded by the judge of the parish in which the land lies. But another question is raised by the claimant in this case. He claims a thousand superficial arpents of land, and relies solely for his title upon his vendors and his own habitation and cultivation. The committee have looked into not only the acts of Congress, but the Spanish regulations, and they cannot find in any case where the mere habitation and cultivation by an individual have ever entitled him to a donation for more than eight hundred arpents, which is equal to six hundred and eighty acres and a half only; if he claimed any additional quantity, he ought to show some record evidence to support it. But none such appearing, the act of Congress restricting the donation to six hundred and forty acres, and the committee not discovering anything in the case to induce them to depart from the usual course, are disposed to grant him a donation for the quantity of land allowed by the acts of Congress They therefore report a bill confirming to him a title for six hundred and forty acres.

21st Congress.] No. 822. [1st Session.

ON AN APPLICATION FOR COMPENSATION FOR DEFICIENCY IN THE QUANTITY OF LAND PURCHASED OF THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 2, 1830.

Mr. Irvin, from the Committee on Public Lands, to whom was referred the resolution of the House to inquire into the expediency of making compensation to William Henry for the deficiency in the quantity of a tract of land by him purchased of the United States at the land office at Jeffersonville, in the State of Indiana, reported:

That, on the 19th day of October, 1820, William Henry purchased of the United States, at the Jeffersonville land office, for one dollar and twenty-five cents per acre, the south half of fractional section six, in township seven north, of range eight east, containing 235 acres and fifteen hundredths of an acre, and received a patent therefor dated the 17th day of December, 1821. Mr. Henry now alleges that this tract of land contains only 197 acres and one rod, and claims compensation for the deficiency.

To prove this deficiency, a survey made by the county surveyor of Jennings county, in Indiana, supported by his affidavit, is relied upon by the petitioner. The surveyor makes the contents of the half section to be 197 acres and one rod.

By a comparison of this survey with the records of the original survey, the committee are satisfied that the survey made by the county surveyor is incorrect. The fractional section, of which Henry's land was a part, was caused by what is called the old boundary line. The northeast corner of this half section, by the original survey, is six chains and seventy-seven links north of the old boundary line. The county surveyor placed this corner on the old boundary line, thereby actually taking from the north part of the half section six chains and seventy-seven links, which, if a like mistake was made at the northwest corner, shows that the half section contains more than the quantity expressed in the patent.

The act of Congress of May 18, 1796, for the sale of the lands northwest of the river Ohio and above the mouth of the Kentucky river, made it the duty of the deputy surveyors to cause to be marked on a tree, near each corner and within the section, the number of the section and township; and they were also required to note in their field-books the names of the *corner trees* marked. By an act of February 11, 1805, concerning the mode of surveying the public lands of the United States, it is provided that the boundaries and contents of the several sections, half sections, and quarter sections, shall be ascertained in conformity with the following principles:

1st. All the corners marked in the surveys returned by the surveyor general shall be established *as the proper corners of sections* and *subdivisions of sections*, which they were intended to designate; and the corners of half and quarter sections not marked in said surveys shall be placed as nearly as possible equidistant from those two corners which stand on the same line.

2d. The boundary lines actually run and marked in the surveys returned shall be established as the proper boundary lines of the sections or subdivisions for which they were intended; and the length of such lines as returned by the surveyor general *shall be held and considered as the true length thereof;* and the boundary lines which shall not have been actually run and marked as aforesaid shall be ascertained by running straight lines from the *established corners* to the opposite corresponding corners.

3d. Each section or subdivision of section, the contents whereof shall have been returned by the surveyor general, shall be held and considered as containing the *exact quantity* expressed in the return; and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half, or the one-fourth, respectively, of the returned contents of the section of which they make part.

It is the opinion of the committee that the corners made by deputy surveyors, and noted in their respective field-books, became fixed boundaries, and cannot be changed, if an inequality is thereby produced in sections, half sections, or quarter sections. In the instance before the committee, the difficulty has been produced by a departure from this rule.

The sales of the public lands have been made with a knowledge of existing laws by the purchasers, and it was universally understood that the purchaser had no claim on the government if the tract purchased did not contain the quantity expressed in the return to the surveyor general. The chance of getting *more* or *less* was equal, and he ran the risk. Heretofore little or no discontent has prevailed on this subject; but if the door is once opened, and a compensation made for a deficiency, it is difficult to tell when or where it will end. The committee would be unwilling, if the deficiency did exist, to comply with the request of the petitioner, as it would be the means of producing discontent, and of innumerable applications to Congress for a like compensation; they therefore ask to be discharged from the further consideration of the subject.

21st Congress.] No. 823. [1st Session.

APPLICATION OF INDIANA RESPECTING SCHOOL LANDS IN THAT STATE.

COMMUNICATED TO THE SENATE MARCH 3, 1830.

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

Your memorialists, the general assembly of the State of Indiana, respectfully represent: That in many instances the inhabitants of military districts, reserved townships, and such fractional townships as have the sixteenth section destroyed by water-courses running through them, are deprived of the advantages of a section for school purposes, to which they would otherwise be entitled.

Your memorialists are aware that under the provisions of an act of Congress entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved May 20, 1826, it is provided that the Secretary of the Treasury shall select lands, in lieu of those to which such townships or fractional townships were entitled, out of any unappropriated public lands within the *land district* where the township for which any tract is solicited may be situated; but this provision, your memorialists humbly conceive, is of but little advantage to the inhabitants interested. Your memorialists would remind your honorable body that the land districts out of which it is made the duty of the Secretary of the Treasury to select the tracts intended for the benefit of the destitute townships have generally been in the market for ten or fifteen years past, and that all the good lands within their boundaries have long since been taken up by purchasers at the United States land offices.

Your memorialists therefore pray that Congress will pass an act authorizing the registers of the land offices in the several land districts in this State where any district, township, or fractional township of land shall be situated, and shall be destitute of the sixteenth section aforesaid, to issue scrip to the inhabitants of such district or township, at the rate of one dollar and twenty-five cents for each acre of land, to which by the laws of Congress they are entitled, and also that the same provisions may be extended to each and every township in our State where the sixteenth section will not sell for one dollar and twenty-five cents per acre.

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their best endeavors to procure the passage of the act aforesaid; and that his excellency the governor be requested to forward to each of our senators and representatives in Congress a copy of the foregoing memorial.

ROSS SMILEY, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved January 25, 1830.

J. BROWN RAY.

21st Congress.] No. 824. [1st Session.

ON GRANTING LAND TO A CANADIAN REFUGEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 3, 1830.

Mr. Sterigere, from the Committee on Private Land Claims, to whom were referred the petition of Dr. Eliakim Crosby, and the accompanying documents, reported:

That they have carefully examined the testimony in this case, which is of the most ample and respectable character, and find that it is conclusively proven that the petitioner emigrated from Litchfield, Connecticut, in 1804, to the province of Upper Canada, and settled in London district, in said province. That he had been extensively engaged in the line of his profession and in agricultural and mercantile pursuits until the breaking out of the war of 1812 between the United States and Great Britain, when he had accumulated real estate of various kinds of more than $10,000 in value, besides personal property of perhaps an equal amount, and had sustained the most unblemished reputation. He was known to be attached to the institutions, government, and people of the United States, and, after the war, became an object of suspicion to the British agents in the province. He knew that the oath of allegiance to Great Britain would be tendered to him, and that a refusal to take it would subject his property to confiscation, and himself to imprisonment, and his family to distress. Under these circumstances, his native country could not have looked for the sacrifices he made. If he had permitted no regard for his native country to influence him, he might have remained with his family in affluence and comfort; but, influenced by the most patriotic motives, and relying on the protection of his country, which he conceived was held out to him by General Hull's proclamation, he determined to abandon his home and his valuable property and espouse the American cause; and, accordingly, with his family in a destitute condition, having nothing but their clothing and a little bedding, crossed the lines and joined the American army early in the year 1814. He was soon after appointed a surgeon to a corps of Canadian volunteers, in which he served to the end of the war. When he left Canada he was largely engaged in his profession and in mercantile business, was the owner of several tracts of land with improvements, of a valuable distillery, two taverns, and three-fourth parts of a very valuable flour-mill and saw-mill on Patterson creek, seven or eight miles from Lake Erie, and other real and personal estate, all of which, on his going to the United States, was taken possession of by the agent of the British government and confiscated, pursuant to the 84th George III, and himself declared a traitor for having joined the American army. The flour-mill was in the possession of a British force, and principally supplied the British army in that quarter with flour till November, 1814, when it was destroyed by the order of General McArthur (who was then on an expedition through Canada) to deprive the enemy of the means of carrying on their expedition against Detroit. The Hon. Thomas P. Macon was present at the destruction of the mill. Dr. Crosby has been much harassed by his creditors from Canada since peace, and has been compelled to pay the debts due to them with considerable costs, whilst he has been unable to collect any debts due him in Canada. He has no legal claim on the government of the United States for these losses the committee admit; but his claims address themselves strongly to the justice of Congress, and are sustained by the *spirit* of the act of 1816 for the relief of the Canadian refugees, which, it is believed, does not, in terms, embrace his case. If, however, it did, the committee are of opinion it does not afford any relief commensurate with the sacrifices, sufferings, and services he endured for the American cause.

The petitioner's claim and case very much resemble that of Andrew Westbrook, which has passed the House without objection, and embraces the very same principle; and, as Crosby has shown an equal devotion to the interests of his native country, the committee recommend he should receive the same relief that was granted to Westbrook. They therefore report a bill granting him warrants for two sections of land, to be located on any lands of the United States which are now subject to location by the existing laws.

21st Congress.] No. 825. [1st Session.

CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 5, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Charles E. Coctlogon, of the kingdom of France, reported:

The petitioner claims two tracts of lands near Natchez, in the State of Mississippi, of four leagues square each, amounting in the whole to upwards of one hundred and eighty-four thousand acres. To support his claim he shows a copy of an article of agreement between his ancestor (with many others) on

the one part, and the West India Company on the other part, purporting to be executed at Paris, in the kingdom of France, on the 14th September, 1719, in which that company proposes, upon certain conditions, to grant them (the ancestor and others) a freehold of the above description, to be chosen by the managers of their society when they shall arrive at the place. Without examining very minutely into the history of those times, of the grant to Sieur Anthony Crozat by the crown of France, in 1712, of the country of Louisiana; his surrender of it in 1717; the regranting thereof to the West India (or Western) Company in the same year; the surrender of their charter again to the crown of France in 1730; the subsequent dispersion of the colonists therefrom by the savages shortly afterwards; the transfer of the country by that government to Great Britain in 1763, and the cession of Great Britain to the United States in 1783, the committee think that every hope of success in prosecuting such a claim must vanish at the bare suggestion of its staleness. One hundred years and upwards has been permitted to sleep, and the only plausible excuse rendered by the claimant for this unaccountable delay is the successive minority in his ancestry and himself. A claim for so large a body of land could not be expected to meet with any great favor, trammelled with so many adverse circumstances as the present, being unattended with the evidence of an original legal transfer, without livery of seizen, a survey of the land has never been made, as appears to the committee. The country in which it lies has since been the subject of various conquests, conventions, and stipulations, and in all these conquests, conventions, and stipulations not a whisper has been heard favorable to this claim, to the knowledge of the committee. We are therefore irresistibly drawn to the conclusion that it cannot rest upon any very solid basis, or its magnitude and importance, before the lapse of a hundred years, would have attracted the attention of some one among the many persons interested. Therefore—

Resolved, That the petitioner is not entitled to relief in this case.

21st Congress.] No. 826. [1st Session.

AMOUNT OF MONEY FOR PUBLIC LANDS SOLD IN 1828 AND 1829, AND THE EXPENSES OF EACH LAND OFFICE.

COMMUNICATED TO THE SENATE MARCH 10, 1830.

Treasury Department, *March* 6, 1830.

Sir: In compliance with a resolution of the Senate, directing the Secretary of the Treasury "to report to the Senate the amount of moneys received since the first day of January, 1828, for lands sold in each land district, and also the expenses of each land office," I have the honor to transmit the enclosed statements of the Commissioner of the General Land Office, marked Nos. 1 and 3, giving the desired information by land districts; and Nos. 2 and 4, arranging the same by States for the same period.

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

S. D. INGHAM, *Secretary of the Treasury.*

Hon. the President *of the Senate of the United States.*

No. 1.

Statement showing the quantity of the public lands sold and the moneys received at each of the land offices during the year 1829.

Land offices.	Period embraced by statement.	Acres of land sold.	Purchase money.	Amount received under the credit system.	Amount received in cash.	Amount received in forfeited land stock.	Total am't received.	Amount of incidental expenses.
Marietta	For the year 1829.	7,574.23	$9,748 58	$5,044 73	$12,756 80	$2,036 52	$14,793 32	$1,245 18
Zanesville	....do....	37,619.67	47,146 63	18,875 81	54,498 48	11,523 96	66,022 44	2,923 74
Steubenville	....do....	28,095.91	34,865 23	12,660 65	35,917 12	11,608 76	47,525 88	2,949 24
Chilicothe	....do....	19,585.52	24,481 97	7,002 63	16,321 54	15,163 06	31,484 60	1,768 42
Cincinnati	....do....	35,302.80	44,146 80	43,190 62	20,653 26	66,684 16	87,337 42	3,284 11
Piqua	....do....	2,404.97	3,351 63	.....	2,177 91	1,173 72	3,351 63	857 97
Tiffin	....do....	23,793.19	30,418 30	.....	21,887 56	8,530 74	30,418 30	1,910 90
Wooster	....do....	21,664,36	26,244 94	25,279 92	44,927 89	6,596 97	51.524 86	2,026 89
Jeffersonville	....do....	20,863.03	26,151 82	29,479 18	42,016 47	13,614 53	55,631 00	2,622 23
Vincennes	....do....	26,495.34	33,158 75	28,473 95	52,622 06	9,010 64	61,632 70	4,592 92
Crawfordsville	....do....	203,049.48	256,309 47	.....	254,526 59	1,782 88	256,309 47	5,860 38
Indianapolis	....do....	89,942.17	112,427 11	.....	111,927 18	494 99	112,427 11	4,315 27
Fort Wayne	....do....	6,259.72	7,824 52	.....	7,824 52	....	7,824 52	878 05

No. 1.—*Statement showing the quantity of the public lands sold, &c.*—Continued.

Land offices.	Period embraced by statement.	Acres of land sold.	Purchase money.	Amount received under the credit system.	Amount received in cash.	Amount received in forfeited land stock.	Total am't received.	Amount of incidental expenses.
Kaskaskia	For the year 1829.	6,380.57	$7,975 71	$2,528 28	$8,885 97	$1,618 02	$10,503 99	$1,812 23
Shawneetown	do	8,223.78	10,326 98	5,831 81	12,483 45	3,675 34	16,058 79	1,389 02
Edwardsville	do	28,601.10	35,752 65	2,248 70	35,651 69	2,349 66	38,001 35	1,544 64
Vandalia	do	19,405.48	24,258 13	.....	24,218 13	40 00	24,258 13	921 71
Palestine	do	47,221.54	59,026 81	.....	58,930 81	96 00	59,026 81	2,036 90
Springfield	do	86,492.45	108,175 47	.....	106,637 04	1,538 43	108,175 47	4,282 82
Jackson, Mo	do	5,631.62	6,814 51	.....	6,814 51	.....	6,814 51	1,340 15
Lexington	do	27,564.38	34,373 94	.....	34,249 06	124 88	34,373 94	2,319 53
Franklin	do	40,255.76	50,320 53	4,287 24	49,550 03	5,057 74	54,607 77	2,518 16
St. Louis	do	24,499.62	30,624 56	5,537 60	33,280 45	2,881 71	36,162 16	2,321 13
Palmyra	do	54,936.56	68,670 82	.....	67,692 74	978 08	68,670 82	3,305 36
Washington	do	7,611.95	9,494 89	25,733 48	21,829 65	13,398 72	35,228 37	1,508 07
Augusta	do	1,608.36	2,010 45	.....	2,010 45	.....	2,010 45	1,404 25
Mount Salus	do	89,620.44	112,590 53	.....	109,956 31	2,634 22	112,590 53	3,778 77
St. Stephen's	do	16,668.59	20,835 89	2,846 11	17,232 46	6,449 54	23,682 00	1,145 47
Huntsville	do	1,919.02	2,398 74	30,478 82	20,788 49	12,089 07	32,877 56	1,738 61
Tuscaloosa	do	12,905.60	15,865 71	.....	14,951 66	914 05	15,865 71	2,774 76
Cahaba	do	66,905.05	83,647 16	79,201 49	149,417 18	13,431 47	162,848 65	8,355 52
Sparta	do	22,673.87	28,221 32	.....	28,221 32	.....	28,221 32	969 90
Ouachita	do	20,309.08	25,795 62	.....	25,795 62	.....	25,795 62	1,859 22
Opelousas	do	7,319.28	9,149 09	11,524 16	20,428 75	244 50	20,673 25	1,797 75
New Orleans	do	320.00	400 00	.....	400 00	.....	400 00	1,026 46
St. Helena	do	3,071.21	3,839 01	.....	3,839 01	.....	3,839 01	192 00
Detroit	do	23,409.34	29,261 93	3,782 68	32,429 41	615 20	33,044 61	2,064 47
Monroe	do	44,610.78	55,898 13	.....	55,898 13	.....	55,898 13	2,263 42
Batesville	do	2,003.84	2,504 67	.....	2,504 67	.....	2,504 67	1,184 49
Little Rock	do	677.36	846 69	.....	846 69	.....	846 69	1,036 32
Tallahassee	do	53,436.67	68,407 99	.....	68,407 99	.....	68,407 99	3,001 43
Total		1,246,933.69	1,563,763 68	344,007 86	1,691,409 04	216,362 50	1,907,771 54	95,127 86

The column of "incidental expenses" includes salaries, commissions, and contingent expenses of the several land offices; also expenses of examining land offices; and is increased by the allowances made for transporting public moneys, and for clerk hire, in pursuance of the acts of Congress to that effect, passed May 22, 1825.

TREASURY DEPARTMENT, *General Land Office, March* 5, 1830.

No. 2.

Consolidated statement showing the quantity of the public lands sold and the moneys received in each of the States and Territories during the year 1829.

States and Territories.	Period embraced by statement.	Acres of land sold.	Purchase money.	Amount received under the credit system.	Amount received in cash.	Amount received in forfeited land stock.	Total am't received.	Amount of incidental expenses.
Ohio	For the year 1829.	176,040.65	$220,404 08	$112,054 36	$209,140 56	$123,317 89	$332,458 45	$16,966 45
Indiana	do	346,609.74	435,871 67	57,953 13	468,916 82	24,907 98	493,824 80	18,268 85
Illinois	do	196,324.92	245,515 75	10,608 79	246,807 09	9,317 45	256,124 54	11,987 32
Missouri	do	152,887.94	190,804 36	9,824 84	191,586 79	9,042 41	200,629 20	11,804 33
Mississippi	do	98,840.75	124,095 87	25,733 48	133,796 40	16,032 94	149,829 34	6,691 09
Alabama	do	121,072.13	150,968 82	112,526 42	230,611 11	32,884 13	263,495 24	14,984 26
Louisiana	do	31,019.57	39,183 72	11,524 16	50,463 38	244 50	50,707 88	4,875 43
Michigan Territory	do	68,020.12	85,160 06	3,782 68	88,327 54	615 20	88,942 74	4,327 89
Arkansas Territory	do	2,681.20	3,351 36	.....	3,351 36	.....	3,351 36	2,220 81
Florida Territory	do	53,436.67	68,407 99	.....	68,407 99	.....	68,407 99	3,001 43
Total		1,246,933.69	1,563,763 68	344,007 86	1,691,409 04	216,362 50	1,907,771 54	95,127 86

No. 3.—*Statement showing the quantity of the public lands sold and the moneys received at each of the land offices during the year* 1828.

Land offices.	Acres of land sold.	Purchase money.	Amount received under the credit system.	Am't received in cash.	Amount received in forfeited land stock.	Total amount received.	Amount of incidental expenses.
Marietta.....Ohio.....	8,525.92	$10,657 39	$1,226 08	$9,961 34	$1,922 13	$11,883 47	$1,236 50
Zanesville.....do.....	37,019.56	46,124 34	2,477 01	42,475 54	6,125 81	48,601 35	2,398 49
Steubenville.....do.....	28,013.47	35,016 82	1,688 82	31,137 70	5,567 94	36,705 64	2,157 89
Chilicothe.....do.....	15,074.93	18,843 68	822 03	14,113 74	5,551 97	19,665 71	1,678 13
Cincinnati.....do.....	28,303.82	35,379 70	2,190 03	19,740 00	17,829 73	37,569 73	3,703 24
Piqua.....do.....	2,323.62	2,904 54	.....	2,187 05	717 49	2,904 54	1,051 72
Tiffin.....do.....	32,345.60	40,431 99	.....	37,867 55	2,564 44	40,431 99	2,138 46
Wooster.....do.....	14,186.45	17,733 05	1,264 59	17,202 67	1,794 97	18,997 64	1,561 36
Jeffersonville.....Indiana.....	10,486.11	13,107 63	1,027 87	12,514 97	1,620 53	14,135 50	1,687 79
Vincennes.....do.....	18,401.04	23,001 36	1,619 67	21,035 03	3,586 00	24,621 03	9,009 76
Crawfordsville.....do.....	153,354.57	191,694 94	.....	191,320 53	374 41	191,694 94	5,712 64
Indianapolis.....do.....	67,457.84	84,322 09	.....	84,322 09	.....	84,322 09	2,673 37
Fort Wayne.....do.....	1,113.25	1,391 43	.....	1,391 43	.....	1,391 43	1,032 64
Kaskaskia.....Illinois.....	3,415.72	4,269 67	370 15	4,430 12	209 70	4,639 82	2,788 36
Shawneetown.....do.....	4,512.91	5,667 02	1,583 26	6,111 16	1,139 12	7,250 28	3,054 51
Edwardsville.....do.....	18,829.17	23,536 49	.....	21,591 45	1,945 04	23,536 49	1,462 83
Vandalia.....do.....	3,591.77	4,489 71	.....	4,489 71	.....	4,489 71	1,194 75
Palestine.....do.....	20,537.22	25,671 62	.....	25,671 62	.....	25,671 62	1,559 34
Springfield.....do.....	45,206.12	56,507 63	.....	56,058 63	449 00	56,507 63	2,272 92
Jackson.....Missouri.....	6,046.94	7,579 14	.....	7,579 14	.....	7,579 14	1,422 59
Lexington.....do.....	33,256.34	41,570 52	.....	41,570 52	.....	41,570 52	2,692 09
Franklin.....do.....	42,943.41	53,712 12	469 28	51,523 50	2,657 90	54,181 40	3,412 78
St. Louis.....do.....	22,822.56	28,528 27	484 12	27,447 76	1,564 63	29,012 39	2,048 13
Palmyra.....do.....	42,078.87	52,598 64	.....	52,598 64	.....	52,598 64	2,335 59
Washington.....Mississippi.....	6,419.88	7,909 61	2,004 54	9,523 10	391 05	9,914 15	1,403 22
Augusta.....do.....	633.20	791 49	.....	791 49	.....	791 49	794 20
Mount Salus.....do.....	61,647.28	77,058 55	.....	75,879 62	1,178 93	77,058 55	2,795 12
St. Stephen's.....Alabama.....	19,824.24	24,779 72	33 80	21,649 21	3,164 31	24,813 52	2,480 48
Huntsville.....do.....	1,804.70	3,505 84	394 51	2,142 56	1,757 79	3,900 35	4,355 35
Tuscaloosa.....do.....	56,590.30	82,305 47	.....	74,186 63	8,118 84	82,305 47	2,417 54
Cahaba.....do.....	85,391.30	108,456 63	44 95	100,087 68	8,413 90	108,501 58	4,104 07
Sparta.....do.....	4,202.10	5,252 50	.....	5,252 50	.....	5,252 50	854 91
Ouachita.....Louisiana.....	2,283.18	2,854 18	.....	2,854 18	.....	2,854 18	1,533 28
Opelousas.....do.....	1,842.85	2,303 55	104 85	2,408 40	.....	2,408 40	1,145 25
New Orleans.....do.....	.....	.....	.....	.....	.....	.....	2,931 79
St. Helena.....do.....	.....	.....	.....	.....	.....	.....	.....
Detroit.....Michigan Territory.	17,433.72	21,792 21	335 43	21,909 87	217 77	22,127 64	3,555 94
Monroe.....do.....	9,462.07	11,683 70	.....	11,667 70	16 00	11,683 70	1,783 87
Batesville.....Arkansas Territory.	1,868.21	2,335 26	.....	2,335 26	.....	2,335 26	1,352 77
Little Rock.....do.....	1,167.25	1,459 06	.....	1,459 06	.....	1,459 06	1,298 38
Tallahassee.....Florida Territory..	35,182.87	44,130 43	.....	44,130 43	.....	44,130 43	2,668 58
Total.....	965,600.36	1,221,357 99	18,140 99	1,160,619 58	78,879 40	1,239,498 98	95,765 58

NOTE.—The column of incidental expenses includes salaries, commissions, and contingent expenses of the several land offices. Expenses of examining land offices, &c., is incurred by the allowances made for clerk hire and transportation of public moneys, in pursuance of the provisions of the acts of Congress to that effect, passed May 22, 1826.

No. 4.—*Consolidated statement showing the quantity of the public lands sold and the moneys received in each of the States and Territories during the year* 1828.

States and Territories.	Period embraced by statement.	Acres of land sold.	Purchase money.	Amount received under credit system.	Amount received in cash.	Amount received in forfeited land stock.	Total am't received.	Amount of incidental expenses.
Ohio.....	The year 1828....	165,793.37	$207,091 51	$9,668 56	$174,685 59	$42,074 48	$216,760 07	$15,925 79
Indiana.....	.....do.....	250,812.81	313,517 45	2,647 54	310,584 05	5,580 94	316,164 99	20,116 14
Illinois.....	.....do.....	96,092.91	120,142 14	1,953 41	118,352 69	3,742 86	122,095 55	12,332 72
Missouri.....	.....do.....	147,148.12	183,988 69	953 40	180,719 56	4,222 53	184,942 09	11,911 18
Mississippi.....	.....do.....	68,700.36	85,759 65	2,004 54	86,194 21	1,569 98	87,764 19	4,992 54
Alabama.....	.....do.....	167,812.64	224,300 16	473 26	203,318 58	21,454 84	224,773 42	14,212 35
Louisiana.....	.....do.....	4,126.03	5,157 73	104 85	5,262 58	.....	5,262 58	5,615 32
Michigan Territory.....	.....do.....	26,895.77	33,475 91	335 43	33,577 57	233 77	33,811 34	5,339 81
Arkansas Territory.....	.....do.....	3,035.36	3,794 32	.....	3,794 32	.....	3,794 32	2,651 15
Florida Territory.....	.....do.....	35,182.87	44,130 43	.....	44,130 43	.....	44,130 43	2,668 58
Total.....	.....	965,600.36	1,221,357 99	18,140 99	1,160,619 58	78,879 40	1,239,498 98	95,765 58

21st Congress.] No. 827. [1st Session.

ON CLAIM TO LAND DERIVED FROM GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 15, 1830.

Mr. Barton, from the Committee on Public Lands, to whom was referred the petition of John Reily, reported:

That by an act of the State of Georgia, passed February 25, 1784, any citizen of Georgia, or of the United States, was authorized to obtain a warrant of survey for any quantity of unlocated land not exceeding one thousand acres, by paying therefor the sum of three shillings per annum in gold or silver, computing Spanish milled dollars at four shillings and sixpence, and half johannes at thirty-seven shillings and four pence.

It appears that under that law a land warrant was issued on the 22d of December, 1785, for one thousand acres of land to Abraham Lefavour, who, for a valuable consideration, sold and assigned the said warrant on the 18th of December, 1786, to the petitioner, John Reily. It further appears that, for some years after the petitioner became the owner of the warrant, the Indians were so hostile as to render it impossible, or at least extremely dangerous, to proceed with the survey or settlement of the said land.

In 1802 the district, including the land on which the warrant in question was to have been located, was ceded to the United States by the State of Georgia.

The committee are satisfied that the warrant in question was legally obtained by the original holder for a valuable consideration paid to the State, and that it has been assigned to the present holder for a consideration equally valuable. They are also convinced that neither the original holder nor the present owner of the warrant has received any land or other equivalent for the same.

The committee believe that, by a fair and equitable construction of the second condition in the articles of agreement and cession between the United States and Georgia, of the 24th April, 1802, claims of the character of the one now under consideration were intended to be secured. They draw the same inference from the seventh section of the act of May 10, 1800, for an amicable settlement of limits with the State of Georgia, which expressly acknowledges the rights of individual claimants, and which, among other things, provides that it shall not in any respect impair the rights of any person or persons to the soil of the said territory, but that all such rights shall be as firm and available as if the law had not passed.

From the best information in the power of the committee, they are led to the conclusion that the State of Georgia sold the land claimed by the petitioner for a fair and valuable consideration. That the land thus sold was included in the transfer afterwards made by the State of Georgia to the United States, and that neither the petitioner nor Lefavour, of whom he purchased, has received any compensation therefor.

It being the opinion of the committee that the petitioner ought to be relieved, they report a bill for that purpose.

21st Congress.] No. 828. [1st Session.

ON AN APPLICATION TO CORRECT AN ERRONEOUS LOCATION OF A NEW MADRID CERTIFICATE FOR LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 16, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Coleman Fisher, reported:

The petitioner sets forth that he employed one William H. Ashley to locate for him a New Madrid certificate of location for six hundred and forty acres of land; that the said Ashley, as his agent, surveyed and made a plat of the six hundred and forty acres in the county of St. Louis and State of Missouri, and returned the same into the surveyor's office, it bearing date April 20, 1819; that he always rested satisfied that he should be able to obtain a certificate of the register at any time when called for, not doubting but that the land, upon which the said agent fixed as a location, was vacant and unoccupied; but, to his great surprise, when he called for his certificate, in order to obtain a patent, he was told by the surveyor of the public lands that his location interfered with lands belonging to the citizens of the town of Carondelet as a commons, and for that reason refused to grant him a certificate. The petitioner further states that he was the more surprised at such refusal, because he says he had frequently recovered at law, against the citizens of the village, for trespasses upon the lands which he held under his said survey; and he prays Congress to secure him in his possession of the same. The committee are informed by the agent of the petitioner, however, that he shall be satisfied to withdraw his location and certificate, and take other lands in lieu thereof, rather than contend with the citizens of the said village concerning doubtful rights, and requests that he may have liberty to do so; and which request (the facts being proved) the committee think is but reasonable. They therefore report a bill for his relief.

21st Congress.] No. 829. [1st Session.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 16, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of James Bradford, of Louisiana, reported:

The petitioner claims two tracts of land in West Feliciana, in the State of Louisiana, one for four hundred and twenty-seven arpents, and one of nine hundred and thirteen arpents. In relation to the first, he shows a purchase from the Spanish government in 1804, by Peter Robin Delogny, for a valuable consideration. That, in 1810, and on the 20th of May, the land was sold by the said Delogny at public auction, and John Murdock became the purchaser, the said Delogny having previously obtained a patent for the same from the Spanish government; that, after the death of John Murdock, the same tract of land was sold under the direction of the probate judge of West Feliciana, and Alexander Murdock became the purchaser, of whom the petitioner purchased, together with the tract of nine hundred and thirteen arpents. The petitioner shows a regular chain of title for the smaller tract, but the larger he can only claim upon the ground of habitation and cultivation, which would entitle him to no more than six hundred and forty acres as a donation; but he does not show habitation and cultivation ever since the year 1813. He is therefore entitled only to the first tract of four hundred and twenty-seven arpents by virtue of an original purchase and patent, and for which the committee report a bill.

21st Congress.] No. 830. [1st Session.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 16, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of Nicholas Girod, of Louisiana, reported:

The petitioner sets out in his petition that he claims three several tracts of land by purchase, lying in the State of Louisiana, containing an indefinite, though very great amount of land. In support of his claim he produces three several requêtes and orders of survey, issued by the Spanish government, to three several persons named therein; but shows no transfer from the original claimants to himself. Therefore,

Resolved, That the petitioner is not entitled to relief in this case.

21st Congress.] No. 831. [1st Session.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 16, 1830.

Mr. Test, from the Committee on Private Land Claims, to whom was referred the petition of the legal representatives of Dawson Hull and of John Hull, of Louisiana, reported:

That, from the documents accompanying the petition, it appears that the name of George Hook should be substituted as petitioner in place of John Hull, as the testimony is confined to claims in favor of Dawson Hull and George Hook; and, as the petition is not signed by the petitioners, but appears to be drawn for them by another person, they will perceive the error, and report accordingly.

Petitioners claim, in right of their respective ancestors, two tracts of land of two hundred and forty arpents each, and in virtue of habitation and cultivation. In support of these claims is produced the testimony of Jonas or James Segars, (believed to be the same person,) contained in certified copies of the notice and evidence of said claims on file in the land office at Opelousas, in Louisiana, and signed by Valentine King, register, under date of the 1st of June and the 6th of August, 1824, together with a letter from the said register, stating that it did not appear from the records of his office whether the said claims had been confirmed or not, but expressing an opinion favorable to their confirmation. Had your committee no other evidence than the foregoing, which accompanied the petition, they should consider the petitioners entitled to relief.

But, from extracts from the report of the register and receiver of the land office under date of the 30th December, 1815, and which your committee have procured from the General Land Office, it appears that

these claims were entered in class No. 2, comprising claims for land founded on documents of title suspected to be counterfeit or fraudulently obtained, as well as claims founded on evidence of occupancy, and discredited by the register and receiver; and in a note, to which they refer, they say "all the claims in which Jonas Segars has sworn to the settlement have been entered in this class, his evidence being rendered questionable from the testimony of John Hughes, esq., and John Hebert." In proof of this they refer to report No. 1233.

In referring to No. 1233 it will be found to be the claim of Louis Hebert, and supported by the evidence of *Joseph Segars*, (which, from the report of the register and receiver, appears to be the same person as testified to the claims of petitioners by the name of *Jonas Segars*,) as they refer to his evidence given in No. 1233.

The witness swears that claimant has inhabited and cultivated the land for 16 or 17 *years*.

John Hughes and John Hebert declare that they are well acquainted with the claimant, *Louis Hebert*, who came to the district of Washita about thirteen years ago, and he never did reside on bayou Toupar, where Segars swears the land is situated, but has for several years resided *sixty* miles below, on Washita river, on land belonging to Louis Surrey. The facts sworn to by Segars in the case of Hebert, No. 1233, being contradicted by *two* witnesses, the former of whom is known to a member of this committee to be a gentleman of great respectability, and whose reputation for truth and veracity cannot be doubted, irresistibly leads your committee to arrive at the same conclusion as did the register and receiver who first examined these claims, and to say with them that the evidence of the witness has been rendered at best highly questionable, and that the claims should be rejected. Your committee recommend the adoption of the following resolution:

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

21st Congress.] No. 832. [1st Session.

ON GRANTING LAND TO A UNIVERSITY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1830.

Mr. Clarke, from the select committee, to whom was referred the petition of the trustees of Transylvania University, reported:

The petitioners state that the principal college edifice belonging to said institution was recently destroyed by fire; that, at the same time, her valuable law library, containing about six hundred volumes, together with a considerable portion of her miscellaneous library and a part of her philosophical apparatus, were consumed; that the edifice destroyed had been erected a few years ago at an expense of about $30,000, and the other property destroyed is estimated at about $5,000; and the consequence of this heavy calamity is, that the university is at this time destitute of a building suitable for the purposes of education. Having no means to repair this loss, and feeling in other respects the necessity of aid, she applies for relief to the national legislature.

The committee have considered the petition under the conviction, common to themselves and their fellow-citizens of the United States, that the cause of literature and science is closely connected with the permanence of our free institutions and the elevation of our national character. When these important interests can be aided by the representatives of the people, consistently with other duties, there is, in the opinion of the committee, a manifest propriety that the aid should be afforded, and they are gratified at perceiving in the past legislation of Congress a sanction to this opinion.

Among the examples of the views of Congress on this subject, the committee will now barely refer to the act granting additional land, equivalent to a township, to the citizens of the State of Indiana for the use of schools, and the grant made to the trustees of the Lafayette Academy, in Alabama, for the benefit of said academy, and to the act granting a township of land to Connecticut, to aid in instructing the deaf and dumb, and also the grant heretofore made to Kentucky for the same purpose.

The committee cannot imagine a stronger case for a similar grant than that which is presented by the petition of Transylvania University. This institution, after struggling during infancy, like the region in which it is located, with hardships and difficulty, has grown with the growth of the West. Her beneficent agency has been extended in dispensing knowledge throughout that extensive and interesting country; and it is believed that, in every State which has been added to the old thirteen members of the confederacy, some of her *alumni* are found occupying a distinguished rank on the bench, in the legislative hall, or in the paths of the learned professions. This honorable evidence of her usefulness, though most striking, is, perhaps, less important than the stock of information which has been carried from her walls to the pursuits of ordinary life, meliorating and enriching the general mind, and fitting the citizen for the discharge of his duties as a man, and for justly estimating his political rights.

If the whole Union is interested in the social advancement of every portion of it, an institution which has, by great and disinterested efforts, diffused the blessings of education through a large region, deserves the favorable notice of Congress. She comes before it at a moment when her prospects of conferring future advantages on the public are clouded by a dire and unforeseen misfortune, and when the past exertions of the wise, the good, and the liberal, to render her the continuing source of national blessings, are menaced with disappointment. Regarding the petition with the consideration due to past services in the great cause of education, to present calamity, and to the faculty of communicating yet higher benefits to their fellow citizens, the committee report the accompanying bill.

21st Congress.] No. 833. [1st Session.

ON DISTRIBUTING THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AMONG THE STATES AND TERRITORIES FOR EDUCATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 18, 1830.

Mr. Hunt, from the select committee appointed on the 19th of January last to inquire into the expediency of appropriating the net proceeds of the sales of the public lands among the several States and Territories for the purposes of education, in proportion to the representation of each in the House of Representatives, reported:

The title of the United States to the public lands is derived from four sources: 1st, treaties with foreign powers; 2d, cessions from individual States to the United States on the recommendation of Congress under the old confederation; 3d, compact with Georgia; 4th, treaties with Indian tribes.

By the treaty of peace concluded with Great Britain in 1783, all the claim of the English crown to the government propriety and territorial rights within the boundaries of this new empire were relinquished to the United States.

The French republic, in 1802, by the treaty of Paris, ceded to this government that immense region of country which was then called the colony or province of Louisiana; and in 1819 the King of Spain conveyed to the United States East and West Florida, with the adjacent islands dependent upon the same.

In 1802 the State of Georgia, by articles of agreement and cession, ceded to the United States all her right and title to the lands which now compose almost the entire States of Mississippi and Alabama.

For a particular statement of the contents of each State and Territory, of the donations and sales of the public lands, and other statistical information, reference may be had to the report of a select committee made upon this subject at the last session of Congress.

Within the limits of the new States and the three Territories that have been formed upon the public domain, 300,000,000 acres, including the land to which the Indian title has not been extinguished, now belong, as common property, to the United States. Beyond these limits, and comprehending all the region of country from the Gulf of Mexico through the whole width of the continent to the Pacific ocean, there is the immense amount of 800,000,000 acres more.

The treaty with Great Britain which acknowledged our independence was the result of war, undertaken in self-defence and carried to a successful termination by a countless expenditure of treasure, of which the funded revolutionary debt of $80,000,000 composed but a part, and by toils, sacrifices, and blood, too great to admit of computation. The expenditures on account of the public lands since the organization of our present government are as follows:

Purchase of Louisiana	$15,000,000
Purchase of Florida	5,000,000
Contract with Georgia, and paid for the Yazoo claims	6,200,000
Purchases of the Indian tribes	5,811,191
Incidental expenses of the sales	1,578,339
	36,029,191

Soon after the Declaration of Independence, an important question was agitated in reference to that portion of the United States, then wild and unappropriated, called the western country. Some few of the States claimed it as their own separate property. Others denied the existence of such exclusive rights, and contended that the vacant lands of the west that might fall from the crown by the united efforts of the people ought to be regarded as the common property of all the States. They were then considered as a great fund, out of which the debts of the revolution would be principally paid; and it was declared to be unjust that certain particular States should engross the whole to "*replace, in a short time, their expenditures,*" while the others, contributing equally to the acquisition of this property and the prosecution of the war, "*would be left to sink under the pressure of enormous debts.*" Influenced by a sense of common justice, and in pursuance of the resolution of the old Congress passed in 1780, the States of Virginia, Massachusetts, Connecticut, and New York, whose claims comprehended the whole territory northwest of the Ohio river, after making some few reservations, ceded the same to the United States.

In 1787 South Carolina conveyed to the United States all her interest in the lands beyond her present boundary.

Since the adoption of the present Constitution, North Carolina, in 1790, ceded to the Union all that territory beyond the Alleghany mountains which now forms the State of Tennessee, subject, however, to so many extensive claims, previously derived from that State, that the government has realized no benefit from sales.

All the cessions conveyed to the United States the right of soil as well as jurisdiction to the territory granted, and declared, in terms similar to the language made use of in the cession of Virginia, whose title assumed to cover the whole northwestern territory, that "the land so ceded shall be 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 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 no other."

The domain thus vested in the United States was upon no contingency or event to revert back to the States making the cessions, or to become the separate property of individual States. It was expressly made a *common fund*, and a trust and authority were reposed in Congress for two general purposes:

First. The formation of new States upon the territory ceded, and their admission into the Union.

Second. The sale and disposal of the lands by Congress for the general use and benefit of all the States.

The territories purchased of France and Spain by the money drawn from the public treasury are equally the common property of the nation, although they are not held upon such express trust or condi-

tion as is contained in the cessions. Whether acquired in one way or the other, the Constitution of the United States is applicable to the whole, and the general legislation over them has ever been the same.

It has been asserted by some individuals, especially of late years, that the admission of new States into the Union extinguishes the right of the general government to the public domain within their limits, and exposes the land to immediate seizure by the individual States as their own exclusive property. This extraordinary doctrine, which goes at once to destroy the long-established title of the United States to their most valuable territory, is, in the opinion of the committee, so manifestly unjust and groundless as to require no general discussion or elaborate argument to refute it; and they will, therefore, merely take occasion to refer to a single section of the Constitution and to one of the compacts entered into by the States.

As fast as the population would admit, new States have been created upon the public domain, both within and out of the Northwestern Territory, with all the political rights of the original States; and upon their admission into the Union, they have agreed, by express *compacts*, that *their legislatures should never interfere with the primary disposal of the soil, nor with any regulation Congress might find necessary for securing the title in such soil to the bona fide purchasers.*

The Constitution, in article 4, section 3, authorizes Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The authority here given is over territory as well as all other kinds of property. No difference is made between them. If the property, whether land or personal chattles, belongs to the United States, they must necessarily have the power as proprietor to hold and possess it. And having this power without any limitation, their territorial rights, equally with their rights to the public moneys or other property, may as well exist within as beyond the boundaries of the States. The subsequent part of the above article asserts that "nothing in this Constitution shall be so construed as to prejudice any claim of the United States or any particular State." The claim or right of the United States to hold and dispose of land in particular States had been previously declared, especially in the ordinance of 1787, and is here in the most explicit manner not only confirmed, but all construction or argument drawn from the Constitution prejudicial to such right is expressly excluded.

In the exercise of the trust and authority to dispose of the public domain, Congress has directed extensive surveys, to be made into townships, sections, and subdivisions, of the most convenient form, exceeding at this time 150,000,000 acres. The whole quantity that has been sold to the 1st of January, 1830, amounts in round numbers to 22,500,000 acres, for which the sum of $37,145,876 has been received and paid towards the redemption of the national debt.

Besides this appropriation, which is for the common benefit of every State, Congress has granted one entire section of land, equal to 640 acres, in each township of six miles square, in all the States upon the national territory, amounting in the whole to upwards of 5,000,000 acres, to be enjoyed forever by the inhabitants of such township for the use of schools. It has also granted to the same States the salt springs, and one-twentieth part of the money arising from the sales of land, for the construction of roads and canals. In addition to these general grants, extensive donations have been made by particular acts of Congress for colleges, academies, numerous individuals, canals, the improvement of navigable rivers, and for other objects of local as well as national concern. Gratuities of the public land were formerly made with much caution and with a sparing hand. Of late, however, a greater liberality has been manifested, and in the years 1827 and 1828 the donations for internal improvements alone exceeded the amount of sales. Although most of those grants may be for the advancement of useful or national objects, yet, from the nature of the appropriations, they will often be partial in their operation, and confer privileges upon some sections of the country not equally imparted to others. If the whole of the public domain should be disposed of by special acts of Congress, a great increase of difficult legislation would be incurred, and with the most patient industry and purest intention, it would be impossible for Congress to make the apportionments to the different parts of the Union so as to render equal justice and give general satisfaction. The committee, however, would not be understood to imply any opinion against the policy or right of making donations when objects of great interest or of national importance are presented. On the contrary, they admit the power, and approve the policy of making such grants. In recommending an equal distribution of the money that may hereafter arise from the sales of land, it is not the wish or expectation of the committee to prevent future donations, or diminish the right and privileges of the new States, abridge the power of Congress, or restrain the exercise of any legislation in reference to the public domain. The distribution, as contemplated, will amount to no more than a mere transfer of the proceeds of sales now appropriated to redeem the public debt, when no longer required for that purpose, directly to the individual States for their common use and benefit, still leaving to Congress the same power and discretion of making grants and donations which it has ever before exercised.

In regulating the sales of the public land, the price has ever been regarded as a subject of great delicacy and importance. Whether it is now too high or too low, or should be graduated in future, the committee would not undertake to express any opinion. Some sentiments have been advanced that a liberal policy should induce Congress to reduce the price to a very low rate for the benefit of the new States, and even to grant the lands without any consideration to all who might be induced to take possession, for the purpose of cultivation. The committee are fully of the opinion that the public domain ought not to be regarded as a source of great revenue; yet it cannot be given away to individuals, nor even in any partial manner, without violating the vested rights of the States and the trust that is reposed in the general government. The price ought never to be so high as to obstruct emigration and cramp the vigorous growth of the West, or reduced so low as to encourage speculation, or depress materially the value of land heretofore purchased, or the general agricultural interests of the country, but fixed at that moderate standard which shall render the acquisition of farms easy to all persons of small means and common industry, and secure the settlement of the new lands as fast as the increase of population will admit.

The following statement will show that for the last seven years the uniform and rapid increase of sales has equalled, and probably surpassed, the progress of population, although large donations have been made within the same period. It will also appear that the average amount paid for the lands, including the auction as well as private sales, has exceeded but a mere trifle the lowest government price of $1 25 per acre:

Years.	Acres of land sold.	Purchase money.	Incidental expenses of the sale.
1823	653,319	$850,136	$71,812
1824	749,323	953,799	74,621
1825	893,461	1,205,068	72,892
1826	847,996	1,127,500	111,212
1827	926,727	1,318,006	121,281
1828	965,606	1,221,357	95,765
1829	1,240,820	1.556,122	95,127

Estimating the sales of the land for the year 1831 at the moderate quantity of 1,100,000 acres, at the minimum price, and the representative numbers of the United States at 12,000,000, the result will give upwards of $10,000 to each 100,000 inhabitants, and, judging from the operations of the past, we have confidence in the belief that for many years and perhaps centuries to come the public territory will yield an income, increasing with the growth of population, and allow of the customary grants to new States, and liberal donations to objects of general interest and importance.

A great inequality exists between the resources of the individual States and of the general government. As the latter possesses the exclusive right of indirect taxation by duties upon imports, its treasury may always be abundant, while the means of the former, depending almost entirely upon direct taxation, will be small and limited. If the separate States should realize the proceeds of the future sales, for the purposes indicated in the resolution, a sensible relief would be afforded to their burdens, and a new interest created, flowing from the diffusion of intelligence to strengthen the bonds for the preservation of the Union.

The numerous donations of public land for the purpose of education, and the appropriations of the road and canal fund to the new States, being a part of the proceeds of sales, have long been considered by different administrations as the exercise of power authorized by the Constitution. If Congress can make direct grants of land to literary institutions or to individual States, the power of granting the money arising from the sales would seem to be necessarily implied. The present resolution calls for no power of Congress which has not always been exercised, neither does it involve the right and policy of raising money by taxation, and transmitting the same to the States, but merely requires the equitable distribution of the proceeds of a common fund already belonging to the people. The Constitution, which *authorizes Congress to dispose of the territory belonging to the United States*, gives an express power over the public domain, and implies the power to sell and to receive the purchase money, and the consequent power to grant and appropriate the same for all purposes authorized by the Constitution.

Opinions have been expressed by some that the lands are pledged for the payment of the national debt, and that therefore the proceeds cannot be applied to other objects till the whole of that debt is extinguished. By a reference to the laws upon this subject, it will be found that it is the *faith* of the government, and not the land or other specific property, which is pledged for the redemption of this debt. If the land itself had been pledged, how could the millions of acres have been granted for military bounties and for other purposes without violating the rights of public creditors, which it is presumed has never been done? The provision that is made for the discharge of the public debt, called the "sinking fund," consists of nothing but the mere appropriations of money derived from different sources of revenue, and is founded entirely upon acts of Congress which may at any time be modified or repealed, and a new fund, arising from other sources of revenue, be substituted; and so long as any provision is made sufficient to fulfil the engagements of government, the plighted faith of the nation will remain inviolate. By the act of the 4th of August, 1790, the public land itself is not pledged, but the *proceeds of the sales are appropriated towards sinking and discharging the debts of the United States.* In like manner the duties on stills and distilled spirits, among other things, were appropriated towards effecting the same object; yet in 1802, and while a large portion of the debt was in existence, those duties were repealed. By the act of the 3d of March, 1817, all former laws of Congress making appropriations for the reimbursement of the principal or payment of the interest of the public debt were expressly abolished, and a new sinking fund, amounting to not less than $10,000,000 per annum, was created. The appropriations for this new fund were from "the proceeds of the duties on merchandise imported, on the tonnage of vessels, from the proceeds of the internal duties, and of the sales of the western lands," and also from surpluses of revenue. At the next session of Congress succeeding this act one of the sources of revenue was entirely extinguished by the act abolishing the internal duties; and cannot the same power abolish either of the other sources of revenue, or, if policy require, direct the income arising from the same to purposes other than that to which it is now appropriated?

The national debt, however, has become so reduced that the whole of the sinking fund will not be necessary, beyond the present year, for its redemption. The real amount of the funded debt on the 1st of January, 1830, was $41,522,869 00

From this may be deducted the debt, consisting of stock bearing an interest of only three per cent., redeemable at the pleasure of the government, the market value of which is now so high that it cannot be purchased at the rate limited by the existing law, consisting of 13,296,249 00

Balance 28,226,620 00

Of this balance there will be due and redeemable in 1830 only $8,017,695 00
1831 ..... 6,018,900 00
1832 ..... 2,227,364 00
1833 ..... 2,227,364 00
1834 ..... 4,735,297 00

28,226,620 00

The amount of the sinking fund which was applied to the payment of the public debt in 1829 was $12,405,005.

Under the continuance of the present system of duties, it may be safely estimated that it will not hereafter be less than $12,000,000 per annum. From a mere inspection of these facts, it is manifest that the fund will soon accumulate, and a large proportion remain idle in the treasury unless the revenue is reduced, or, in part, appropriated to new objects.

As the proceeds of the sales can be required but a short time longer for the redemption of the public debt, and may even now be dispensed with, some provision becomes necessary for their disposal hereafter. Before any appropriation was made for the national debt, the lands in the western country belonged to the individual States. Their interest still continues, and Congress, now holding their property in trust, is bound in good faith to dispose of it for their common use and benefit.

The cessions from all the States, except Virginia and North Carolina, declare generally, that the territory granted shall be for the use and benefit of the United States, and such States as may become members of the federal alliance, and for no other purpose whatever. The cessions of Virginia and North Carolina further direct that the land conveyed shall be for the use and benefit of the States, *according* to their *several respective proportions in the general charge and expenditure.* At the time of these cessions, which were made under the old confederation, except that of North Carolina, Congress possessed no power of raising a revenue by taxation, but merely made requisitions upon the different States for their respective proportions of the general charge and expense. By the 8th article of the confederation, these proportions were to be determined by the value of land, thereafter to be estimated. No valuation, however, was ever taken, and Congress was obliged to make arbitrary apportionments, founded, as must be presumed, upon the best estimate of property and the persons capable of rendering assistance to the country. In 1783 a resolution was passed recommending that the proportion of charge and expense should be determined by the *number of inhabitants, including those bound to servitude for a term of years, and three-fifths of all other persons, except Indians not paying taxes.* This is the precise rule which was afterwards incorporated into the Constitution for the apportionment of direct taxes and representatives among the States. In the year succeeding this resolution Virginia made her cession; and after the adoption of the Constitution, in 1790, North Carolina did the same. It may be presumed that these States had reference to the above principle for ascertaining the respective proportions of charge and expense; and, of course, the interest in the land ceded to which each State was entitled. The committee believe that such was the expectation of the parties, and that when the distribution of the proceeds is made it should be upon that principle. The rule may be applied with equal justice and propriety to the whole of the public domain. It is founded upon the basis of taxation and population; is in accordance with the Constitution; and, if the money is applied to the promotion of education, it will distribute the same to the different States and Territories, according to the number of persons to be educated and the general expense of instruction.

The adoption of the population upon which representation is founded, instead of the number of representatives in this House, as the guide of distribution, is perfectly consistent with the principle of the resolution, and will prevent any loss or inequality in the different States, particularly the small ones, that may result from fractions in the representative numbers.

The committee propose that the general distribution be founded upon the next census to be taken; that it go into operation on the 1st of July, 1831, and be regulated thereafter by every decennial enumeration. As the relative increase of population in the new States upon the public domain will be more rapid than in the old ones, they recommend that, for their benefit, an enumeration be taken at the end of five years succeeding each general census.

In relation to the application of the money arising from the public lands, the committee are well satisfied that if it be limited to any single object, the permanent and general diffusion of intelligence being so important, not only to the prosperity and honor of the country, but essential to the very existence and preservation of our republican institutions, that it presents the first and strongest claim to the attention and patronage of government. The promotion of other objects, however, is of so great and general importance, that it is worthy of consideration whether some latitude of discretion should not be intrusted to the legislatures of the different States, to select objects interesting to themselves, to which their portion of the revenue might, in whole or in part, be applied. As the resolution is limited to education only, the committee recommend the accompanying bill for that purpose.

21st Congress.] No. 834. [1st Session.

ON AN APPLICATION FOR INDEMNITY OR RETROCESSION OF LAND OCCUPIED BY THE UNITED STATES AS A GARRISON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 19, 1830.

Mr. Baylor, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs of Jeremiah Buckley, deceased, reported:

That George Musser, Sarah Musser, John Smith and Margaret Smith, James G. Ennis and Catharine Ennis, the petitioners, represent that about June 11, 1796, Jeremiah Buckley, of the State of Pennsylvania, purchased of one T. Dubois, then of the territory northwest of the river Ohio, a tract of land containing one hundred acres, situate on the Wabash river, about three miles above the town of Vincennes, for the consideration of one hundred and forty dollars, which sum appears to have been paid, from a receipt filed among the papers, and shortly thereafter returned to Pennsylvania, and deceased, leaving the said Sarah, Margaret, Catharine, and one son, namely, Thomas Buckley, his infant heirs, of tender years; that after-

wards the said Sarah intermarried with George Musser, Margaret with John Smith, and Catharine with James G. Ennis, all living now and citizens of Warren county, State of Kentucky; that the said Thomas Buckley has sold and transferred his interest in the same to the said John Smith; that the said Dubois, subsequently to the sale and contract, as above stated, to the said Buckley, viz: about the 11th of June, 1803, conveyed one hundred arpents of the said land, equal to eighty-five acres, to the United States for the purpose of erecting a garrison, &c., and made a deed of conveyance accordingly, from which it appears that the said Dubois recognized the conveyance previously made to the said Buckley, and provided therein for indemnity from the United States, in case the heirs of the said Buckley should ever call on him or his heirs for the land. The petitioners affirm that Dubois sold to the said Buckley one hundred acres, and not one hundred arpents, as represented by the deed to the United States. They now ask a retrocession of the land, and compensation for the destruction of timber, &c., during the time it was occupied by the troops of the United States. The material facts, as set forth relative to the contract by Dubois to Buckley, and the deed subsequently made by Dubois to the United States, are satisfactorily proven by documentary evidence; it is also proven, by the affidavit of three persons certified by a magistrate to be respectable citizens of Knox county, Indiana, that the United States kept possession of the said land from 1803 to about 1813; that during this time the timber was destroyed or made use of for building the garrison, &c., and that its value might be estimated at something like four hundred dollars. The committee are of opinion that the prayer of the petitioners, as relates to the retrocession of the land, is reasonable and just, and report the bill heretofore reported by this committee at a former session of Congress for that purpose; but as respects the amount demanded for the timber and the use of the land, they propose to give a reasonable compensation, which is also provided for in the bill herewith reported.

21st Congress.] No. 835. [1st Session.

LOCATION OF REVOLUTIONARY BOUNTY LAND WARRANTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 22, 1830.

General Land Office, *March* 3, 1830.

Sir: Your letter of the 25th ultimo, covering a resolution of the House of Representatives, as to the expediency of authorizing the holders of revolutionary land warrants to locate the same on any of the public lands that have been offered for sale, was duly received, and in reply I have to state that, from information received from the Department of War, it appears that four hundred and twenty-nine warrants for land bounty for revolutionary services have been issued from January 1, 1826, to February 28, 1830. The quantity of land embraced in these warrants is sixty-two thousand eight hundred acres. Of the lands originally appropriated to satisfy the warrants issued for services in the revolutionary war, only thirty-five thousand six hundred and twenty-seven acres remained subject to location on the 1st of the present month; and it is believed that the warrants which have been issued and are yet unlocated will require a greater quantity of land to satisfy them. The lands now subject to location, although well situated in a populous country, are of very inferior quality.

It would therefore seem expedient that some further provision should be made for satisfying this description of land warrants.

The resolution enclosed by you proposes to allow the holders of this description of warrants the privilege of entering any of the public lands subject to entry at private sale. To this provision I perceive no decisive objection. I would, however, take the liberty to propose, in lieu of this provision:

That in all cases where the *original* claimant shall surrender the land warrant issued to him to the Commissioner of the Land Office, a certificate of stock shall be issued for the same at the rate of one dollar and twenty-five cents per acre, for the quantity of land embraced by said warrant, which certificate of stock shall be signed by the Secretary of the Treasury and countersigned by the Commissioner of the Land Office, and which certificate of stock shall be receivable in payment for any of the public lands.

This would enable the *original* claimant either to locate lands that were subject to entry, or to purchase lands at public sale, or to obtain money for the stock; and it would very much relieve the land officers, who would have no criterion by which they could decide on the genuineness of a land warrant, but who, from their knowledge of the handwriting of the Secretary of the Treasury and the Commissioner of the Land Office, and from other precautions that would be taken, would rarely, if ever, be deceived as to the genuineness of the certificates for stock. The lands in Ohio which remain unlocated would be entirely adequate to satisfy all the warrants that have been or may be assigned by the original claimants, and should be reserved for that purpose. These provisions would effectually check speculation in this description of land warrants.

With great respect, sir, your obedient servant,

GEORGE GRAHAM.

Hon. Robert Potter, *House of Representatives.*

21st Congress.] No. 836. [1st Session.

ON AN APPLICATION OF REGISTERS AND RECEIVERS OF LAND OFFICES FOR INCREASE OF COMPENSATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 22, 1830.

Mr. Hunt, from the Committee on Public Lands, to whom was referred the petition of C. Downing, register of the land office at St. Augustine, in East Florida, and of W. H. Allen, receiver of public moneys, reported:

The petitioners represent that since the first establishment of the land offices the officers have furnished, at their own expense, both offices and fuel, not only for their own use, but also for the accommodation of those who have business with them. They consider that this expense is unjust, and pray that some relief may be afforded them.

By the act of April 20, 1818, the registers receive an annual salary of five hundred dollars and a commission of one per centum on all the moneys expressed in the receipts for lands sold. The receivers are entitled to the same annual salary, and also to one per centum on all the moneys received. In addition to the above salaries and commissions, they are allowed pay for certain extra services; but the amount which each one may receive in any one year for commission and salary is limited to $3,000. The committee are of the opinion that the compensation now allowed by law is sufficient, and that no addition should be made for offices and fuel, and therefore recommend the following resolution:

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

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

The petition of the undersigned, who now do or who have heretofore held appointments under the government of the United States in the land offices in the Territory of Florida, respectfully represent that, in their opinion, the compensation that has been heretofore received is less than that paid to any of the other officers under the government, in proportion to the services rendered and the expenses incurred; that since the first establishment of the land offices the officers have furnished, at their own expense, both offices and fuel, not only for their own, but for the accommodation of those who had business with them. Though this practice has prevailed for a number of years, and apparently acquiesced in by some, yet all have believed it unjust that they should have been compelled to encounter this expense in addition to others incident to the business they were required to perform. Your petitioners feel confident that this supposed acquiescence on their part will not prevent your honorable body from granting them relief if the justice of the case requires it; and they hope this application may be taken into consideration, and such relief granted as the merits of their case may require. And, as in duty bound, they will pray.

C. DOWNING, *Register*,
W. H. ALLEN, *Receiver*,
Land Office, St. Augustine, East Florida.

21st Congress.] No. 837. [1st Session.

ON AN APPLICATION FOR COMPENSATION FOR LOCATING TWO TOWNSHIPS OF LAND FOR A SEMINARY OF LEARNING IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 23, 1830.

Mr. Hunt, from the Committee on Public Lands, to whom was referred the resolution of the 25th of February last, directing them to inquire into the expediency of making compensation to Richard C. Allen, esq., for locating two townships of land for a seminary of learning, under the provisions of an act of Congress, in the Territory of Florida, reported:

The nature of the above claim, and the material facts in relation to it, may be seen in the following resolutions of the legislative council of Florida, marked A, and the subjoined letter of the Secretary of the Treasury, marked B:

A.

"Whereas by an act of Congress it is provided that the two townships of land reserved for a seminary of learning in the Territory of Florida shall be located in sections, under the direction of the Secretary of the Treasury; and whereas, also, it appears by the correspondence between the Secretary and his excellency Governor Duval, that the latter was authorized to locate said lands, and that the governor, in pursuance of said authority, employed R. C. Allen, esq., to locate the same, who rendered important services in making said selection, in consequence of which the last legislative council adopted a resolution giving to the said R. C. Allen two entire sections of said land for his services and expenses in locating the same: Now, it is the opinion of this legislative council that their predecessors had no right or power over the land granted.

"1. Because they have given that which they had no property or *fee-simple* in, and therefore the grant is a nullity in itself as respects the title to said land.

"2. Because the only effect which such a gift can have is to create an indefinite debt against the Territory, for which she has received as yet no equivalent, as the lands are reserved for a specific purpose, to be given to the State or Territory when and under what restrictions the government of the United States may please.

"3. Because it is believed that the government never intended that either the territory or the land so reserved should pay the expense of location. Therefore—

"*Be it resolved,* That it is the opinion of this council that the said R. C. Allen should apply to the government, or the proper authority, for compensation for his services and expenses in locating said land.

"*Be it further resolved,* That our delegate in Congress be requested to report to the next legislative council whether the government will pay for the location of said land; and

"*Be it further resolved,* That the clerk be, and he is hereby, directed to forward a copy of the foregoing preamble and resolutions to our delegate in Congress, and that he also furnish the said R. C. Allen with a copy thereof."

Adopted November 20, 1829.

THOMAS MUNROE,
Clerk of the Legislative Council of Florida.

B.

TREASURY DEPARTMENT, *February* 18, 1830.

SIR: I have the honor to return the resolution of the legislative council of Florida which you transmitted to me, respecting the claim of R. C. Allen for compensation for his services in selecting, under the direction of the governor of Florida, the two townships of land reserved for a seminary of learning in that Territory. And in answer to your note, which accompanied it, I have to inform you that the law by which authority was given to the Secretary of the Treasury to locate those lands provided no compensation for selecting them, that no appropriation for that purpose has otherwise been made, and that in no instance has any allowance either for services or expenses been made by the treasury for any such selection.

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

S. D. INGHAM, *Secretary of the Treasury.*

Hon. J. M. WHITE, *of Florida, House of Representatives.*

The committee will not undertake to express any opinion of the right and power of the legislative council of Florida to grant the aforesaid two sections of land to the said Richard C. Allen, esq., or give any advice in relation to the proper course for him to pursue in obtaining pay for his services and expense; but merely state that, in their opinion, he has no just or equitable claim for compensation against the United States, and recommend the following resolution:

Resolved, That it is inexpedient to allow the above claim.

TALLAHASSEE, *Florida, January* 12, 1829.

DEAR SIR: By a resolution of the last legislative council a resolution passed at a previous session, for my benefit, is referred to you, and, through you, to Congress. That you may understand something more of the merits of the claim than you can do from the resolutions themselves, I beg leave to present for your consideration a few observations.

The resolutions referred to you have seen. You will recollect, also, that the first act of Congress granted for a "seminary," &c., two *entire* townships, to be located under the directions of the Secretary of the Treasury, one in the western and the other in the eastern land district. The selection of these townships was referred to Governor Duval, by Mr. Rush, in the fall of 1825. The governor, being desirous that the selections should be made at an early time and to the greatest advantage, urged Major Lewis and myself to undertake it, supposing from our observation and experience in these matters, our knowledge of the situation of the fine lands, &c., that we could do more justice to the Territory than any other persons here. After much hesitation on our part, and after being much importuned, I very reluctantly undertook the locations, and immediately proceeded to the business. In the winter of 1825-'26, Lewis and myself proceeded to the Chippola country, where we remained six weeks, industriously employed in traversing that country, a labor of the most arduous and unpleasant description. This examination resulted in the selection of a township which is admitted by all to embrace a greater proportion of fine lands than any other in that section of country. By acting promptly I was enabled to select this township before the township granted to the deaf and dumb asylum was located, which prevented the agent going into it for any share of his township. The pre-emption law extracted a large portion of the township referred to. Subsequently you procured the passage of a law authorizing the location of the remaining township, and the quantity extracted by pre-emption claims from the first to be made in sections. The country was extensive and but little known, being entirely unsettled, except in those parts where pre-emption claims covered the good lands, or at least left vacant but few tracts of a section, in a *square form,* that could be esteemed valuable or of good quality. These circumstances could not have been anticipated by me, but they added greatly to the labor and to the expenses of the undertaking. I was aware that the trust was a responsible one, and *now* I discovered the expenses and labor would greatly exceed what I had at first supposed, and that my only reward would probably be the ill will, sometimes abuse, of persons who wished to purchase lands which I thought it my duty to select, besides seriously affecting my interest in other respects. Often have I repented most heartily the engagement, but was urged to continue. I have frequently gone, with a party of hands employed and paid by myself, with pack horses, provisions, and camp equipments, prepared to

remain several weeks for the purpose of making selections for the seminary. My expenses were necessarily very considerable. I can, at any time, convince any impartial mind that I will be greatly loser by the business if the two sections are secured to me, as contemplated by the first resolution. To convince you of the correctness of this statement, it will be sufficient to remark that many tracts have been selected and reserved by me which I could have purchased without competition and sold again, almost immediately, at from four to six dollars per acre. Many instances have occurred in which it would have been attended with no difficulty. Your knowledge of this country, and the dispersed manner in which the fine lands are scattered over its face, the labor and difficulty attending a close and minute examination so as to obtain the best lands, will enable you to appreciate my services.

I believe that it is conceded by every one that the lands reserved are the very best that could have been obtained, and that probably no other person in the country could have done the Territory more justice. Nor is it objected that the two sections is an extravagant allowance, but the idea is that the land itself ought not to be appropriated in this manner, and that the government of the United States ought to pay all expenses of location, because the law directs that the locations shall be made under the directions of the Secretary of the Treasury. I cannot believe, however, that Congress can be persuaded that the government is properly chargeable with such expenses. It appears to me that the expense of selecting, &c., is justly and fairly chargeable against the land itself. The government granted, for a specified object, two townships of land, to be "located," &c., upon any lands not otherwise appropriated, &c. Now, until these lands are selected, in pursuance of the act, the grant is not complete; it nowhere attaches; it is not available. To perfect the grant, an after act is necessary, the performance of which will be attended with necessary and unavoidable expenses. There is no provision by the grantee for the payment of such expenses. Certainly, under such circumstances, the property, when obtained, should be charged therewith. All the States which have received similar grants have paid for locating, &c.

The case is simply this: a very laborious, troublesome, and expensive service has been performed, to the entire satisfaction of those who held the supervision and direction thereof, and of all others who have taken the trouble to examine for themselves. Indeed, none have complained. These services were performed and these expenses incurred to perfect or render complete that which was before imperfect and incomplete. By them it is admitted that it has been done in an advantageous and satisfactory manner. What, then, is more equitable and just than that the same grant should be charged with all necessary expenses, and a fair compensation for services by which it has been greatly increased in value; and what could be more unjust than to detain from me a just and equitable allowance for services and a restoration of moneys necessarily expended in the performance of that service. I put it to your unbiased judgment whether, upon every principle of justice, I have not a right to demand of the grant, or property itself, such compensation. Then, as to the reasonableness of the allowance made in the first resolution, I will remark that none of the members thought the allowance too great. Several of them have informed me that they would give me a statement to that effect, and that they were fully convinced that the two sections would be quite moderate enough. Their value has been greatly exaggerated in a piece signed Junius, which I suppose you have seen. I would say the value, as he gives it, is at least double that which could be obtained in any reasonable time, if ever. Major Adair has been here and witnessed the progress of this business, and to him I beg leave to refer you for the correctness of matters of fact stated above. Should you concur in the view of the matter taken above, I hope you will interest yourself for me, and obtain the act of Congress contemplated by the first resolution. I hope you will excuse this; it was written in much haste.

With much respect, your obedient servant,

R. C. ALLEN.

Hon. J. M. WHITE.

21ST CONGRESS.] No. 838. [1ST SESSION.

ON CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 23, 1830.

Mr. FOSTER, from the Committee on Private Land Claims, to whom were referred the claims of James Vieux, Amable Carboneux, Paul Vieux, Pieriche Carboneux, jr., James Vieux, jr., and Joseph Vieux, for lands in the Territory of Michigan, reported:

That they have examined the evidence submitted by the claimants, together with the acts of Congress applicable to cases of this kind. It does not appear that these claims ever were submitted to the tribunal instituted to receive and examine them. Nor do the petitioners state any reason why such application was not made, or if made, why not confirmed. Nor does it appear to the committee but that these claimants may have had other lands confirmed to them. With these deficiencies in the evidence, the committee are of opinion that the petitioners are not entitled to a confirmation of their titles to the lands by them respectively claimed.

21st Congress.] No 839. [1st Session.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 23, 1830.

Mr. Foster, from the Committee on Private Land Claims, to whom was referred the petition of Pierre Barnevellon, Alexander Lanclot, Louis Esteven, and Gregoire Attachos, reported:

That they have examined the evidence submitted in support of the claims of the three petitioners first named, (there being no testimony relative to the claim of Attachos,) and also an extract of the report of the register and receiver, to whom these claims were submitted in 1815. In that report said claims are embraced in class No. 7. This class of claims the register and receiver conceived ought not to be confirmed, for the reasons set forth in their report, an extract of which accompanies this report. And when the committee advert to the superior opportunity which the register and receiver had of investigating these claims, as well as of ascertaining the character of the witnesses by which they are supported, they see no sufficient reason for reversing the decision, particularly after a lapse of fifteen years.

The committee therefore recommend the following resolution:

Resolved, That the petitioners are not entitled to a confirmation of their titles to the lands by them respectively claimed.

21st Congress.] No. 840. [1st Session.

ON CLAIM TO A LOT OF GROUND IN MOBILE, ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 25, 1830.

Mr. Pettis, from the Committee on Private Land Claims, to whom was referred the petition of Joshua Kennedy, praying to be confirmed in his title to a certain lot of ground in the town of Mobile, reported:

That the claim is for 20.28 arpents of land, situated in the suburbs of the town of Mobile, granted by the proper Spanish authorities before the change of government in that country.

This claim was laid before the board of commissioners for the adjustment of land claims in that section of country under the act of March 3, 1827. The commissioners report that the grant was actually made by the proper Spanish authorities, but proceed to say, that "it appearing from the boundaries that the tract claimed approaches within thirty feet of the old works 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," and thereupon they reject the claim.

From the testimony adduced, your committee believe that the commissioners were greatly mistaken in their supposed location of the claim. The testimony of a public surveyor, and of divers other respectable individuals, shows this misapprehension. The claim does not cover a part of the parade ground as supposed; and instead of being within thirty feet of the fort, it is 130 feet west and 100 feet south. But be this as it may, the grant was made, and it is not considered competent for us now to decide that the Spanish government should not have made a grant so near the fort. The committee therefore report a bill.

21st Congress.] No. 841. [1st Session.

PROPOSITION TO LAY OFF A TOWN AT CHICAGO, ILLINOIS, AND ANOTHER AT ST. MARK'S, FLORIDA.

COMMUNICATED TO THE SENATE MARCH 25, 1830.

General Land Office, *March* 22, 1830.

Sir: I take the liberty to enclose you a diagram exhibiting the survey of the public lands lying on Lake Michigan, at the mouth of Chicago creek, and would recommend that an act be passed authorizing the President to lay off a town at this point. Section 9 has been allotted to the State of Illinois, under the act granting to her certain lands for the purpose of making a canal.

Should the United States establish a town at the mouth of the creek, the State would probably derive much benefit by extending the lots into section 9, as Chicago creek affords a good harbor through the whole of this section.

It is understood that the waters of Lake Michigan may be drawn into the Illinois river, by a thorough cut of moderate length, and not more than seventeen feet deep at the summit; when this is

effected, and the bar on the outside of the mouth of Chicago creek is so deepened as to admit into the harbor with facility vessels of the largest class navigating the lakes, Chicago must inevitably become one of the most important depots and thoroughfares on the lakes.

The government is about bringing into market a vast extent of country between Lake Michigan and the Mississippi river, which, as to the advantages of local position, fertility of soil, healthfulness of climate and mineral resources, is not perhaps excelled by any other tract of country of equal extent in the United States. The deepening of the inlet of the harbor of Chicago would essentially facilitate the sale of these lands, and promote the settlement of the country.

I would also recommend that the President be authorized to lay off a town at St. Mark's, at the junction of the Wawculla and St. Mark's rivers. These waters drain a country of no great extent, but very valuable. On this subject I refer you to the enclosed copy of a letter from General Call, the receiver of the land office at Tallahassee, and a diagram furnished by Colonel Butler.

With great respect, your obedient servant,

GEO. GRAHAM.

Hon W. KANE, *Senate.*

WASHINGTON, *March* 13, 1829.

SIR: During the last session of Congress a memorial of the inhabitants of the middle district of Florida was sent to the delegate, praying that a portion of the public ground at or near the fortress of St. Mark's might be laid off in town lots and exposed for sale at public auction. What attention was paid to this memorial I am uninformed; but believing that the land department is vested with ample power to carry this plan into execution, if approved, and knowing the deep interest which is felt on this subject by the people of Florida, I am induced to present it to your consideration.

St. Mark's is the commercial depot of middle Florida. The imports and exports to and from this point are already considerable, and are increasing with great rapidity. The right to this property yet remaining in the government, individuals are prevented from making the improvements necessary for the convenience of commerce. If a few acres of land were laid off in town lots, and exposed in market at the approaching land sales, they would bring a considerable sum of money, and would contribute greatly to the convenience and prosperity of our country. Allow me to solicit your attention to this interesting subject.

Yours respectfully,

R. K. CALL.

Mr. GEORGE GRAHAM, *Commissioner of General Land Office.*

21ST CONGRESS.] No. 842. [1ST SESSION.

ON CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 26, 1830.

Mr. PETTIS, from the Committee on Private Land Claims, to whom was referred the petition of Joel Thomas, of Michigan, reported:

The petitioner claims a tract of 640 acres of land, on the ground of settlement and cultivation, from 1796 to 1807, under an act of Congress of the latter date.

The committee find that during the period mentioned an improvement was made on the land by another individual, (not the claimant,) and that the claimant was afterwards in possession of said tract of land, but that the time they were both in possession does not, in the opinion of the committee, bring the case within the act of Congress referred to. There in a space of three or four years, from 1796 to 1807, when this tract of land was not cultivated or improved by any person. The claimant has produced a deed from the first settler, transferring his right, but this deed was executed about the time the claim was presented to the board of commissioners, and there is no evidence to show that the petitioner went into possession under the first settler. The committee are of opinion that the claim is neither within the letter nor spirit of the act of Congress, and therefore they recommend that the claim be rejected.

21ST CONGRESS.] No. 843. [1ST SESSION.

ON THE APPLICATION OF MICHIGAN FOR A SECTION OF LAND TO ERECT A COURT-HOUSE AND JAIL IN EACH COUNTY THEREIN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 29, 1830.

Mr. HUNT, from the Committee on Public Lands, to whom was referred the memorial of the legislative council of the Territory of Michigan, asking for a grant of a section of land in each county for the purpose of erecting a court-house and jail therein, reported:

The memorial represents that the Territory has no funds from which it can afford any aid to the several counties in erecting their necessary public buildings. That the Territory now contains twenty-six counties; of these, fourteen are organized, and but three only have permanent buildings to serve as

court-houses and jails. The memorial requests a donation of one section of land, to be located in quarter sections in the several counties, and sold under the direction of the governor, and the avails laid out in building a court-house and jail in each of said counties.

By the act of the 26th of May, 1824, a pre-emption right of one quarter section is granted to the several counties of each State and Territory where there are public lands at the minimum price, for the purpose of erecting the public buildings. The Territory of Michigan may avail itself of the above law; and as the committee perceive no good reason for extending to Michigan greater privileges than are allowed to the other Territories and the States situated upon the public domain, they deem it inexpedient to make the donation of lands as stated in the memorial, and recommend the following resolution:

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

21ST CONGRESS.] No. 844. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 30, 1830.

Mr. PETTIS, from the Committee on Private Land Claims, to whom was referred the petition of John H. Thomas, reported:

The petitioner claims a tract of land in the western district of Louisiana, containing 1,200 arpents, under and by virtue of a concession and order of survey made by the Spanish government to one Antoine Patin. The date of the concession or order of survey cannot be precisely ascertained, but the evidence shows its existence previous to the year 1789, and shows also that it has been lost.

The evidence of several witnesses, who are represented as credible men, shows that Patin, from the year 1789 to 1803 or 1804, occupied said tract as a *vacherie*, and that his negroes *inhabited and cultivated* the land in question.

The claim was presented to the board of commissioners for the adjustment of land claims in that section of country, and was rejected on the ground that the occupation of land as a vacherie did not authorize the confirmation of the claim.

The Committee on Private Land Claims, in 1827, made an unfavorable report also on this claim, adopting the view in part of the commissioners, but intimating a contrary opinion if it were shown that Patin had no other grant of land from the Spanish government.

The register of the land office in that district proves that there is no record of any other grant to said Patin as original proprietor. The evidence is clear that this tract has been inhabited and cultivated since the year 1789, with the exception of a year or two.

The committee, however, are not satisfied to confirm the title to the whole tract, but they are of opinion that the claimant should be confirmed in his title to 640 acres of the tract under the act of Congress of March 2, 1805, and that of April 21, 1806, providing for the adjustment of land titles in the district of Louisiana. They therefore report a bill.

21ST CONGRESS.] No. 845. [1ST SESSION.

ON CLAIM OF NEW ORLEANS TO LOTS OF GROUND OR QUAYS IN THAT CITY.

COMMUNICATED TO THE SENATE APRIL 5, 1830.

Mr. BURNET, from the Committee to whom was referred the memorial of the mayor, aldermen, and inhabitants of New Orleans, reported:

That it appears from the memorial that, in laying out the city of New Orleans, a number of lots or pieces of ground, called quays, were left contiguous to the Mississippi river for the convenience of the inhabitants, and that these quays have continued open and unoccupied until the present time. It appears, further, that the authorities of the city have recently undertaken to sell and dispose of them for the benefit of the corporation.

The district attorney, believing that the legal title to those lots had not been disposed of either by the French or Spanish governments before the country was transferred to the United States, and that the treaty of cession, among other things, passed it to the American government, filed a bill in the district court setting out the facts, and obtained an injunction restraining the said mayor, aldermen, and inhabitants from proceeding with their proposed sale till the title to the premises should be investigated and decided; which injunction is still pending.

The memorial prays that the injunction may be dissolved, or that a law may be passed relinquishing the right of the United States, if any they have, to the said lands, and permitting the city to dispose of the same for their benefit.

The committee are of opinion that it is not expedient at this time to enter into an investigation of the title to the premises in question, or to take any decisive step in relation to the subject-matter of the memorial until the opinion and decision of the court shall be known. They are also of opinion that Congress cannot at this time safely or prudently give to the corporation an unqualified power to sell all the said grounds without distinction, and to place them under the exclusive control of individuals, inasmuch as they cannot ascertain what effect such a measure would produce on the commerce and business of the city, or how far or in what manner the interest and convenience of individuals and of the public at large may be affected thereby.

If the ground in question, as the committee incline to believe, was set apart by the authority of the crown for the common use and convenience of the inhabitants, and if individuals have been induced thereby to purchase, settle, and improve the city lots, it is at least questionable whether the government of the United States, having succeeded to the trusts as well as the rights of the crown, would not be guilty of a violation of the public faith were they to dispose of the property for other purposes and uses than those originally intended and declared without the consent of the parties interested.

The committee therefore report to the Senate the following resolution:

Resolved, That it is not expedient at this time to grant the prayer of the memorial.

21st Congress.] No. 846. [1st Session.

ON APPLICATION OF INDIVIDUALS FOR A GRANT OF LAND TO RAISE FOREST TIMBER ON THE PRAIRIES OF MISSOURI.

COMMUNICATED TO THE SENATE APRIL 21, 1830.

Mr. Barton, from the Committee on Public Lands, to whom was referred the application of N. B. Tucker esq., on behalf of several citizens of Saline county, in Missouri, for a grant of a township of prairie land west of La Mine and south of the Missouri river, not containing salt or mineral, for the purpose of making an experiment of raising forest timber in the prairies, reported:

1st. That they deem the grant unnecessary for the proposed object, because it is only necessary to keep out the fire to cover those prairies with timber by the operations of nature.

2d. That the government plan of disposing of the public lands in small quantities, and thereby multiplying the freeholders interested in keeping the fires under, is, in the opinion of the committee, better calculated to attain the proposed object than to place large quantities of the lands in the hands of one or a few owners: Therefore, the committee submit the following:

Resolved, That the prayer of the applicant is unreasonable, and ought not to be granted.

21st Congress.] No. 847. [1st Session.

ON THE PROPOSITION OF JOHN SMITH T., TO COMPROMISE WITH THE UNITED STATES ON ACCOUNT OF LANDS DERIVED FROM THE STATE OF GEORGIA.

COMMUNICATED TO THE SENATE APRIL 22, 1830.

Mr. McKinley, from the Committee on Public Lands, to whom was referred the memorial of John Smith T., by his attorney in fact, William Kelly, proposing to release to the United States his claim to a large tract of land in the State of Alabama for the sum of one hundred thousand dollars, reported:

That the State of Georgia, by an act of its legislature bearing date January 7, 1795, sold to Zachariah Cox and Matthias Maher, and their associates, called the Tennessee Company, "all that tract of land, including islands, situate, lying, and being within the following boundary lines: beginning at the mouth of Bear creek, on the south side of the Tennessee river; thence, up said creek, to the most southern source thereof; thence, due south, to the latitude of thirty-four degrees and ten minutes north of the equator; thence, a due east course, one hundred and twenty miles; thence, a due north course, to the Great Tennessee river; thence, up the middle of the said river, to the northern boundary line of this State, (Georgia;) thence, a due west course, along the said line to where it intersects the Great Tennessee river below the Muscle shoals; thence, up the said river, to the place of beginning." And upon the payment of the sum of sixty thousand dollars, as directed by the act, the governor of said State was directed to issue a grant to said Zachariah Cox and Matthias Maher, and their associates, called the Tennessee Company, and to their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants.

Three days after the passage of this act Cox and Maher divided the whole purchase into four hundred and twenty shares, and distributed them among their associates, including themselves, according to their respective proportions in the purchase, by issuing a certificate of purchase to each person entitled, containing a promise to execute a deed in lieu of the certificate upon the payment of the one four hundred and twentieth part of the original purchase money. The memorialist appears to have been one of the association, and received his proportion of the certificates. Fourteen days after this distribution among the purchasers

the governor of Georgia issued a grant to Zachariah Cox and Matthias Maher, and their associates, as tenants in common, according to the act of the legislature.

On February 8, 1798, Zachariah Cox executed an instrument of writing, by which, among other things, he gave full power to William Cox, his brother, to manage and transact "all his business as a proprietor of the Tennessee purchase," with full power to convey the same or any part thereof. In this instrument provision is made that, in the event of the death of said Zachariah Cox, the said William Cox is appointed his executor, with directions to distribute his estate as therein directed, and to pay over to the said John Smith T. one-tenth part of the entire estate of said Zachariah. To this instrument the memorialist was a subscribing witness, and on April 4, 1798, proved its execution. Under this authority William Cox surrendered up to the State of Georgia all the titles and evidences of title then belonging to or in the power and control of said Zachariah Cox, and, for and in the name of said Zachariah Cox, relinquished and renounced all claim to said purchase to the State of Georgia, and received back two thousand dollars at the treasury of Georgia, according to law, in part of the purchase money paid by said Zachariah Cox, reserving to said Zachariah Cox the right of drawing any further or future sum that might thereafter appear to be due to him. This release and receipt was sworn to and executed by the said William Cox, attorney in fact for said Zachariah Cox, at the treasury of Georgia on September 30, 1799. On March 2, 1801, the said Zachariah Cox applied, in person, at the treasury of the State of Georgia for and received the further sum of twenty-one thousand and eighty dollars sixty-one and one-third cents, the remaining part of the purchase money paid by him, as he states in his affidavit and release, then made and executed by him at the said treasury.

Previous to this last transaction, to wit: on January 16, 1800, the said Zachariah Cox conveyed "to the said John Smith T. all the lands not *theretofore conveyed* by the said Zachariah Cox, lying and being within the following tract of country, viz: "beginning on the Tennessee river at the mouth of Bear creek, running with the Tennessee Company's line to the source of said creek; thence along the Tennessee Company's boundary line due south until it intersects the thirty-fourth degree and ten minutes north latitude; thence, due east, to a point where a direct north course will intersect the mouth of Elk river; running thence, up Elk river, to the northern boundary line of the Tennessee Company's purchase; thence, a due west course, to the Great Tennessee river; thence, up the same, to the place of beginning."

The commissioners appointed under the act of Congress, "supplementary to the act entitled an act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," had before them all the claims of the Tennessee Company for adjudication in which releases had been executed under the above-recited act. And it appears by their final decree that there were many deeds executed by Zachariah Cox such as that under which the memorialist now claims title, and many of them probably held by innocent and meritorious claimants, as between them and Cox. But in their decree the commissioners exclude all deeds executed by Zachariah Cox, and determine that those who held the certificates issued by Cox and Maher under the law of Georgia, and those holding deeds made in conformity with those certificates, were to be preferred to all other classes of claimants.

This decision the committee consider correct in principle and just in its operation, because no one could claim under a deed from Zachariah Cox alone, to be a fair purchaser, without notice of the claims of other members of the association designated by the statute creating the original right, and emphatically styled the Tennessee Company, including the grantees named in the act and grant. But the committee consider the memorialist in a worse condition than a *bona fide* purchaser, chargeable with constructive notice only. He was one of the original Tennessee Company, and received his portion of the certificates issued according to the spirit and intention of the act of the legislature and the grant issued thereon, and had, therefore, express notice that Zachariah Cox could not grant or convey the land included in the deed he received from him five years after the distribution under the grant to which they were both parties. He was a witness to the power, and proved its execution, under which all the claims of Zachariah Cox was released to the State of Georgia; and had, therefore, express notice of that transaction, with the powerful inducement of an interest in one-tenth part of the estate of Zachariah Cox, bequeathed to him in the same instrument, calculated to rivet it more firmly in his memory. Under all these circumstances he accepted from Zachariah Cox a deed, expressing upon its face to be for a valuable consideration, conveying nothing but the lands not *theretofore conveyed by Cox* within the boundaries expressed in the deed. The committee believe that the memorialist acquired no title by the deed from Zachariah Cox to the land included in it, and therefore recommend the rejection of the proposition of compromise proposed in the memorial.

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

The subscriber, William Kelly, of Alabama, begs leave to represent that he has a power of attorney from Colonel John Smith T., of Missouri, to represent him in disposing of his claim to lands in Alabama, or compromising with the United States.

That this claim is derived from the State of Georgia, under a grant to Zachariah Cox and Matthias Maher, and their associates, called the Tennessee Company, issued in pursuance of an act of the legislature of that State on the 24th day of January, 1795; and a deed of conveyance from Zachariah Cox, one of the grantees, to him executed, on the 16th of January, 1800, for all the lands not theretofore conveyed, in the following bounds: beginning on the south side of Tennessee, at the mouth of Bear creek; thence, up said creek, with the Tennessee Company's boundary line, to the most southern source thereof; thence, due south, to latitude thirty-four degrees and ten minutes north; thence, due east, to a point due south from the mouth of Elk river; thence due north, to the mouth of Elk; thence, up the same, to the northern boundary of the Tennessee Company's grant, (the line between Alabama and Tennessee,) thence, west with said line, to Tennessee river; thence, up the same, to the beginning.

Large grants were made by Georgia, in the same year, to three other companies. The Supreme Court of the United States have decided, in the case of Fletcher *vs.* Peck, that one of the grants vested a title in the grantees; that the State of Georgia had a right to make the grant, and that the possessory title of the Indians did not affect the validity of the grant. The grant then under consideration was, in all respects, similar to the one under which Colonel Smith derives his title. The court decided, also, that the State had no right to resume the title thus vested, and, consequently, that the rescinding act of 1796 was void.

The grant and deed are of record in the Department of State of the United States in pursuance of the act of Congress of 1803.

The deed was acknowledged by the maker, on the 23d day of January, 1800, before Judge Roane, of Tennessee, and recorded in the department of state of that State.

Two suits have been brought on the title of Colonel Smith, in the district court of the United States for the northern district of Alabama, and have been tried there and decided against him, and brought up by writ of error, and are now pending in the Supreme Court of the United States. In the first, the deed of conveyance from Cox was excluded from the jury, because its execution was not proved, otherwise than by the certificate of Judge Roane, which the judge held to be insufficient to admit the deed to record in Alabama; and, although in fact recorded, it was, as before remarked, excluded from the jury. Exception was taken, and the cause brought up on that point. Another suit was then brought against other persons, and the execution of the deed regularly proven by the deposition of Washington Darden, the only subscribing witness then living; and, on that proof, the court allowed the deed to be read, and the jury found a special verdict, establishing the facts as contended for by the plaintiff, and submitted the law to the court. Whereupon the district judge decided that the grant from Georgia to Cox and Maher vested a legal title in them to the land it covered, as tenants in common; and that the deed from Cox to Smith would operate to the extent of Cox's legal interest in the grant, and was consequently good for an undivided moiety of the land it covered.

That this title so vested in Smith was superior to the title of the United States, under the cession of 1802; but that the defendants, so far as they held patented land, were to be considered as purchasers without notice, and to that extent the deed was inoperative:

That, as to the lands not patented, or held by certificate of further credit, he would give judgment for the plaintiff, but for the influence of a statute of limitations, passed on the 13th of December, 1816, in these words: "No person or persons, body politic or corporate, who now have, or shall or may hereafter have, any estate, right, title, claim, or demand, by virtue of any title which has not been confirmed by either of the boards of commissioners of the United States, appointed for settling and adjusting land claims in the Mississippi Territory, and not recognized or confirmed by any act of Congress, in or to any lands, tenements, or hereditaments in this Territory, shall, after the expiration of three years from and after the passing of this act, have, prosecute, or maintain any action or suit at law for the recovery thereof in any court in this Territory." This act, although not intended to prejudice these Georgia claims, but, as the judge remarked, was designed to operate on certain British claims near Natchez, was still broad enough in its enactment to cover the plaintiff's claim, and therefore he must give judgment for the defendants. That cause is also brought up to the Supreme Court, and is now pending.

After this exposition of the law by the district court, it was deemed important and prudent to take such measures as would prevent the acquisition of further titles, without accurate notice, as there was but little patented lands in the bounds of the claim. Notice was therefore published in the newspapers and in handbills, and, in many instances, given personally. It was also deemed prudent and lawful to adopt such measures as would avoid what was considered a statute of limitations, by connecting the title of Colonel Smith with the cultivation of the soil; and, for that purpose, provisional contracts have been made with such of the inhabitants as chose to do so, ascertaining the price to be given for the land they occupy, in the event of Colonel Smith's title being adjudged valid by the Supreme Court of the United States.

These contracts interpose no difficulty in the way of a compromise with the United States, as they depend entirely on the success of the title in court.

It is not designed to argue the question of title, but barely to state the points relied on.

1. A title vested under the grant and deed.—(See Fletcher *vs.* Peck, 6 Cr.)

2. The title so vested was a legal and not an equitable one.—(See Brown and Gilman, 4 Wh.)

3. The doctrine of notice does not apply to purchasers from the government, because the government is supposed to be incapable of committing a fraud, and every citizen is bound to know the title of his government to its public domain; and hence, in all government grants, the elder patent prevails, without regard to the fact of notice to the junior patentee.

Again, constructive notice is given to all the world, by recording a title according to law. The deed in this case was recorded according to the act of Congress of 1803, and, consequently, notice to all the world.

Again, the question of notice can only apply to purchasers from the same person: want of notice of a link in a chain of an adverse title can avail nothing; if the root be known, it is sufficient.

It is due to candor to say that the questions of notice and limitation were not argued in the district court, the argument being confined to the original question of title, without regard to these modifications. On the statute a few remarks were submitted to show that its language did not include the case; that it could only apply to such claims as might have been presented to a board of commissioners, and had not been; that this claim, being evidenced by a patent, required no confirmation; and being for more than 5,000 acres, no board had jurisdiction of it.

The law passed in December, 1816; the country had been acquired by treaty, in the fall of that year, from the Chickasaws; none of it was sold until the fall of 1818; so that there was no adverse possession until two-thirds of the time had elapsed. The law, however, does not relate to adverse possession and protect a defendant who has had three years' possession; but the time begins to run from the passage of the act. Now, it is plain there can be no suit until there is an adverse possession. The act, then, is not one of limitation, but an act *pro tanto*, abolishing, after three years, the judicial department of the government, and is therefore unconstitutional. It is not from any fear of the result of the controversy in the Supreme Court, but to avoid the litigation that must ensue, that the subscriber proposes terms of settlement. The United States have sold the land for high prices; for one township, including court land, upwards of $120,000 have been paid.

The contracts of the country have been made upon the idea that the United States were the legal owners of the soil, and great confusion might and certainly would ensue should a recovery be had by a paramount title. As to notice, the United States have no interest. If, as Judge Crawford decided, the title of Colonel Smith was better than theirs, and these patentees hold the land for want of notice, the United States will be as much bound to Colonel Smith for the money received, as they would be to restore it to their grantees, in the event of his recovery. If the land was not theirs, the money obtained for it cannot be. It may be well to remark, that Colonel Smith never relinquished his claim to the United States under the acts of Congress of 1814 and 1815, for compromising such claims, and of course is not bound by the decision of the board, unless the principle of that decision can be sustained by reason and authority. This, it is believed, cannot be done. The board awarded compensation to the holders of the certificates of stock in

the company. These certificates were signed by Cox and Maher, the grantees, and certified that the holder of each share had paid the 420th part of the purchase money, and was consequently entitled to that proportion of the proceeds, or to the land, if it remained unsold. These certificates were not inconsistent with the right vested by the grant in Cox and Maher to sell the land, and consequently a purchaser, even with notice of them, would acquire a legal title, and the holder of stock be only entitled to his share of the proceeds.

The board considered that all those titles were equitable only, and on that assumption adjudged the compensation to the oldest equity, without considering the effect of a title legal and equitable both, contrasted with one equitable only.

Between equitable titles, it may be conceded that the elder should prevail; but if the junior equity has also a legal title, acquired without fraud upon the elder, then the legal title will prevail.

That these titles were *legal* so far as evidenced by grants and deeds of conveyance, (and not merely equitable, as supposed by the board,) has been ruled by the Supreme Court in the case of Brown and Gilman, in 4 Wheaton. In that case, the court settled the law on another point different from the board; and Congress have, it is believed, relieved the New England Mississippi Land Company, in part, from the effects of that mistake, although they were parties to the decision.

It may be well to state that Cox had not withdrawn his purchase money from the treasury when he made the deed to Colonel Smith on January 16, 1800. On March 2, however, 1801, he did withdraw $21,000, and upwards, as the part of the purchase money paid in by him. This could not affect the prior deed.

The subscriber is ready to submit his letter of attorney, and also the title papers on which he relies, to such committee as may have the subject under consideration, and proposes to execute a deed of relinquishment to the United States, if the sum of $100,000 shall be paid in cash or land.

All which is respectfully submitted.

WILLIAM KELLY,
Attorney in fact for John Smith T.

21st Congress.] No. 848. [1st Session.

ON THE EXPEDIENCY OF ALLOWING ILLINOIS TO RELINQUISH LAND GRANTED FOR A CANAL, AND TO ISSUE SCRIP FOR AN EQUAL QUANTITY OF LAND IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 22, 1830.

Mr. Duncan, from the Committee on Public Lands, to whom was referred a resolution of the House of Representatives of the 4th of February last, instructing the said committee to inquire into the expediency of permitting the State of Illinois to relinquish to the United States a part of the land granted to the said State to assist in the construction of a canal between Lake Michigan and the Illinois river, and of giving scrip for an equal quantity, to be receivable at any of the land offices in said State, reported:

That Congress, by an act of March 2, 1827, granted to the State of Illinois about 300,000 acres of land, being one-half of all the lands *five* miles wide on each side of a canal from Lake Michigan to the head of steamboat navigation on the Illinois river, (to be taken in alternate sections.) That, under the provisions of an act of Congress approved March 20, 1822, granting to said State the right to construct this canal, &c., the State had previously caused an accurate survey to be made by skilful engineers; an estimate of the cost was also made by them, amounting to about $700,000; that in 1829 the President of the United States sent a corps of engineers to resurvey and locate said canal, as well as to make an estimate of its cost. Under these instructions, Doctor Howard and his assistants commenced their operations at Chicago, on Lake Michigan, and progressed in the direction of the Illinois river until they were arrested by an early and unusual fall of snow.

In the progress of said survey, so far as made, which extended from the river Desplaine to the waters of the Illinois river, a distance of 32 miles, they ascertained the fact that the summit level of the country dividing the waters of Lake Michigan from those of the Mississippi river was only twelve feet nine inches above the surface of the lake; and that it only required a cut of ten feet on an average, for three miles, to turn the waters of the lake into the Illinois river; and that, after leaving the lake about fourteen miles, the remainder of the canal to the Illinois river would require nothing more than an excavation of the common soil of a depth necessary for the passage of boats.

It is believed that the original estimate, at $700,000, will fall short of the actual cost, in consequence of its having been ascertained, by the late survey, that a bed of limestone rock is found on the summit level, about four feet below the surface, which, it is thought, will increase the cost of excavation.

By the act of March 2, 1827, the said grant of land was made to the State of Illinois, with full power to sell or dispose of the same without limitation as to time or price, on the condition, however, that the said State, in case of failure to complete the canal within the time stipulated, should repay to the United States the amount of moneys received on sale of said lands.

Under the provisions of this grant, the legislature of the State of Illinois have authorized the sale of these lands, and a portion of them are now advertised for sale.

The committee are satisfied that a sale of these lands, in their present unimproved condition, and before the commencement of the canal, (although they are known to be of a quality equal to any other portion of the State of the same extent,) must result in a great sacrifice, which may defeat the primary object of the grant; and to prevent these injurious consequences, and to carry into effect the object of Congress in making the grant, your committee have reported a bill to change the mode of disposing of

said lands, calculated, in their opinion, as well to protect the United States as to accomplish the original design of assisting the State in the construction of this great national work.

The bill requires said State to relinquish to the United States all its right and title to the lands in the said grant, except the privilege of retaining one-sixteenth part, and such parts as may have been sold, and to receive in lieu thereof scrip, which shall be receivable at any of the land offices in payment for lands within said State, the scrip to be issued at the rate of one dollar and twenty-five cents per acre, to be delivered to the State in the following manner, to wit: fifty thousand dollars after the passage of the act of relinquishment; and, on the exhibition of evidence to the Commissioner of the General Land Office that said sum has been duly applied towards the construction of the canal, fifty thousand dollars more, and so on until the whole sum shall be issued.

By this regulation the United States secure to themselves the faithful application of the moneys as well as the control of the sale of the lands, neither of which objects were provided for in the original grant.

In viewing this canal your committee are deeply impressed with its great national interest Leaving out of view the important fact that it passes exclusively through the lands of the United States, which, for many miles on both sides, have never been offered for sale, they beg to state that it is the shortest and most important link of connexion between the great northern lakes and the Mississippi.

It is a well-known fact that during a portion of the year, owing to low water, other communications are difficult and often impracticable, but at this point no such obstruction is found; for the Mississippi and Illinois rivers are at all times navigable for steamboats, except when obstructed by ice, making an entire and safe communication between the Gulf of Mexico, by way of the lakes, to New York and Quebec.

In time of war this canal will not only be a great convenience, and afford every facility in the defence of the country, but be a certain means of commercial intercourse between the northern and southern States; and when your committee are aware how easily the coastwise trade may be intercepted by any maritime power with whom we may be at war, they cannot forbear to urge the necessity of affording the most efficient aid of the general government for making an internal communication which shall insure an uninterrupted intercouse between the several States, who depend so much for comfort, convenience, defence, and subsistence on each other.

Your committee would not enter into a detailed statement of the whole commercial transactions which might take place, but will only remark that the sugar, rice, cotton, tobacco, and many other commodities of the south would be exchanged for the manufactures and products of the north; and through this channel the States of Illinois, Missouri, and other adjacent States and Territories will at all times be enabled to transmit their inexhaustible stores of minerals, together with their agricultural products, peltry, furs, stone, coal, &c., (the latter article, that is, coal, being found in great abundance on the route of the canal, and on the whole extent of the Illinois river,) to a market.

In concluding this report your committee would remark that, if the United States could be actuated by any such motive as gain in this exchange, the plan proposed by the bill reported is calculated to effect that object; for every fact in the history of canals goes to prove the great improvement in price of all lands through which they pass; and, as the United States will be under no necessity to sell, they will receive the increased value which is inevitable whenever the canal shall be completed.

21st Congress.] No. 849. [1st Session.

LANDS IN FLORIDA PURCHASED BY LAND OFFICERS.

COMMUNICATED TO THE SENATE MAY 5, 1830.

TREASURY DEPARTMENT, *May* 4, 1830.

SIR: In compliance with a resolution of the Senate of the 26th of March, instructing the Secretary of the Treasury to "inform the Senate whether any of the land lately sold in Florida was returned on the survey as swamp land; and whether any of the same has been since ascertained not to be so; and whether the surveyor general or any of his deputies, or other land officers, became the purchasers of any land so returned as swamp, and was not so," I have the honor to transmit a report from the Commissioner of the General Land Office containing all the information in the possession of the department.

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

S. D. INGHAM, *Secretary of the Treasury.*

The Hon. PRESIDENT *of the Senate of the United States.*

TREASURY DEPARTMENT, *General Land Office, April* 30, 1830.

SIR: In reply to the resolution of the Senate of the United States, bearing date the 26th ultimo, in the words following, to wit: "*Resolved*, That the Secretary of the Treasury be requested to inform the Senate whether any of the land lately sold in Florida was returned on the survey as swamp land; and whether any of the same has been since ascertained not to be so; and whether the surveyor general or any of his deputies, or other land officers, became the purchasers of any land so returned as swamp, and was not so," which you have referred to this office, I have the honor to report, that some of the public lands offered for sale at Tallahassee, in February last, have been reported in the surveys as swamp land; this office, however, possesses no evidence that any of the land thus reported was not swamp land. The statement marked A shows that, at the sale alluded to, there were two tracts of land bid off, one by a

deputy surveyor, and the other by a clerk in the office of the surveyor general; which tracts appear from the surveys to be low, wet, and marshy; but the office possesses no evidence that the land is not such as is represented.

At the public sale alluded to, it does not appear that the surveyor general made any purchases, nor does it appear that the officers of the land office bid off any lands that the surveys indicate to be swamp land.

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

GEO. GRAHAM.

Hon. SAMUEL D. INGHAM, *Secretary of the Treasury.*

A.

The following is a list of all the public lands which have been sold to the surveyor or his deputies, or other land officers in the Territory of Florida, from the month of April, 1829, *to March,* 1830, *together with a description of the land, (so far as received at this office,) and the particular occupation of the purchaser, in answer to a resolution of the United States Senate of March* 20, 1830.

Part of section.	In township.	Range.	Surveyed by—	Date and name of purchaser.	Occupation of purchaser.	Description of land purchased.
S. E. qr. 8.....	2 N.	4 E.	T. K. White.....	R. K. Call, May, 1829.. .	Receiver of land office...	Third rate pine land.
8, 9, 18, 19, 20, 33, and 34.	6 N.	7 W.	Hays & Drake.....	R. C. Allen, July, 1829...	Deputy surveyor.....	The description not received in this office.
3, 7, 8, 17, and 20.	2 N.	7 W.	.....do.....	David Thomas, July, 1829.	.....do.....	Not received.
25, 26, and 34...	3 N.					
3, 10, 15, and 17.	4 N.					
36.....	4 N.	7 W.	.....do.....	R. C. Allen, August, 1829.	.....do.....	Not received.
32.....	6 N.					
21.....	1 N.	2 W.	R. D. Harris.....	Romeo Lewis, Aug, 1829.	.....do.....	Not received.
4, 23, and 26....	4 N.	10 W.	Clements & Exum.	R. K. Call, Sept., 1829....	Receiver of land office...	2d and 3d rate land, timber pine and hickory.
24 and 25.....	3 N.	7 W.	Hays & Drake.....	R.W.Williams, Sept., 1829.	Clerk to surveyor.....	Description not received at this office.
30.....	3 N.	6 W.				
1.....	2 N.	1 W.	J. R. Donelson.....	R. C. Allen, Oct., 1829...	Deputy surveyor.....	North part 2d and 3d rate, part swampy and part hickory.
3.....	1 N.	18 W.	Hays & Brown	R. K. Call.....	Receiver of land office...	Third rate pine land.
19...	6 N.	16 W.	John Boyd.....	R. C. Allen, Dec., 1829...	Deputy surveyor.....	
25.....	4 N.	10 W.	Clements & Exum.	R. K. Call, Dec., 1829....	Receiver of land office...	Pine land.
1.....	2 N.	1 W.	J. R. Donelson.....	Same, January, 1830.....	.....do.....	Second rate land, pine and hickory.
21.....	2 S.	28 W.	Clements & Exum.	J. G. Searcy, Feb., 1830..	Clerk surveyor's office ...	Description not received at this office.
11.....	1 S.	5 E.	R. C. Allen.....	Romeo Lewis, Feb., 1830.	Deputy surveyor.....	Second and third rate land, timber pine, oak, cypress, bay, and gum.
10, 11, 14, and 15.	1 S.	5 E.	.....do.....	R. C. Allen, Feb., 1830...	.....do.....	
5, 6, 7, 8, 17, and 18.	4 S.	4 E.	David Thomas.....	David Thomas, Feb., 1830.	.....do.....	Second and third rate land, part low, wet, and swampy, timber pine, oak, cypress, hornbeam, and cabbage land.
20, 29, and 30...	4 S.	4 E.	.....do.....	R. W Williams, Feb., 1830.	Clerk to surveyor.....	Part first rate, part second rate, part low and wet land.
17.....	4 S.	4 E.	. ....do.....	G. W. Ward, Feb., 1830.	Register of land office....	Second rate land, timber pine, and oak.

GENERAL LAND OFFICE, *Washington City, April* 30, 1830.

GEORGE GRAHAM, *Commissioner.*

21ST CONGRESS.] No. 850. [1ST SESSION.

ON AN APPLICATION FOR THE CORRECTION OF AN ERROR IN THE SURVEY OF A TRACT OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 5, 1830.

Mr. HUNT, from the Committee on Public Lands, to whom was referred the petition of Green Prior, reported:

The petitioner states that in July, 1818, he purchased for himself and Peter Prior, now deceased, a certain tract of land in the State of Mississippi, Claiborne county, fractional section 2, township 14, range 5 east, which was said to contain 440 acres, from a Mr. Isham Arther, who had entered the same at two dollars per acre, and had paid one-fourth of the money, when the petitioner, as he represents, purchased Arther's right at an advance of $1,200. In 1822 he completed the payment to the government for 440 acres, and prays that a patent may be issued to him and the heirs of Peter Prior, deceased, of fractional section No. 2, be the quantity more or less.

When the aforesaid Isham Arther made his purchase in 1816, there had been either no survey of the above-mentioned land, or a false survey. There was, however, a plat purporting to represent a survey by which fractional section No. 2 is falsely represented to be bounded north upon the traverse of Big Black

river; and according to the line upon that plat representing the traverse of the river, No. 2 contains the full quantity of land supposed to have been purchased, to wit, 440 acres. But by a true survey made since the purchase, it is ascertained that the river is much further north of the line as laid down upon the above-mentioned plat; and that if fractional section No. 2, which contains 689.50 acres according to that survey, should be extended to the river, it would contain 1,145 acres, and include the whole of section No. 12.

The diagram marked B will exhibit the false plat and the true survey. The papers marked A, C, D, and E, will explain the case at large, and show upon what grounds a patent has been offered to the petitioner.

The committee are of opinion that the petitioner is not entitled to the whole section No. 2, which has been surveyed and laid off since his purchase, by virtue of the payments already made, because neither he nor Isham Arther bought under that survey. If he claims under the above-mentioned plat of survey, which was in existence at the time of his purchase, justice will be done to him if he receives a patent of all the land in No. 2 south of the line upon said plat, representing the Big Black river, and which contains the full quantity of 440 acres, as originally represented.

The committee recommend the following resolution:

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

21st Congress.] No. 851. [1st Session.

FOR PROTECTION TO THE SURVEYORS OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 13, 1830.

To the House of Representatives:

GENTLEMEN: The enclosed documents will present to Congress the necessity of some legislative provision by which to prevent the offences to which they refer. At present it appears that there is no law existing for the punishment of persons guilty of interrupting the public surveyors when engaged in the performance of the trusts confided to them. I suggest, therefore, for your consideration, the propriety of adopting some provision with adequate penalties to meet the case.

ANDREW JACKSON.

MAY 13, 1830.

SURVEYOR'S OFFICE, *Washington, Miss., April* 16, 1830.

SIR: Your letter of the — ultimo, accompanied by my official bond, returned in consequence of not being witnessed, has been received. The omission has been supplied and the bond handed to Mr. Tichenor, as directed, which I presume will be immediately forwarded to you.

A treasury draft for $20,000, enclosed, was delivered to me by the cashier of the bank at Natchez, about one-half the amount of which is already disbursed, and, from the best information I am able to obtain, it will require an additional remittance to meet the demands on this department for surveying now nearly completed, and which is expected shortly to be returned to this office.

Mr. Turner has remained in the office, performing the duties of principal clerk, and will continue only a short time to come. I am under great obligations to him for his assistance and information in relation to the business of the office. Indeed I could not have done well without his aid, in consequence of the great quantity of business that has been executed, and when he leaves I apprehend I shall experience a good deal of embarrassment.

I foresee great difficulties in completing the surveys in the southeastern district. Resistance has already been offered by the Bowies and their accomplices to the public surveyors, as you will perceive by the accompanying extract of a letter from the principal deputy surveyor in that district; and unless some decisive measure is taken by the government to awe or punish those individuals their efforts will become more formidable, and may retard the completion of the surveys for a long time. I consider it of great importance, not only to the general government, but to the people and State of Louisiana, that the public surveys should be completed (in that district particularly) as soon as possible. The spirit for the cultivation of the sugar cane seems now to prevail extensively, and I have no doubt that lands adapted to that culture will find ready sale when brought into market. The season for surveying is now drawing to a close, and before it commences again I hope such aid will be afforded by the government as will enable the surveying to progress without molestation.

I have just received a letter from Mr. Gurley on the subject of some late confirmations of British claims by the register and receiver at St. Helena, in the district east of the island of New Orleans, a copy of which I herewith enclose to you, and have instructed the principal deputy surveyor at Baton Rouge to suspend or decline surveying any of these claims until the matter shall have been submitted for your decision. While on the subject of British claims, I beg leave to ask your attention to the situation of several in this State that come under the denomination of "reported British claims" which were confirmed to *citizens of the United States* by an act of Congress of July 5, 1812. In the public surveying, all the claims of this description were respected, but I am induced to believe there are many of the claimants who were *not* citizens of the United States at the proper date, if at any time, and consequently not entitled to the benefits of that act. Those that occur to my recollection at present are five or six claims of Augustine Provost, and one of the legal representatives of Thomas Durham. They have not taken possession of the land claimed, and there is no mode prescribed by law to test their citizenship. The only one that suggests itself to me is to survey and sell as public land such portions of their claims as have not been regranted.

When I came into office I found that Mr. Turner had previously contracted for the surveying of all the remainder of the Choctaw district lying between the Mississippi and Yazoo rivers and the Indian boundary line. The surveying has progressed until lately, but is now suspended in consequence of high water. The work of several townships has been returned to this office which contain a large proportion of first rate land not subject to inundation. Land in that part of the district is eagerly sought after, and is, as I am informed, rapidly settling by *squatters*. No doubt it will readily sell when prepared and brought into market.

The surveying in the southwestern district is progressing, but has not advanced as rapidly as was desirable; however, some of the difficulties which heretofore retarded the work have been removed, and it may be expected that it will progress more actively. A few townships in the district north of Red River are under contract with Mr. Turner, and I have contracted for the surveying of six or seven townships in that district, said to contain private claims; one of them embraces salt springs which have been worked eighteen years or more, and which are claimed by several individuals. These claims will not be recognized, except to represent them on the township map by dotted lines.

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

JO. DUNBAR, *Surveyor of Public Lands south of Tennessee.*

Hon. GEORGE GRAHAM, *Commissioner of General Land Office, Washington City.*

Extract of a letter from A. F. Rightor, principal deputy surveyor of the southeastern district, Louisiana, to J. Dunbar, surveyor, &c., Washington, dated March 29, 1830.

"SIR: In obedience to an order from H. B. Cenas, the register of this district, I proceeded to survey the claim confirmed to the heirs of Louis de Lahoussaye, but was stopped by Stephen Bowie, saying that he would forcibly prevent the survey. I have been stopped before by James Bowie. I supposed that I could call in the assistance of the marshal to protect the surveyor, and with this expectation I went to New Orleans, and called on the marshal; but, on examination, we found there was no law to authorize him to protect the surveyor. This being the case, the surveys must now stop. The persons holding land under Bowie will never allow the survey of those lands to be made in a manner different from their wishes."

BATON ROUGE, *April* 6, 1830.

SIR: The register and receiver of land titles at St. Helena have issued some seventy or eighty certificates of confirmation of *British claims*, none of which have ever been considered by *their predecessors* or by the government of the United States as having been confirmed.

The certificates refer for their confirmation to the act of the 3d of March, 1819; but it will appear by that law that none were recognized as valid, as it was necessary that it should appear by the report (J. O. Corly's) that they had been sold under the provisions of the treaty of 1783, or actually inhabited and cultivated at its date. This was not the case. It is difficult to imagine a more palpable violation of the act of 1819 than the issuing of these certificates; but as they *have been issued*, the next step will be to have them surveyed: any attempt of this kind I should exceedingly regret at this time. These claims, it is well known, were confiscated by Spain, under the provisions of the treaty of 1783, and applications for their confirmations to Congress have been repeatedly rejected. Much sensation will be, and is already, felt on this subject, and any attempt to survey them would but increase its violence.

Measures are taking to arrest the evil, and my object in addressing you is to apprise you of the fact, and under a confident belief that you possess the power, and, if so, that you will exercise it, to arrest the surveys, unless evidence should be exhibited that they have been sold under the treaty of 1783, or inhabited and cultivated at its date.

My only motive is to do an act of justice to my fellow-citizens on the one hand, and to prevent, if possible, gross injustice on the other.

I shall be happy to hear from you on this interesting subject.

Yours, most respectfully,

H. H. GURLEY.

JOSEPH DUNBAR, Esq.

WASHINGTON, *May* 13, 1830.

SIR: In conformity with the wishes expressed in your note of the 11th, I have carefully examined the laws of the United States, and cannot find that any provision is made to punish aggressions upon the surveyors of the public lands while in the execution of their duty. The urgency of the case demands immediate action; and I would respectfully suggest, that if the case were made the subject of a special message, it would be more promptly attended to than if the law were introduced by a member.

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

EDWARD LIVINGSTON.

The PRESIDENT *of the United States.*

21st Congress.] No. 852. [1st Session.

CLAIMS FOR VIRGINIA MILITARY BOUNTY LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 13, 1830.

Documents accompanying the bill from the Senate entitled "An act for the relief of certain officers and soldiers of the Virginia State line during the revolutionary war."

IN THE SENATE OF THE UNITED STATES, *March* 5, 1830.

Resolved, That the Committee on Public Lands be instructed to inquire into the justice and expediency of authorizing those persons, their heirs or devisees, whose claims to military bounty land, under the acts and resolves of the Virginia legislature, for services rendered during the revolutionary war, remain unsatisfied by reason of the reservations made by Virginia in her compacts with Kentucky and the United States, having proved deficient, to enter their claims on the public lands lying within the States of Ohio, Indiana, and Illinois, which may have heretofore been brought into market and remain unsold, or of making such other provision as reason and equity may seem to require.

Attest: WALTER LOWRIE, *Secretary.*

Resolution of the assembly of Virginia of the 2d of January, 1781, ceding to Congress lands on the northwest side of the Ohio river, under certain conditions and restrictions.

IN THE HOUSE OF DELEGATES, *Tuesday, January* 2, 1781.

The general assembly of Virginia being well satisfied that the happiness, strength, and safety of the United States depend, under Providence, upon the ratification of the articles of the Federal Union between the United States, heretofore proposed by Congress for the consideration of the said States, and preferring the good of their country to every object of smaller importance, do *Resolve*, That this Commonwealth will yield to the Congress of the United States for the benefit of the said United States all right, title, and claim that the said Commonwealth hath to the lands northwest of the river Ohio, upon the following conditions to wit: That the territory so ceded shall be laid out and formed into States containing a suitable extent of territory, and shall not be less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; that the States so formed shall be distinct republican States, and be admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence as the other States; that Virginia shall be allowed and fully reimbursed by the United States her actual expenses in reducing the British posts at the Kaskaskias and St. Vincent's, the expense of maintaining garrisons and supporting civil government there since the reduction of the said posts, and, in general, all the charge she has incurred on account of the country on the northwest side of the Ohio river since the commencement of the present war; that the French and Canadian inhabitants, and other settlers at the Kaskaskias, St. Vincent's, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and shall be protected in the enjoyment of their rights and liberty; for which purpose troops shall be stationed there, at the charge of the United States, to protect them from the encroachments of the British forces at Detroit or elsewhere, unless the events of war shall render it impracticable.

As Colonel George Rogers Clarke planned and executed the secret expedition by which the British posts were reduced, and was promised, if the enterprise succeeded, a liberal gratuity in lands in that country for the officers and soldiers who first marched thither with him, that a quantity of land not exceeding one hundred and fifty thousand acres be allowed and granted to the said officers and soldiers and the other officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio as the majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion according to the laws of Virginia.

That in case the quantity of good lands of the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and the Tennessee river, which have been reserved by law for Virginia troops upon continental establishment, *and upon their own State* establishment, should (from the North Carolina line bearing in further upon the Cumberland lands than was expected) prove insufficient for their legal bounties, the deficiency shall be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States and not reserved for or appropriated to any of the herein before-mentioned purposes or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United American 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; and therefore that all purchases and deeds from any Indian or Indians, or from any Indian nation or nations, for any lands within any part of the said territory which have been or shall be made for the use or benefit of any private person or persons whatsoever, and royal grants within the ceded territory inconsistent with the chartered rights, laws, and customs of Virginia, shall be deemed and declared absolutely void and of no effect in the same manner as if the said territory had still remained subject to and part of the Commonwealth of Virginia

That all the remaining territory of Virginia, included between the Atlantic ocean and the southeast side of the river Ohio, and the Maryland, Pennsylvania, and North Carolina boundaries, shall be guarantied to the Commonwealth of Virginia by the said United States.

That the above cession of territory by Virginia to the United States shall be void and of none effect, unless all the States in the American Union shall ratify the articles of confederation heretofore transmitted by Congress for the consideration of the said States.

Virginia having thus, for the sake of the general good, proposed to cede a great extent of valuable territory to the continent, it is expected in return that every other State in the Union, under similar circumstances as to vacant territory, will make similar cessions of the same to the United States for the general emolument.

Teste: JOHN BECKLEY, *C. H. D.*

January 2, 1781, agreed to by the senate.

WILLIAM DREW, *C. S.*

The foregoing is a true copy of the original resolution filed in this office.

GEORGE W. MUNFORD, *C. H. D.*

JANUARY 12, 1830.

REGISTER'S OFFICE, *February* 2, 1822.

SIR: In obedience to a resolution of the house of delegates of the 22d ultimo requiring the register of the land office to furnish to that house "a statement of the whole amount of acres of land warrants dated before the 1st day of May, 1792, issued for military or naval service upon the State establishment, and also the amount of acres of warrants dated before the 1st day of May, 1792, issued for services in the Virginia line upon continental establishment, and the amount of acres of land warrants dated since the 1st day of May, 1792, issued for service in the Virginia line upon continental establishment, distinguishing the amount of each description," I have the honor to submit the two statements hereto annexed, marked A and B, which furnish the information required as accurately as the records and documents of this office enable me to give it. The statement A embraces the warrants issued prior to the 1st day of May, 1792; and the statement B embraces the warrants issued from the 1st day of May, 1792, inclusive, to the present time; distinguishing the amount of each description of warrants. In some instances warrants have issued in consideration of military services generally, without distinguishing the *line* in which the service was performed, and I am not enabled from any document in this office to ascertain in what line such service was rendered. The amount of warrants issued in relation to which this uncertainty as to the line exists will be found distinguished from others in the statements referred to.

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

WM. G. PENDLETON.

The Hon. SPEAKER *of the House of Delegates.*

A.

Statement showing the amount in acres of Virginia military land warrants issued prior to the 1st day of May, 1792, in consideration of services performed in the revolutionary war.

Year.	Line uncertain.		State line and navy.		Continental line.	
	On acts and resolutions of assembly.	On certificates.	Line.	Navy.	On acts and resolutions of assembly.	On certificates.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
1782	----------	47,666⅔	110,133⅓	----------	10,666⅔	126,689⅓
1783	26,400	11,000	438,488	147,731⅓	23,000	1,615,585⅔
1784	75,500	3,266⅔	210,254⅓	70,032⅓	----------	737,445⅓
1785	2,666⅔	----------	10,467	5,933⅓	----------	80,044⅓
1786	2,666⅔	----------	6,766⅔	24,333⅓	----------	53,233⅓
1787	----------	----------	2,600	16,300	----------	26,065⅔
1788	----------	4,000	9,166⅔	32,066⅔	----------	18,366⅔
1789	----------	2,666⅔	7,966⅔	2,866⅔	----------	6,333⅓
1790	----------	----------	5,777⅓	10,666⅔	----------	17,599¼
1791	----------	----------	10,933⅓	12,000	----------	10,500
1792	----------	----------	100	6,000	6,000	700
	107,253⅓	68,600	812,653⅓	327,930¾	39,666⅔	2,692,563$\frac{5}{12}$
Total	175,853⅓		1,140,583¾		2,732,230$\frac{1}{12}$	

WILLIAM G. PENDLETON, *Register of the Land Office.*

LAND OFFICE, *February* 2, 1822.

B.

Statement showing the amount in acres of Virginia military land warrants issued from May 1, 1792, to February 1, 1822, inclusive, in consideration of services performed in the revolutionary war.

Year.	Line uncertain.		State line and navy.		Continental line.	
	On acts and resolutions of assembly.	On certificates.	Line.	Navy.	On acts and resolutions of assembly.	On certificates.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
1792			6,500			25,244⅓
1793			5,333⅓	200		11,766⅔
1794			6,666⅔	2,766⅔		13,373⅔
1795			3,266⅔	300		32,755⅓
1796			1,300	2,766⅔		46,388⅓
1797						41,652
1798	2,666⅔		676			36,370⅔
1799						38,645
1800			700	200		29,188⅚
1801						24,166⅓
1802						3,833⅓
1803	4,000		300			17,344⅓
1804	4,000					11,066⅔
1805			4,000			14,555
1806						35,920
1807						140,989¼
1808						139,037⅓
1809						91,105⅙
1810						119,456⅓
1811			1,333⅓			55,953⅓
1812			400			33,043⅔
1813			100			39,088
1814						7,888
1815						5,780
1816						773¾
1817						15,816⅔
1818						17,420⅔
1819			200			27,766⅔
1820			100			39,117⅓
1821			300			20,123
1822						1,203½
	10,666⅔		31,176	6,233⅓		1,136,834⅚
Total	10,666⅔		37,409⅓		1,136,834⅚	

WM. G. PENDLETON, *Register of the Land Office.*

LAND OFFICE, *February* 2, 1822.

STATE OF VIRGINIA, *to wit:*

I, William G. Pendleton, register of the land office of the State aforesaid, do hereby certify that the foregoing letter of February 2, 1822, addressed to "the honorable speaker of the house of delegates," and the statements "A" and "B," thereto annexed, are truly copied from a report made by me to the house of delegates of this Commonwealth, at the last session of the general assembly. Given under my [L. S.] hand and seal of office, at the land office in the city of Richmond, on the 23d day of April, 1822.

WM. G. PENDLETON, *Register.*

21ST CONGRESS.] No. 853. [1ST SESSION.

CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 24, 1830.

Mr. PETTIS, from the Committee on Private Land Claims, to whom were referred the petitions of James W. Brannin, Nathaniel Ford, and Charles Hughes, reported:

That it appears from the evidence accompanying the petitions the Spanish government, while they held the Territory of Louisiana, granted to one John Collins six hundred and forty acres of land as a settlement right; that the claim of Collins was confirmed by the United States commissioners; and that, under the act of Congress of 1815, for the relief of the sufferers by earthquakes in New Madrid county,

one John Collins, (who is supposed not to be the original grantee of the tract of land mentioned,) through the agency of Philip Trammell and George C. Hart, procured a *certificate* from the recorder of land titles authorizing a location of other lands. The location was made in Howard county; and after a patent had been issued by the United States, a deed for the lands was regularly executed by the said John Collins to Philip Trammell. Afterwards, in November, 1821, Trammell sold three hundred acres of said tract for $1,500 to James W. Brannin. Brannin alleges and swears that he had no knowledge or suspicion that there was any fraud in procuring the said certificate and patent, the legal chain of title being completed. In August, 1827, Trammell sold to Charles Hughes one hundred and eighty acres of the original tract; and on the 29th of the same month he, Trammell, sold the remaining one hundred and sixty acres to Nathaniel Ford—both for a valuable consideration.

A bill has been lately filed by the United States in the district court of Missouri against Trammell, Brannin, Hughes, and Ford, alleging that the certificate and patent were fraudulently obtained by Trammell and Hart, in the name of Collins; alleging also that the John Collins who obtained the certificate and patent was *not the John Collins* to whom the original grant had been made, and praying a *repeal* of the patent. The defendants all answer separately, under oath, and deny all knowledge of the fraud, if there was any; and the present petitioners swear positively that they purchased of Trammell without any knowledge or notice of any such fraud.

To show the probability of their purchasing without notice of the fraud, the petitioners have exhibited the affidavits of a great number of the most respectable citizens in the neighborhood of the lands, proving that it was generally believed that Trammell's title was good; that there was no suspicion against the title. To corroborate this, evidence is exhibited showing that a suit was instituted against Trammell by some person in the name of John Collins for the same tract of land, on the ground that the Collins who obtained the certificate was not the original grantee, and that he had personated the *real* owner of the lands. This suit was decided in favor of Trammell, which, the petitioners allege, confirmed them in the belief that the title was good.

The committee are of opinion that the John Collins who obtained the certificate and patent was not the original grantee under the Spanish government. They believe that the petitioners purchased *without* knowledge of the fraud; and they think that as the officer of the government, by granting the certificate upon which a patent issued, enabled the said Collins to make sale of the lands to the petitioners, it would now be inequitable and unjust for the government to repeal the patent and destroy the title of the petitioners, especially when they have, under the faith of the title made by the government, purchased these lands at a high price, and made improvements on them of equal value with the lands.

It is the opinion also of a part of the committee that, although it may appear to the court that the petitioners did purchase without notice, still, if there was fraud in thus obtaining the certificate and patent, the court would be compelled to decree that the patent should be repealed.

Believing that it would be unjust and oppressive for the government to take advantage of its own act and the act of its officer, by which the petitioners were deceived and induced to make the purchase, thus to deprive them of their lands, they recommend that the United States relinquish their title to the petitioners. This appears the more reasonable when it is borne in mind that Trammell is insolvent and Collins made a quit-claim deed only, leaving the petitioners without any redress. The committee therefore report a bill.

21ST CONGRESS.] No. 854. [1ST SESSION.

ON THE DISPOSITION OF CERTAIN RESERVATIONS OF LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 24, 1830.

Mr. IRVIN, from the Committee on the Public Lands, to whom was referred the resolution of the House to inquire into the title of sections eight, eleven, twenty-six, and twenty-nine, in the thirteenth township and seventh range, in the Steubenville district, so called, in Ohio, and also into the expediency of making a donation of said sections for the use of common schools in the vicinity, or otherwise disposing of the same, reported:

That, by an ordinance of Congress for ascertaining the mode of disposing of lands in the Western Territory, passed the 20th May, 1785, the four lots or sections numbered 8, 11, 26, 29 are reserved out of every township for the United States, and out of every fractional part of a township so many lots of the same numbers as shall be found thereon for future sale. Lot numbered sixteen of every township was reserved also for the maintenance of public schools within the township.

By a resolution passed the 1st of October, 1787, Congress gave one complete and entire township of land to Arnold Henry Dohrman, subject "to the reservations as in the other townships, agreeably to the ordinance of the 20th of May, 1785, out of the three last ranges surveyed in the Western Territory of the United States," to be selected by the said Dohrman.

By an act of Congress passed the 27th February, 1801, the President of the United States was authorized to issue a patent for the thirteenth township, in the seventh range, to Arnold Henry Dohrman, or his legal representatives, agreeably to a resolution of Congress of the first day of October, in the year 1787. By virtue of the provisions of this act a patent was issued on the 15th day of May, 1801, to William Bayard and William Constable for the above-described township of land, in trust, for the uses and purposes expressed in a deed between the grantees and the said Dohrman. In the patent it is expressly declared that the grant is subject to the reservations provided in and by the act and resolution of Congress above recited.

It is the opinion of the committee that these reserved sections now belong to the United States, and that they ought to be surveyed and sold for the benefit of the government.

The committee are not aware of any good reason why these reserved sections should be given for

the use of common schools in their vicinity. If they should be granted for that purpose, other places would have an equal claim on the bounty of the government, and would feel neglected if their requests of a similar character were not complied with.

As it is entirely within the power of the Commissioner of the General Land Office to have these lands surveyed and sold without any new enactment on the subject, the committee therefore ask to be discharged from the further consideration of the subject.

21st Congress.] No. 855. [1st Session.

RELATING TO SETTLEMENTS ON THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 26, 1830.

TREASURY DEPARTMENT, *May* 25, 1830.

SIR: In compliance with a resolution of the House of Representatives, requesting the Secretary of the Treasury to communicate to the House "copies of any letters or communications to, or papers or documents in, the Land Office, relating to settlements on the public lands, or relating to the proceedings thereon, respecting the settlement or purchase of public lands, or extracts therefrom, which, in his opinion, may with propriety be communicated; also a copy of the communication of the Commissioner of the General Land Office to the President of the United States, dated March 5, 1830, relating to a bill then pending before the Senate," I have the honor to transmit a report from the Commissioner of the General Land Office, with the paper requested.

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

S. D. INGHAM, *Secretary of the Treasury.*

Hon. A. STEVENSON, *Speaker of the House of Representatives.*

TREASURY DEPARTMENT, *General Land Office, May* 25, 1830.

SIR: In obedience to the enclosed resolution of the House of Representatives of this date, in the words following, to wit:

"*Resolved,* That the Secretary of the Treasury be requested to communicate to this House copies of any letters or communications to, or papers or documents in, the Land Office, relating to settlements on the public lands, or relating to the proceedings of the settlers thereon, respecting the settlement or purchase of the public lands, or extracts therefrom, which, in his opinion, may with propriety be communicated; also a copy of the communication of the Commissioner of the General Land Office to the President of the United States, dated March 5, 1830, relating to a bill then pending before the Senate," which you have referred to this office, I have the honor herewith to communicate a copy of the letter of the 5th March last alluded to, together with copies of three letters, one of which was referred from the War Department, now on the files of this office, having reference to the conduct of the settlers on certain public lands in Alabama, papers marked A, B, C, and D, which furnish all the information the records and files of the office afford on the subject of the resolution.

With great respect, your obedient servant,

GEO. GRAHAM.

Hon. SAMUEL D. INGHAM, *Secretary of the Treasury.*

A.

Copy of a letter from the Commissioner of the General Land Office to the President of the United States, on the subject of the bill "to grant pre-emption rights to settlers on the public lands," dated March 5, 1830.

I now submit, in compliance with your request, those observations in relation to a bill passed by the Senate and now pending in the House of Representatives "to grant pre-emption rights to settlers on the public lands" which were heretofore verbally communicated to you.

The 1st section of this act grants to every occupant of the public lands now in possession, and who cultivated any part of it in 1829, any number of acres, not more than 320, to be taken by legal subdivisions. An amendment proposed in the House of Representatives reduces the quantity to 160 acres.

The 3d section of the bill declares that the act shall remain in force for one year from and after its passage. A substitute for this section has been proposed in the House of Representatives, which does away all limitations as to the continuance of the act, and provides only for the mode in which the settlement and improvement shall be proved. These provisions of the act extend to all the public lands, as well those which have not been proclaimed for sale as those which have, and are now subject to entry at the minimum price. With respect to the first description of lands, the effect of the act will be to prevent the Executive from proclaiming for sale, during the continuance of the act, any of the public lands. There being no limitation as to the time when the lands to which the right of pre-emption may accrue shall be paid for, it is to be presumed that Congress intend that payment may be made at any time within the period for which the law may be in force; and again, as the bill authorizes a selection of the land to be

made at the option of the occupant in four legal subdivisions, as passed by the Senate, and in two of such subdivisions as proposed by the amendment in the House, it results that the occupant, taking his improvement as a centre, would have the privilege of making his selections, in the first instance, from 49 of such legal subdivisions, equal to 3,920 acres; and in the second instance, from nine of such legal subdivisions, equal to 720 acres. The practical difficulty, therefore, of bringing those lands into market until the pre-emption rights shall have been adjusted, would be such as to deter the Executive from the attempt, independent of that respect which would be due to the presumed intentions of the legislature. In fact, the sale of the public lands, proclaimed previous to the introduction of this bill, has been postponed in consequence of its passage by the Senate.

With respect to the second description of lands, viz: those which have been offered at public sale, and are now subject to entry at the minimum price, the settlers on which are very numerous, the effect of the provisions of the bill, if it become a law, will necessarily be to produce embarrassment, and prevent to a great extent the purchase of the public lands at private entry by those emigrants who are able and would be willing to buy; because, as the right of selection in each occupant, in 1829, would extend to a tract embracing 720, or, perhaps, 3,920 acres, lying in every direction around his improvement, it would be unsafe for a purchaser to enter any portion of this land until the occupant had entered and paid for his pre-emption. Agreeably to the 3d section of the bill, as proposed to be amended in the House, this period for payment is unlimited; by the bill as passed in the Senate, it is necessarily limited to twelve months after the passage of the act. It is, however, probable that but few of the present occupants of this description of lands will make payment under the act within the period last referred to. So far as these occupants have the means of purchasing, they can now enter the land occupied at the minimum price; to the wealthy occupant it is presumed Congress have no desire to extend gratuitous favors. If the poorer occupants have not the present means of paying for 80 acres of land, it is not to be expected that in twelve months they would, generally, have the means of paying for *one hundred and sixty* or *three hundred and twenty* acres, as the case may be; but, encouraged by the provisions of the proposed act, they will aspire to the purchase, ultimately, of the maximum quantity allowed by the law, and being unable to make payment within the time limited, will petition for a further indulgence as to time, and will consider themselves as debtors to the government for the amount of the purchase money of the maximum quantity of land to which the pre-emption right may extend; thus the credit system, which has been abolished with the general consent of the nation, (and a debt incurred by individuals of sixteen or seventeen millions of dollars has been liquidated by allowances for discounts and the relinquishment of a portion of the lands purchased,) will again be revived, and under more unfavorable circumstances than it originally existed.

The real effects of the provisions of this bill, if matured into a law, will probably extend very much beyond its present limitations.

The emigrant to the States and Territories in which the public lands lie, possessing the disposition and the means to purchase, but embarrassed in his selection by the privileges granted to those persons claiming pre-emptions by mere rights of occupancy in 1829; and perceiving no possible reason why the individual who took possession of the public lands in 1829, should have a better claim on the indulgence of the government than he who should settle on the public lands in 1830, will of course defer his purchase, settle down on the public lands, and petition Congress for all those rights, privileges, and indulgences, which had or might be extended to the settler on the public lands in 1829. It does not require the spirit of prophecy to foretell that a system for the disposition of the public domain, founded on the principles embraced in the bill above referred to, would in a short period arrest the regular *sales* of the public lands, and throw those lands into the hands of the occupants who would pay for them only when covenient, if at all.

All which is respectfully submitted.

GEORGE GRAHAM.

B.

STATE OF ALABAMA, *April* 14, 1830.

SIR: I take the liberty to inform you of an outrage that is perpetrated in this county against the laws of the United States and the peaceable and good citizens thereof. There are five valuable townships of public land in this (the Cahaba) district that are now offered for sale by the President's proclamation on the fourth Monday in May. This land is thickly populated by farmers, as wealthy, in the general, as any part of South Alabama. The citizens occupying this land, together with a few others, have held a meeting or convention, and entered into written and solemn resolutions to prevent all, and every person whatsoever, from viewing or exploring the land previous to the day of sale. They have pledged themselves to do this by force of arms. They have further resolved, for one individual in each township to bid off the whole of the land that they or any of their body may wish to buy, and the balance of their company to be armed with their rifles and muskets before the land office door, and shoot instantly any man that may bid for any land that they want.

In pursuance of these resolutions, a number of men who wish to buy farms of this land have been met by companies of armed men and driven from the townships. They have surrounded a house (where three men had put up) at the hour of twelve at night, and compelled the landlord to drive them off.

In consequence of the large body that is united, and their determined violence, they have, and will keep every individual from examining or buying the land, and, unless the public authority interpose, a man will not, unless he joins their mob, be safe in entering any land after the sale. They have resolved, that inasmuch as Congress has refused to give them pre-emption rights at the minimum price, to obtain those rights by the force of arms. As public sentiment in Alabama is so strong in favor of pre-emption rights, I do not believe that this proceeding will be noticed by public authority, inasmuch as it is to the interest of the State for the land to sell at a low price.

These five townships constitute what is known in Alabama by the Big Cane Brake; it is the best body of land by far in South Alabama, and would sell in a fair market at from $5 to $10 per acre.

I make this statement to you, sir, and if you conceive the matter to be an object that should be noticed by you or the government, it can and will be vouched for by hundreds of individuals of as good standing as any in Alabama.

Your humble and most obedient servant,

JABEZ CURRY.

Hon. JOHN H. EATON, *Secretary of War.*

C.

ALABAMA, *April* 22, 1830.

SIR: I feel it my duty to inform you, and through you the President, if you may deem it necessary, of a transaction that has taken place on the public land, in the Cahaba district, that is now advertised for sale. The five townships that are advertised to be sold at Cahaba on the fourth Monday in May constitute a body of as rich and as valuable land as any in the southern part of the State. This land is mostly all occupied, and by men, in the general, as wealthy as in the adjoining townships. These men, or a large majority of them, have held meetings, and entered into written resolutions, the object of which is to obtain the land at the minimum price by putting down competition by the force of arms. They have resolved to prohibit every person, except the present occupants, from viewing the land or taking the numbers; they have elected a man in each township to bid off the land, and the rest are pledged to be at the register's office at the sale armed, and shoot any man that may bid against them.

They have raised a fund, by subscription, to defray any expenses that they may incur in thus violating the law. They set forth that the government has refused to answer their prayers by giving them pre-emption rights, and that they are now determined to have the land at $1 25 per acre, or sacrifice their lives. Under these resolutions they have, by the force of arms, driven every man off from the land that had attempted to examine it; a number of men who wish to obtain settlements in these townships are kept from getting the numbers of the land by their threats. Three men who had gone on the land in the morning, and examined it during the day, put up at a private house at night; about midnight a company of thirty or more armed men surrounded the house for the purpose of taking their numbers from them, and driving them off from the public land; the landlord did or could not protect them; they were compelled, at that hour of the night, to leave the place, or have their lives taken.

The general opinion is, sir, that these men will murder any man or set of men who bid for this land against their body.

I have ridden through this body of land in two directions, and from what I have seen, and its general character, I believe it would sell in a fair market at from four to seven dollars per acre generally.

Your obedient servant,

EDWARD HARPER.

Hon. GEORGE GRAHAM.

D.

STATE OF ALABAMA, *April* 9, 1830.

SIR: I take the liberty to inform you of a transaction that has taken place on the five townships of land in the Cahaba district that is advertised for sale on the fourth Monday in May. These townships are densely populated, and by farmers, in the general, as wealthy as any section in South Alabama. They have held a meeting or convention, and entered into written and solemn resolutions to prevent, by the force of arms, every person from viewing or examining the land that they or any of their body may wish to buy. They have nominated an individual in each township to bid off the whole of the land. At the same time the rest of their body are to be armed, and shoot any man that may bid or attempt to bid for any land they may wish to buy. In pursuance of these resolutions, a number of individuals, myself among the number, who wish to buy farms in these townships, have been, by the force of arms, driven off from examining the land. The state of excitement now is such that any man who would attempt to follow the section lines would be immediately shot. More than a hundred men are combined in this company. Unless some means are taken to restrain these men they will effect their object. As the State authorities are so clamorous about settlers' claims, I doubt whether they will interfere. These statements can be vouched for by hundreds of individuals.

Your obedient servant,

JABEZ CURRY.

Hon. GEORGE GRAHAM.

21ST CONGRESS.] No. 856. [1ST SESSION.

ON SALE OF CERTAIN TOWN AND VILLAGE LOTS IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 27, 1830.

Mr. PETTIS, from the Committee on Private Land Claims, to whom was referred the petition of the trustees of the city of St. Louis, reported:

It appears from the act of Congress of the 13th June, 1812, entitled "An act making further provisions for settling the claims to land in the Territory of Missouri," it was provided that "all town or village lots, out lots, or common field lots, not rightfully owned or claimed by some individuals, or held as commons of certain villages, should be reserved for the support of schools in said towns or villages respectively." It appears also, from the petition of the trustees of the city of St. Louis, that there are various lots of ground in said city coming within the provisions of the act of Congress; and that the said trustees are, by a law of the late Territory of Missouri, intrusted with the management of said lots for the support of schools. The said trustees represent that these lots of land are wholly unavailable, because no authority exists for making sales of said lots. They ask that this power may be conferred by act of Congress.

Your committee are of opinion that a sale should be authorized, because unimproved lots cannot readily be leased; but they are of opinion that the title should be vested in the State of Missouri, for the purposes of the grant. They think this the proper course, inasmuch as the city of St. Louis has been regularly incorporated, and to grant the title to the trustees might produce some difficulties with the city authorities. They therefore report a bill transferring the legal title in these lots to the State to be sold and managed in such mode as the laws of the State may direct.

21st Congress.] No. 857. [1st Session.

ON CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 27, 1830.

Mr. Pettis, from the Committee on Private Land Claims, to whom was referred the petition of Obediah Dickerson, and other citizens of Missouri, reported:

The petitioner asks to be confirmed in his title to a tract of four hundred acres of land, surveyed and located by virtue of a New Madrid certificate.

It appears that by virtue of the act of Congress of February 17, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Territory of Missouri, who suffered by earthquakes," the recorder of land titles, an officer of the United States government, granted to Rezin Bowrie a certificate for four hundred acres of land. This certificate was transferred to one Charles Lucas, the land by him located and surveyed, and afterwards sold to the said Dickerson; and the said Dickerson has caused a town to be laid off on said tract, and has sold out a great number of lots, which have been improved, the citizens of the town believing, no doubt, that the title was good. The said Dickerson, it is believed, had every reason to suppose that the title was good. The Commissioner of the General Land Office refuses to issue a patent for said tract of land on the alleged ground that the said Charles Lucas had received patents under said act of Congress for five hundred and ten acres, and issues a patent for only one hundred and thirty acres. The committee apprehend that there is a mistake on the part of the Commissioner, and that unless it should appear that Rezin Bowrie, or those claiming under him, had already received the quantity of six hundred and forty acres of land, that a patent should issue on this certificate for four hundred acres, or so much as may still remain to be confirmed to the said Rezin Bowrie of the quantity of six hundred and forty acres to which the said Bowrie was entitled under the said recited act of Congress. The committee have no hesitation in saying that, under said act, the said Bowrie, who relinquished his lands in New Madrid, was and is entitled to six hundred and forty acres of land, and that unless it appear that said Bowrie, or those claiming under him, has already received the said quantity of six hundred and forty acres, which the committee understand he has not, the patent should issue for this tract. The committee consider the government bound by the act of its own officer, unless fraud should exist, or unless that officer exceeded his authority. Neither of these grounds is pretended. They think it immaterial whether the said Lucas has or has not received patents for the quantity of lands mentioned, unless it should appear that he claimed for those patented under the said Bowrie. They therefore report a bill.

21st Congress.] No. 858. [1st Session.

STATEMENT OF THE WHOLE QUANTITY OF LAND GRANTED TO THE SEVERAL STATES FOR CERTAIN OBJECTS.

COMMUNICATED TO THE SENATE MAY 31, 1830.

To the Senate of the United States:

I submit herewith a report from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of March 3, 1829.

ANDREW JACKSON.

Washington, *May* 29, 1830.

Treasury Department, *May* 28, 1830.

Sir: In the fulfilment of your directions, under a resolution of the Senate of the 3d of March, 1829, requesting "the President of the United States to cause to be laid before the Senate at the commencement of the next session of Congress a detailed statement of the whole quantity of the public lands appropriated by Congress to the several States, with the objects of such appropriations; and also a detailed statement of the amount of disbursements made by the United States within the several States; and also the amount of exports (as nearly as the same can be ascertained) from the commencement of

the government to the year 1828," I have the honor to submit the accompanying report and statements, marked A, B, and C;* the former prepared by the Commissioner of the General Land Office, the others by the Register of the Treasury.

The cause which has prevented an earlier report on this subject is stated in the letter of the Register.

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

S. D. INGHAM, *Secretary of the Treasury.*

The PRESIDENT *of the United States.*

A.

Statement of the lands appropriated by Congress for specific objects within the several States, and showing the proceeds of the three per cent. fund; made in obedience to a resolution of the Senate passed March 3, 1829.

States.	Lands granted for the seat of government.	Lands reserved for salines	Lands appropriated to support colleges and academies.	The 1-36th part of the public lands, exclusive of reservations made to Indians, appropriated to support common schools.	Lands appropriated to aid in the construction of roads and canals.	Aggregate of the foregoing appropriations for each State.	Amount of the fund of 3 per cent. on the net proceeds of the sales of public lands applicable to various objects within the State, to December 31, 1828.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	
Ohio	----------	23,680.00	69,120	677,465.16	1,006,137.45	1,776,402.61	$324,183 67
Indiana	2,560.00	23,040.00	50,240	475,667.13	355,200.00	906,707.13	115,067 48
Illinois	2,560.00	121,629.68	46,080	819,923.96	480,000.00	1,470,193.64	21,273 56
Missouri	2,449.86	46,080.00	46,080	1,086,639.41	----------	1,181,249.27	27,943 85
Mississippi	1,280.00	----------	46,080	394,123.72	----------	441,483.72	30,291 38
Alabama	1,620.00	23,040.00	46,560	680,059.99	400,000.00	1,151,279.99	75,872 44
Louisiana	----------	----------	46,080	873,981.66	----------	920,061.66	†16,284 29
Aggregates	10,469.86	237,469.68	350,240	5,007,861.03	2,241,337 45	7,847,378.02	610,916 67

	Acres.
Aggregate of the appropriations to the several States, as above stated	7,847,378.02
Donation of one township of land to the Kentucky asylum for teaching the deaf and dumb	23,040.00
Donation of one township of land to the Connecticut asylum for the same object	23,040.00
By the act of Congress of April 18, 1806, the United States cede to the State of Tennessee all the lands north and east of a line "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 7th 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 1783;) 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 of the State of Tennessee;" appropriating, within the limits of the cession, 100,000 acres for two colleges, one in East and one in West Tennessee; and 100,000 acres for the use of academies, one in each county, to be established by the legislature of the State; and also 640 acres to every six miles square in the territory thereby ceded, where existing claims will allow the same for the use of schools (This office possesses no means of estimating the *unappropriated* lands thus granted.)	200,000.00
Grand total	8,093,458.02

GEO GRAHAM, *Commissioner.*

TREASURY DEPARTMENT, *General Land Office, December*, 1829.

* For statements B and C see "Finances" and "Commerce and Navigation."

† Amount of five per centum reserved to Louisiana for making public roads and levees.

21ST CONGRESS.] No. 859. [2d 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 7, 1830.

TREASURY DEPARTMENT, *December* 3, 1830.

SIR: I have the honor to lay before you a report, in duplicate, from the Commissioner of the General Land Office.

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

S. D. INGHAM, *Secretary of the Treasury.*

The PRESIDENT *of the United States.*

GENERAL LAND OFFICE, *November* 30, 1830.

SIR: I have the honor to submit to your examination, and for the consideration of the government, the following report of the operations of this office during the last year. The periods to which the quarterly accounts of the several receivers of public moneys have been returned and adjusted, with the balances remaining in the hands of each at the respective dates of their last monthly returns, will appear from the statement hereunto annexed, marked A. The accompanying document, marked B, exhibits the quantity of land sold; the amount of purchase money received under the cash and credit systems, respectively; the aggregate of receipts, and the amount in forfeited land stock, together with the amount of cash paid into the treasury by the receivers, after deducting the incidental expenses during the year 1829, and for the first two quarters of the year 1830. A schedule of forfeited land stock issued and received at the several land offices under the provisions of the acts of May 23, 1828, and March 31, 1830, is also appended, marked C, showing the amount issued and received at each office in the years 1828, 1829, and the first two quarters of 1830, with their respective totals.

The annexed statement, marked D, has been prepared to show the progressive increase of sales of public lands under the cash system from its commencement, on the 1st of July, 1820, to the end of the year 1829. It exhibits the quantity sold at the several land offices in each year, with the aggregate amount at each office during that period, as also the whole amount sold in each year in the several States and Territories, together with the total amount in each year, the total amount in each State and Territory, with the grand total.

The surveys of the public lands during the present year have not advanced to the extent desired, in consequence of no appropriation having been made for that purpose at the last session of Congress. At the commencement of the year there remained on hand the sum of eighty-four thousand dollars of previous appropriations, a considerable portion of which was required to meet the balances due for surveys in the year 1829. To meet the expenses of surveys made in the present year, and those which will be required for 1831, an appropriation of one hundred and fifty thousand dollars is respectfully recommended.

While the surveys of all those lands in Indiana to which the Indian title has been extinguished have been completed, with the exception of about forty townships situate in the northeast angle of the State, which will soon be put under contract, those in Michigan have progressed as rapidly as the means furnished by the government would admit. All south of Grand river, together with about sixty townships north of that stream, will be surveyed in the course of the next spring, embracing that section of country to which the tide of emigration has recently tended. The extinguishment of the Indian title to the remainder of the territory north of Grand river, and to that portion of Indiana yet in possession of the Indians, in all about 12,000,000 acres, would increase the inducements to emigration and settlement, and materially advance the growth and prosperity of that State and Territory.

In the States of Illinois and Missouri, and the Territory of Arkansas, surveys have been made to an extent equal to the present demand. Those in Louisiana have hitherto been much retarded by the interference of numerous private claims to some of the most valuable portions of the State which must be surveyed in connexion with the public lands. Great efforts have been made to overcome these embarrassments, and it is expected that the surveying department will direct its first attention to those sections of the country where the demand for public lands is the greatest. In the State of Mississippi there remain to be surveyed about 460,000 acres of the lands acquired of the Choctaws by the treaty of the 18th of October, 1820, and forty-six townships south of the 31st degree of north latitude.

The surveys in Alabama have progressed as rapidly as the public interest required, while those of Florida are advancing from the Suwannee and south of St. Mary's river to the Atlantic, and will progress southwardly down the peninsula. Public considerations seem to require that the surveys in that Territory should be prosecuted with unremitting energy, that its resources may be more fully developed and the public lands exposed to sale and opened to private entry.

To accommodate the purchasers of public lands, and to promote the settlement of those sections of the country to which great numbers of emigrants have been directed by that adventurous spirit of enterprise peculiar to those who first open the wilderness and form the frontier settlements, a new land district is required in Indiana to embrace the territory included in the following limits, to wit: commencing at that point on the Tippecanoe river where the boundary line established by the treaty of the Wabash, October 16, 1826, intersects that river; thence, with said boundary, to its intersection with the range line dividing ranges seven and eight east; thence north to the northern boundary of the State; thence west, with the line of that northern boundary, to the northeast corner of Illinois; thence south to a point due west of the first call; and thence due east to the place of beginning; and that the land office therein be located at some eligible and convenient point by the President. A modification of the districts in Michigan is also required by the same policy, so as to form the Territory into two districts, eastern and western, by the principal meridian; the land office of the western district to be located by the President

on Pigeon prairie, or at some other more eligible point on the Saint Joseph's of Lake Michigan. That tract of country acquired under the treaty with the Pottawatomies concluded on the 20th of September, 1828, called the Elkheart country, having been surveyed, has not yet been attached to any land district, and cannot therefore be brought into market. If no new land district should be organized in Indiana, as above proposed, it is respectfully recommended that the Elkheart country situate in that State be annexed to the district of Fort Wayne.

It is also recommended, on public considerations equally important, that so much of the State of Illinois as lies between the Illinois and Mississippi rivers, bounded on the south by the base line, on the north by the northern boundary of that State, and on the extreme east by the third principal meridian, be formed into a separate land district, the office of which to be located where it will best accommodate purchasers and others, by the President; and that another district be also formed in that State, on the north of the dividing line between townships twenty-one and twenty-two, north of the base line, and east of the third principal meridian, including all that part of the State to its northern boundary; the office for which to be located by the President, where the public interest and the convenience of purchasers may require. An annual increase of the sale of public lands of sixteen thousand acres, at the interest of six per cent., will defray the expenses of a new office; and it is believed that the three additional offices herein proposed will add to the yearly sales more than one hundred thousand acres, and probably more than double that quantity. When settlers are compelled to travel more than one hundred miles to enter lands, they will appeal to Congress for pre-emption rights rather than incur the fatigue and expense of a journey to that extent through a trackless wilderness.

The most valuable of these lands, appropriated in Ohio to satisfy warrants issued by the United States for services during the revolutionary war, have long since been located, leaving about thirty thousand acres of very inferior quality—an amount greatly inadequate to satisfy the outstanding warrants. The act of the 30th May last, authorizing scrip to issue in satisfaction of such unlocated warrants, supersedes the necessity of any longer holding those lands in reserve for such purpose, as very few, if any, warrants will hereafter be located in that district. Complaints have often been made to this office, by those who hold lands there under patent, that their own lands have been greatly lessened in value in consequence of vast quantities of timber having been cut and removed from those vacant and unlocated. This evil will probably continue to exist so long as these lands remain subject to location under military warrants. It is, therefore, respectfully submitted that the time has now arrived when the government can, with propriety, close all locations in that district, without any injury to those for whose benefit it was originally reserved, and subject the vacant lands therein to sale and private entry.

The execution of the act of the 29th May, 1830, granting pre-emption rights to settlers on the public lands, has been attended with considerable difficulty, and some embarrassment to this office and at the several land offices. As the registers could not officially know who would claim the privilege granted by the law until it was asserted with the requisite proofs, there was no alternative between a suspension of the ordinary private entries and sales during the period limited for the operation of that act, and permitting the sales to progress, at the risk of interfering with the rights of the occupant. As the law did not contemplate a suspension of the public sales, it was believed not to be intended so to operate as to prevent private entries; and instructions were accordingly given to continue the latter, under such precautionary regulations as were calculated to prevent any improper interference with the rights of pre-emption. The expediency of granting such privileges may well be questioned, when it leads to a course of speculations founded exclusively upon the gracious liberality of the government, inconsistent with the public interest. In numerous cases, the occupants dispose of the advantages thus acquired by law to less fortunate individuals, at a profitable advance, with a view of making a settlement elsewhere, in anticipation of another similar speculation at a future day. It is, therefore, respectfully suggested, as the better policy, to progress with the public surveys, in all the States and organized Territories in which the unsurveyed public domain is situated, as rapidly as can be done with propriety and accuracy, and bring the lands into market as soon as convenience will permit; leaving intruders and trespassers to the local tribunals of justice for such relief as they may be entitled to on any principle of legal right or equitable jurisdiction.

In submitting this annual report, I deem it proper, as a public duty, to advise the government of the present condition of the office, its arrears of business, the embarrassments under which it labors, and the improvements and provisions which are considered necessary to its proper and efficient organization, and which are believed to be indispensable to the prompt and faithful discharge of its duties.

In the year 1827 the number of clerks was reduced from twenty-four to eighteen, including the draughtsman, under an erroneous impression that the latter number was sufficient for the public service. Since that time the business of the office has greatly increased and accumulated, until, with its diminished assistance, its arrears have become a serious impediment to the facilities of its operation, and of considerable injury, by delay, to the private interests of individuals. The numerous legislative enactments in relation to the public lands, and to private claims thereto, since the year 1820, and especially the several relief laws of 1821, 1822, 1823, 1824, 1826, 1828, and 1830, some of them of complicated provisions, have required for their execution an increased annual amount of labor in this office, equal to that of any previous year since its first organization. As most of those laws were limited in their duration, the rights intended to be secured, and the privileges granted by them, would have been unavailing to the parties interested, without an immediate attention to their execution and administration. To enable the purchasers of public lands, and others, therefore, to realize the benefits contemplated by those laws, it became necessary for this office to neglect, for the time, much of its ordinary business, to discharge the more pressing duties which were thereby imposed upon it. A land debt which, on the passage of the first relief law, in March, 1821, amounted to nearly twenty-two millions of dollars, has been liquidated, and the heavy embarrassments which it created have ceased to impede the growth and prosperity of those sections of the country where it originated. To accomplish this object, so desirable and important to the western and southwestern States and Territories, a considerable portion of the regular current business of the office was superseded, and, from necessity, has been suffered to accumulate, undisposed of, to the present time. These arrears may be classed under the respective heads of *private land claims, military bounty lands,* and *public lands.*

1. PRIVATE LAND CLAIMS.

There are at this time more than five hundred private land claims, the papers and documents of which have not been collated and prepared for decision; and which, even if they should all be found admissible,

will require the labor of fifteen months of the present force of the office assigned for that service to examine with that fidelity and impartiality which the circumstances of each case may merit, and to write and record the patents for the same. This number, it is expected, will increase as the public surveys progress. More than fifteen thousand of these claims, which have been confirmed, have not yet been presented for patents; and of this number, from three thousand to four thousand may be expected to come in in the course of the ensuing year.—(See document marked E, hereto annexed.) The total number reported to this office exceeds twenty-eight thousand. The indexing of the names of *original claimants* being wholly in arrears, together with the names of about fifteen thousand *present claimants*, the labor necessary to perform this duty will occupy the time of a competent person, acquainted with the subject, nearly three years. For a more detailed view of these arrears, reference is made to the annexed schedule, marked F

Many of the original reports of the Commissioners confirming private land claims are much worn and injured by daily reference and use, and it will soon be necessary to have them accurately transcribed, to preserve the original documents of so much importance to the security of land titles, and to prevent a recourse to them on ordinary occasions. The time which would be necessarily employed by one person in transcribing these reports would be about four years.

2. MILITARY BOUNTY LANDS.

More than four hundred cases of surveys under Virginia military warrants are now on file in the office to be examined or re-examined, and patented, if the papers should be found sufficient, requiring the labor of eighteen months of all the force heretofore detailed for such service. A large portion of these cases were suspended under the provisions of the law of May 20, 1826, and will probably be entitled to patent under the recent act of April 23, 1830; in addition to which, information has lately been received that surveys under such warrants, at this time remaining of record in the surveyor's office at Chilicothe, which will soon be presented for patent, exceed one thousand. The labor of examination, and of writing and recording the patents in such cases, has greatly increased within a few years by reason of the fractions of warrants on which the surveys are founded, the numerous calls and courses and distances recited in the surveys, and the consequent tedious investigation of title. Many of the patents occupy a close written sheet of thirty by fifteen inches, and some of them both sides of the same.

The old war office registry of warrants and surveys patented, a book which was transferred to this office in the year 1812, has been in constant use between thirty and forty years, and is now so much worn and defaced as to render a renewal necessary as soon as practicable; which, from the labor of examining papers on file, would occupy the time of one person, with the aid of such information as can be supplied from the principal surveyor at Chilicothe, nearly two years.

This office has no alphabetical index of the names of persons to whom land warrants have been issued by the United States for revolutionary services, and patents granted therefor. A suitable book was provided for that purpose many years ago, but the work has not been executed for want of sufficient aid. The information which such an index would readily afford is now obtained by an examination both tedious and laborious, and not unfrequently requiring three or four hours in particular cases. An industrious, competent person would make it out in eight months. A general index of the names of warrantees of bounty lands for services during the late war is now necessary, and will soon become indispensable. Six months' time for one person will be required to perform that service.

3. PUBLIC LANDS.

The arrears under this head have accumulated to such an extent as to become a source of great public inconvenience, and occasion such delays as in many instances to produce private injury. The arrears of patents to be issued at this time exceed *twenty-six thousand*, and the number is constantly increasing, as the monthly returns of certificates of purchase and the receivers' receipts exceed the ability of the office, with the usual force detailed for that duty, to supply with patents. At a moderate estimate, the annual demand for patents for sales of the public lands will not be less than 15,000, while not more than 10,000 can be written, recorded, and compared with the documents on which they are founded, and issued from the office, with the means now furnished for that service. To bring up these arrears would require the constant employment of five clerks for more than two and one-half years.

The indexing of the names of patentees of purchased lands, in consequence of more pressing duties, has been suspended for the last nine years, and in numerous cases is the cause of much delay in transacting this branch of the current business of the office. It is estimated that the labor of four clerks for one year would be required to complete it. The indexes of assignments of purchased lands have also been neglected since the year 1824, as the exigencies of other duties would not admit of their being continued. It is not considered of much importance to the government that these last-named indexes should be completed, but the frequent calls for transcripts of records and copies of papers in these cases, to be used in the investigation of legal titles in courts of justice, if such requisitions are to be complied with, render it necessary. Should it be deemed expedient to complete these indexes, one clerk would be industriously employed three years to finish the work, as the very numerous files of title papers, surrendered under the several relief laws which have been passed since 1820, would have to be carefully examined.

It may be also stated, as a source of embarrassment to the prompt discharge of the ordinary duties of the office, that, in addition to these arrears, and others not enumerated, the deficiency of the necessary indexes, and a very voluminous correspondence, arising from the daily applications for information not strictly connected with the public business, requisitions are constantly made for exemplifications of records and copies of title papers on which patents have been issued, either to supply the loss of the orignals or to be used as evidence in the due administration of justice. The promptness with which these documents are required to be furnished, and in most cases the necessity of an immediate compliance with the demand, occasions a serious interruption of the regular routine of office duty, and frequently produces delays inconvenient if not injurious to the public service. So numerous are these applications, that it has now become a matter of strong necessity, under the present organization of the office, to appropriate the time and services of one clerk at least to the performance of that duty.

To bring up these arrears as speedily as convenience will admit, and at the same time keep up the current business of the office, is of the most pressing importance, and manifestly indispensable. From a

particular examination of the subject, it is estimated that with *ten additional clerks* this object cannot be accomplished in less time than three years, even if no new and additional duties should be required by congressional legislation, at the close of which period, it is believed, the ordinary current duties will have increased to an extent equal to, if not beyond, the ability of the office to execute. With this accession of aid there may be advantageously assigned to four clerks the business of private land claims; to four, that of military bounty lands; to seven, keeping and adjusting the accounts and registering the sales of public lands; to eight, writing, recording, comparing, and issuing patents for public lands; leaving the chief clerk, with two assistants, as recorders, to discharge the various other and miscellaneous duties not included under any of the heads above named.

With such an organization of the office and assignment of its duties, the bureau of the *chief clerk* would be charged, under the direction of the Commissioner, with a general review and superintendence of the others; with recording and transmitting all commissions to land officers, surveyors, and others who may receive subordinate appointments, and the registry of their bonds; the preparing and recording all proclamations of sales of public lands, and all orders and instructions in relation thereto and connected therewith; with preparing the blank forms of the office, and the instructions accompanying the same, with the explanations thereof; with superintending the printing for the office, and the purchasing of parchments and other stationery therefor; with preparing and recording the correspondence with the several land officers and surveyors in relation to their respective duties, and the miscellaneous correspondence, and generally with all the other duties not specifically assigned to the other branches.

The bureau of *private land claims* would be required to collate and examine the title papers on which those claims are founded, and to compare them with the private surveys and township plats; to write, record, and compare with the original papers, and issue the patents therefor; to issue certificates of title to lands reserved to Indians, and patents for the same when sold under the sanction of the President; to prepare and register the incidental correspondence; to complete and continue the indexes to the several books of record, and as fast as practicable to bring up the arrears of this branch of the office.

It would be the duty of those charged with the business of *military bounty lands* to examine the title papers in all cases under warrants and surveys of Virginia military lands, of the continental line, and under warrants issued by the United States for revolutionary services and for services during the late war; all cases of exchanged military bounty lands of the late war, and to write, record, and compare with the evidence of title, and issue the patents therefor; to examine and prepare the papers in all cases of military bounty lands for which scrip is required to be issued; to prepare and record the incidental correspondence connected therewith; to complete and continue the indexes to the several books of record, and to bring up the present arrears.

The bureau of *accounts* and the *registry of sales* of public lands would be charged with keeping the accounts of all the fiscal operations of the office connected with the sales of the public lands; adjusting (auditing) the quarterly accounts of the receivers of public moneys and surveyors, and reporting the same to the First Comptroller of the Treasury; recording all sales, and preparing the certificates of purchase for patent, and comparing the same with the entries on the tract books and township plats, the whole embracing a range of duties, although not precisely the same, yet in magnitude of labor nearly equal to those of the registers and receivers of the forty-two land offices; with continuing the numerical indexes of lands subject to private entry; preparing and registering the incidental correspondence, and with bringing up this branch of the present arrears.

Those having charge of the office of *patents* would be required to write, record, and compare with the certificates of purchase all patents for public lands sold; to prepare and record lists of patents forwarded to the several land offices, and attend to the transmission of the same; complete and continue the indexes to the records of patents, and, as time and opportunity permit, to bring up the arrears which have accumulated.

Besides the duties above enumerated, there are others common to all these branches, such as making out exemplifications of records and copies of title papers and other documents; preparing statements of the annual operations of the office and others, in compliance with the requisitions of the President and the Secretary of the Treasury, and on the calls of Congress and their respective committees.

It is believed that the annual demand for the public lands by actual settlers, commencing with the year 1831, may be estimated at one and one-half million of acres, and that this demand will increase with the population of the valley of the Mississippi to fifty per cent. at the close of the next ten years. The experience of the last seven years has proved that the demand for such purpose has increased with the permanent population of that extensive region, and the forests have been opened and the settlements advanced with a rapidity equal to the facilities afforded by the government, and with the progressive improvements and enterprise of the age. If, then, it is no longer a question of temporary expediency, but a matter of settled policy, to promote the sales of the national domain, and afford such aid to its actual settlement as shall accelerate the accomplishment of that object, the wisdom of Congress may be appealed to for all necessary assistance to those who are charged with the general superintendence of this department of the public service for more ample means to complete the surveys, and for the establishment of such other offices for the entry and sales of the public lands as are required by the course of emigration and the necessities and convenience of actual settlers. Liberal measures, restricted only to such limits as will secure an annual increase of this branch of the revenue, will afford additional inducements to the enterprise and persevering industry of that portion of our population who are daily seeking a residence in the extensive forests of the west. While economy should be regarded as a cardinal virtue in the expenditures of every department of the government, it is no less essential to its due administration, and to the attainment of those objects for which it was instituted, that the public service should be *well* done and *promptly* done.

All which is respectfully submitted.

ELIJAH HAYWARD.

Hon. SAMUEL D. INGHAM, *Secretary of the Treasury.*

A.

Exhibit of the periods to which the monthly accounts of the registers and receivers of the public land offices have been rendered, showing the balance of cash in the receivers' hands at the date of their last monthly accounts current, and the periods to which the receivers' quarterly accounts have been rendered to and adjusted at the General Land Office.

Land offices.	Monthly returns.		Balance of cash in the hands of the receivers, per last monthly return.	Receivers' quarterly returns.	
	Period to which rendered by registers.	Period to which rendered by receivers.		Period to which rendered.	Period to which adjusted.
Marietta, Ohio	Oct. 31, 1830	Oct. 31, 1830	$737 47½	Sept. 30, 1830	June 30, 1830
Zanesville, do	do	do	1,741 69	do	do
Steubenville, do	do	do	2,053 39	do	Sept. 30, 1830
Chillicothe, do	do	do	716 13	do	June 30, 1830
Cincinnati, do	do	do	1,095 83	do	Sept. 30, 1830
Wooster, do	do	do	1,735 16½	do	do
Piqua, do	do	do	520 39	do	do
Tiffin, do	do	do	4,894 59	do	March 31, 1830
Jeffersonville, Indiana	do	Aug. 31, 1830	1,960 23	Dec. 31, 1829	Dec. 31, 1829
Vincennes, do	do	Oct. 31, 1830	4,040 03	Sept. 30, 1830	June 30, 1830
Indianapolis, do	do	do	21,094 58	do	March 31, 1830
Crawfordsville, do	do	do	64,037 74	do	Sept. 30, 1830
Fort Wayne, do	do	Sept. 30, 1830	262 51	do	do
Shawneetown, Illinois	do	Oct. 31, 1830	501 26	do	March 31, 1830
Kaskaskia, do	do	do	303 23	do	do
Edwardsville, do	do	do	3,128 47	do	do
Vandalia, do	do	do	5,602 07	June 30, 1830	June 30, 1830
Palestine, do	do	do	16,158 60	Sept. 30, 1830	March 31, 1830
Springfield, do	do	do	7,313 64	do	do
St. Louis, Missouri	do	do		do	Sept. 30, 1830
Franklin, do	Sept. 30, 1830	do	5,479 47	do	do
Palmyra, do	do	Sept. 30, 1830	5,599 88	Sept. 3, 1830	June 30, 1830
Jackson, do	do	do	2,752 50	Sept. 30, 1830	do
Lexington, do	do	do	6,308 45	do	do
St. Stephen's, Alabama	do	do		do	June 30, 1829
Cahaba, do	Oct. 31, 1830	Oct. 31, 1830	16,673 12	do	June 30, 1830
Huntsville, do	Sept. 30, 1830	do	768 72	do	do
Tuscaloosa, do	Oct. 31, 1830	Sept. 30, 1830	6,803 25	do	do
Sparta, do	do	Oct. 31, 1830	7,701 38	do	Sept. 30, 1830
Washington, Mississippi	do	Sept. 30, 1830	508 06	March 31, 1829	March 6, 1830
Augusta, do	do	do		Sept. 30, 1830	Sept. 30, 1830
Mount Salus, do	do	do	7,128 40	do	March 31, 1830
New Orleans, Louisiana	do	Oct. 31, 1830	204 26	do	June 30, 1830
Opelousas, do	do	do	4,506 60	do	Sept. 30, 1830
Ouachita, do	Sept. 30, 1830	do	5,677 11	do	do
St. Helena, do	Oct. 31, 1830	do	1,403 46	do	June 30, 1830
Detroit, Michigan Territory	do	do		do	do
Monroe, do	do	do	10,195 56	do	do
Batesville, Arkansas	do	do	233 95	do	do
Little Rock, do	Sept. 30, 1830	Sept. 30, 1830	165 95	do	do
Tallahassee, Florida	Aug. 31, 1830	do	1,484 55	June 30, 1830	Sept. 30, 1829
St. Augustine, do	No sales				

ELIJAH HAYWARD, *Commissioner.*

TREASURY DEPARTMENT, *General Land Office, November* 30, 1830.

B.

Exhibit in relation to the public lands for the year ending December 31, 1829, *and the half year ending June* 30, 1830.

Periods.	Net quantity of land sold.	Purchase money.	Receipts under the credit system.	Aggregate receipts.	Amount of forfeited land stock included in the aggregate receipts.	Incidental expenses.	Payments by receivers into the treasury of the United States.
Year 1829	1,244,860.01	$1,572,863 54	$382,060 12	$1,954,923 66	$224,680 28	$108,351 37	$1,517,175 13
1st and 2d quarters of 1830	662,002.91	834,443 63	314 36	834,757 99	40,814 88	46,718 56	1,005,399 87
Aggregate	1,906,862 92	2,407,307 17	382,374 48	2,789,681 65	265,495 16	155,069 93	2,522,575 00

The column of "incidental expenses" includes the salaries, commissions, and contingent expenses of the registers and receivers' offices; also the allowances for transporting public moneys, made in pursuance of the provisions of the act of Congress of May 22, 1826.

ELIJAH HAYWARD, *Commissioner.*

TREASURY DEPARTMENT, *General Land Office, November* 30, 1830.

C.

Statement of the amount of forfeited land stock issued under the acts of May 23, 1828, and March 31, 1830, and also the amount received in payment to June 30, 1830.

Land offices.	1828.		1829.		Half year ending June 30, 1830.		Total in each office.	
	Stock issued.	Stock rec'ved.	Stock issued.	Stock rec'ved.	Stock issued.	Stock rec'ved.	Stock issued.	Stock rec'ved.
Marietta .....Ohio.....	$2,262 10	$1,912 09	$1,812 29	$2,112 11	$423 52	$592 85	$4,497 91	$4,617 05
Zanesville.....do.....	6,999 55	6,125 81	7,198 76	11,523 96	4,091 66	4,627 20	18,289 97	22,276 97
Steubenville.....do.....	10,735 06	5,567 94	17,144 72	11,608 76	2,870 97	886 45	30,750 75	18,063 15
Chilicothe.....do	16,412 49	5,551 97	18,205 27	15,085 11	2,600 82	1,940 45	37,218 58	22,577 53
Cincinnati.....do.....	46,994 49	17,829 73	53,624 82	64,550 25	4,298 44	10,395 04	104,917 75	92,775 02
Wooster .....do.....	1,157 50	1,794 97	4,266 97	6,596 97	565 90	985 01	5,990 37	9,376 95
Piqua .....do.....	.....	717 49	.....	1,174 72	.....	155 95	.....	2,048 16
Tiffin .....do.....	.....	2,564 44	.....	8,530 84	.....	3,003 23	.....	14,098 51
Jeffersonville.....Indiana....	2,812 94	1,620 53	8,479 75	13,614 13	2,015 91	2,445 85	13,308 60	17,680 51
Vincennes .....do.....	7,804 97	3,586 00	13,035 95	9,010 64	1,250 50	900 05	22,091 42	13,496 69
Indianapolis.....do.....	.....	.....	.....	499 87	.....	336 89	.....	836 76
Crawfordsville.....do.....	.....	374 41	.....	1,782 94	.....	33 59	.....	2,190 94
Fort Wayne.....do.....	.....	.....	.....	.....	.....	.....	.....	.....
Shawneetown .....Illinois....	3,730 34	1,139 12	2,265 90	3,675 30	770 63	380 99	6,766 87	5,195 41
Kaskaskia.....do.....	1,509 87	209 70	4,144 71	1,618 02	944 54	284 01	6,599 12	2,111 73
Edwardsville .....do.....	1,584 69	1,945 04	2,385 83	2,349 66	324 00	280 00	4,294 52	4,574 70
Vandalia .....do.....	.....	.....	.....	56 00	.....	156 34	.....	212 34
Palestine.....do.....	.....	.....	.....	96 00	.....	.....	.....	96 00
Springfield .....do.....	.....	449 00	.....	1,538 43	.....	.....	.....	1,987 43
St. Louis.....Missouri...	2,021 07	1,564 63	4,001 50	2,793 38	31 52	606 28	6,054 09	4,964 29
Franklin .....do.....	3,805 60	2,657 90	5,353 49	5,815 52	272 78	567 25	9,431 87	9,040 67
Palmyra.....do.....	.....	.....	.....	978 08	.....	113 72	.....	1,091 80
Jackson.....do.....	.....	.....	.....	.....	.....	.....	.....	.....
Lexington.....do.....	.....	.....	.....	124 88	.....	6 34	.....	131 22
St. Stephen's .....Alabama...	2,421 52	3,164 31	7,672 65	6,370 54	2,357 65	1,491 50	12,451 82	11,026 35
Cahaba.....do.....	11,224 02	8,413 90	9,991 30	12,716 89	771 21	1,691 19	21,986 53	22,821 98
Huntsville.....do.....	14,813 14	1,757 79	12,475 67	12,089 07	2,917 19	2,424 02	30,206 00	16,270 88
Tuscaloosa..... ...do.....	.....	8,131 60	.....	623 45	.....	688 24	.....	9,443 29
Sparta .....do.....	.....	.....	.....	731 93	.....	294 27	.....	1,026 20
Washington.....Mississippi..	4,316 29	409 97	23,990 11	20,641 75	366 01	.....	28,672 41	21,051 72
Augusta..... ...do.....	.....	.....	.....	.....	.....	.....	.....	.....
Mount Salus .....do.....	.....	1,178 93	.....	2,634 22	.....	312 17	.....	4,125 32
New Orleans.....Louisiana..	.....	.....	.....	.....	.....	.....	.....	.....
Opelousas .....do.....	.....	.....	982 50	244 50	.....	.....	982 50	244 50
Ouachita .....do.....	.....	.....	.....	.....	.....	.....	.....	.....
St. Helena .....do.....	.....	.....	.....	.....	.....	.....	.....	.....
Detroit .....Michigan...	3,730 04	217 77	51 20	615 20	100 00	16 00	524 24	848 97
Monroe .....do.....	.....	16 00	.....	.....	.....	.....	.....	16 00
Batesville .....Arkansas...	.....	.....	.....	.....	.....	.....	.....	.....
Little Rock.....do.....	.....	.....	.....	.....	.....	.....	.....	.....
Tallahassee.....Florida....	.....	.....	.....	.....	.....	5,200 00	.....	5,200 00
St. Augustine.....do.....	.....	.....	.....	.....	.....	.....	.....	.....
	140,978 68	78,901 04	197,083 39	221,803 12	26,973 25	40,814 88	365,035 32	341,519 04
Add amount of stock issued at the treasury under the 4th section of the act of May 23, 1828, for moneys forfeited on lands sold at New York in the year 1787 by Edgar & Macomb.....							29,782 75	.....
Aggregate.....							394,818 07	341,519 04

TREASURY DEPARTMENT, *General Land Office, November 30, 1830.*

ELIJAH HAYWARD, *Commissioner.*

D.—*Statement of the quantity of land sold at each of the land offices of the United States from July* 1, 1820, *to December* 31, 1829.

OFFICES.	Half year of 1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	Totals in each office, State, and Territory.
OHIO.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Marietta	1,413.01	1,090.34	2,868.57	1,589.48	9,698.59	12,700.97	12,111.53	7,524.51	8,525.92	7,574.23	65,097.15
Zanesville	7,739.37	10,439.88	14,899.37	11,012.46	24,215.84	25,790.32	29,314.21	29,810.69	37,019.56	37,619.67	227,861.37
Steubenville	2,860.20	15,176.88	22,831.38	17,143.56	29,063.91	21,025.44	28,894.55	25,003.98	28,013.47	28,095.91	218,099.28
Chillicothe	1,855.15	4,956.59	8,910.94	7,394.05	16,183.81	19,723.71	13,366.44	10,285.96	15,074.93	19,585.52	117,337.10
Cincinnati	3,542.49	5,911.72	6,729.28	4,389.84	27,856.91	16,359.00	10,625.12	24,389.00	28,303.82	35,477.99	163,585.17
Wooster	3,460.99	13,009.23	15,051 33	19,031.11	30,098.58	17,994.76	16,128.25	17,030.89	14,186 45	21,664.32	167,655.91
Piqua	3,679.80	3,487.05	11,042.10	4,011.90	2,415.06	5,325.79	2,383.82	2,451.54	2,323.62	2,405.57	39,526.25
Tiffin, late Delaware	20,366.74	60,874.86	102,858.42	60,162.92	27,219.31	23,012.62	20,965.10	34,506.74	32,345.60	23,793.19	406,105.50
	44,917.75	114,946.55	185,181.39	124,735.32	166,752.01	141,932.61	133,789.02	151,003.31	165,793.37	176,216.40	1,405,267.73
INDIANA.											
Jeffersonville	39,580.30	22,972.49	14,656.73	5,244.44	11,313 34	5,943.25	10,720.74	14,095.16	10,486.11	20,861.03	155,873.59
Vincennes	7,603.23	23,045.92	15,777.20	10,725.79	12,983.52	13,368.04	13,154.65	14,017.71	18,401.04	26,495.34	154,872 44
Indianapolis, late Brookville	96,367,88	200,913.64	149,335.26	86,619.48	60,683.23	52,644.07	71,167.35	66,024.24	67,457.84	89,861.94	941,074.93
Crawfordsville, late Terre Haute	18,939.41	17,646.33	73,213.15	58,722.40	69,203.40	86,912.17	103,106.92	113,341.85	153,354.57	203,049.48	897,489.68
Fort Wayne				3,734.58	1,075.02	3,403.18	2,041.06	2,212.25	1,113.25	6,259.72	19,839.06
	162,490.82	264,578.38	252,982.34	165,046.69	154,558.51	162,270.71	200,190.72	209,691.21	250,812.81	346,527.51	2,169,149.70
ILLINOIS.											
Shawneetown	2,392.74	3,329.61	2,050.12	1,253.63	2,278.66	1,357.63	2,086.87	3,340.57	4,512.91	8,143.78	30,746.52
Kaskaskia	1,658.10	1,627.50	1,661.41	793.00	1,278.28	711.22	1,901.28	2,256.54	3,415.72	6,380.57	21,683.62
Edwardsville	2,649.15	35,243.66	5,373.22	11,223.99	5,541.30	5,748.43	6,584.93	8,398.66	18,829.17	28,602.10	128,194.61
Vandalia		9,227.37	2,205.08	640.00	614.00	895.36	1,472.61	1,743.64	3,591.77	19,405.48	39,795.31
Palestine		954.01	16,474.01	7,903.87	11,938.63	10,323.76	12,915.63	9,466.69	20,537.22	47,221.45	137,733.27
Springfield				38,720.28	22,339.10	26,767.88	56,122.41	33,398.97	45,206.12	86,492.35	309,047.11
	6,699.99	50,382.15	27,763.84	60,534.77	43,987.97	45,804.28	81,083.73	58,605.07	96,092.91	196,245.73	667,200.44
MISSOURI.											
St. Louis	15,420.19	30,026.88	11,420.64	31,337.20	18,363.45	18,519.50	14,582.78	27,040.41	22,922.56	24,499.62	213,983.23
Franklin	9,401.65	36,649.10	13,621.76	45,964.20	34,400.58	28,481.65	30,968.08	62,798.02	42,943.41	40,255.76	345,484.21
Palmyra						18,333.90	9,701.44	26,127.07	42,078.87	54,936.56	151,177.84
Jackson		33,011.80	7,121.30	3,657.17	13,677.60	5,217.09	3,314.73	3,724.67	6,046.94	5,309.32	81,080.62
Lexington					20,343.49	15,255.85		35,380.36	33,256.34	27,544.38	131,780.42
	24,821.84	99,687.78	32,163.70	80,958.57	86,785.12	85,807.99	58,517.03	155,070.53	147,148.12	152,545.64	923,506.32
ALABAMA.											
St. Stephen's	2,464.71	5,417.20	5,213.81	77,298.66	23,579.92	26,749.57	17,420.08	6,257.28	19,824.24	15,877.56	200,103.03
Cahaba	20,245.42	32,716.16	43,183.69	15,082.55	75,531.70	52,158.62	35,373.37	48,140.38	85,391.30	66,905.05	474,728.24
Huntsville	36,600.23	29,679.65	21,636.44	10,910.26	8,019.15	20,859.79	6,665.22	4,797.04	1,804.70	1,919.02	142,891.50
Tuscaloosa		150,878.27	91,361.34	23,797.10	16,883.60	88,676.27	86,648.05	15,189.71	56,590.30	12,905.59	542,930.23
Sparta, late Conecuh C. H			242.76	26,414.36	7,171.59	12,473.28	1,609.28	23,694.53	4,202.10	22,593.88	98,401.78
	59,310.36	218,691.28	161,638.04	153,502.93	131,185.96	209,917.53	147,716.00	98,078.94	167,812.64	120,201.10	1,459,054.78

D.—*Statement of the quantity of land sold at each of the land offices of the United States*—Continued.

OFFICES.	Half year of 1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	Totals in each office, State, and Territory.
MISSISSIPPI.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Washington	1,670.46	23,765.47	10,147.06	4,175.26	10,269.22	10,661.02	7,441.75	7,326.63	6,419.88	7,238.78	89,115.73
Augusta, late Jackson C. H.	.....	.....	.....	.....	320.00	703.80	961.07	399.85	633.20	1,608.36	4,626.28
Mount Salus	.....	.....	.....	26,840.98	70,612.52	75,200.48	74,019.55	53,023.83	61,647.28	89,438.17	450,781.81
	1,670.46	23,765.47	10,147.06	31,016.24	81,201.74	86,565.30	82,422.37	60,749.51	68,700.36	98,285.31	544,523.82
LOUISIANA.											
New Orleans	.....	.....	80,091.22	348.82	.....	400.00	597.09	.....	.....	320.00	81,757.13
Opelousas	632.55	640.50	8,386.07	156.71	3,627.26	.....	4,505.12	1,971.23	1,842.85	7,319.28	29,081.57
Ouachita	.....	516.82	2,352.47	720.14	.....	160.07	14,082.66	4,504.22	2,283.18	20,309.08	44,928.64
St. Helena	.....	.....	.....	.....	.....	.....	.....	.....	.....	3,072.01	3,072.01
	632.55	1,157.32	90,829.66	1,225.67	3,627.26	560.07	19,184.87	6,475.45	4,126.03	31,020.37	158.839.35
MICHIGAN.											
Detroit	2,860.32	7,444.39	17,359.38	30,173.34	61,917 15	92,332.55	47,125.13	34,805.45	17,433.72	23,329.48	334,780.91
Monroe	.....	.....	.....	3,844.43	16,329.53	14,420.08	12,236.83	7,604.60	9,462.07	44,530.78	108,428.32
	2,860.32	7,444.39	17,359.38	34,017.77	78,246.68	106,752.63	59,361.96	42,410.05	26,895.79	67,860.26	443,209.23
ARKANSAS.											
Batesville	.....	.....	22,593.54	1,479.12	2,088.43	5,855.56	5,018.77	2,165 81	1,868.21	2,003.84	43,073.28
Little Rock	.....	560.00	567.13	802.44	889.36	1,938.94	8,333.43	1,890.17	1,167.25	677.36	16,826.08
	.....	560.00	23,160.67	2,281.56	2,977.79	7,794.50	13,352.20	4,055.98	3,035 46	2,681.20	59,899.36
FLORIDA.											
Tallahassee	.....	.....	.....	.....	.....	55,056.07	52,464.36	140,587.71	35,162.87	53,276.49	336,567.50
St. Augustine	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....	55,056.07	52,464.36	140,587.71	35,162.87	53,276.49	336,567 50
Grand total in all the States and Territories	303,404.09	781,213.32	801,226.18	653,319.52	749,323.04	893,461.69	848,082.26	926,727.76	965,600.36	1,244,860.01	8,167,218.23

TREASURY DEPARTMENT, *General Land Office, November* 30, 1830.

ELIJAH HAYWARD, *Commissioner.*

E.

Estimate of the private land claims confirmed by the laws of the United States.

LOUISIANA.—*Southeastern district.*

There have been confirmed in this district about 2,040 claims. No patent certificates have been received at this office, and consequently no patents have been issued. Some of the township plats have been received during this year; the surveying is progressing, and we may reasonable expect that patents will be demanded for many claims before long.

LOUISIANA.—*Southwestern and northern districts.*

In these districts there have been confirmed about 3,270 claims. Eighty cases have been patented, and about 400 certificates received during this year are now in the office for patenting. The greater portion of these districts has been surveyed, and the certificates for most of the claims must be expected in a short time.

LOUISIANA.—*St. Helena district.*

There have been confirmed in this district about 3,100 claims. Nearly the whole of this district has been surveyed and plats returned; and this office has been informed that the land officers have commenced making out their patent certificates. It is reasonable to suppose that upwards of 2,000 may be forwarded in less than one year from this time.

MISSISSIPPI.—*Washington district.*

The claims confirmed in this district amount to 1,100; of this number between 50 and 60 have been patented. The whole were surveyed many years ago, but a part of the district is now resurveying to correct former errors. What prevents the claimants from forwarding the certificates for patents is not known.

MISSISSIPPI, ALABAMA, ST. STEPHEN'S, AND AUGUSTA DISTRICTS.

Within these districts there have been confirmed about 700 claims. Not more that 15 or 20 have been patented; but, as a great part of the surveying has been executed, most of the certificates may be expected during the next year.

FLORIDA.

In this Territory there have been confirmed upwards of 1,300 claims. No patent certificates have been forwarded. Many of the claims have been surveyed, for which the certificates should have been transmitted ere this. The surveying of the rest is progressing, and we must calculate upon receiving many demands for patents during the next year. In Missouri and Arkansas upwards of 3,500 claims have been confirmed, exclusive of the 80,000 acres confirmed by the Arkansas court on forged papers. Rather more than 500 claims have been patented; and, as there is every probability that the surveys of the whole may be completed this season or early next year, the certificates can shortly be granted for all these claims. It is known that at least 900 patent certificates have been issued by the recorder which have not been presented for patents in consequence of the inattention of the parties interested.

INDIANA.—*Vincennes district.*

There have been confirmed in this district about 900 claims, of which about forty have been patented; and as they are all surveyed, nothing but the negligence of the parties prevents the issuing of patent certificates for all these claims.

Of the claims confirmed in Illinois and Michigan, it would be difficult to say what number have been confirmed. A large portion of them have, however, been patented; but as they have all been surveyed, patents can at any time be demanded for those not patented, which must amount to several hundred in number.

INDIAN CLAIMS.

Many of these claims have been patented, others have been lately located, and require certificates to be issued, while there are some yet unlocated. The total number of reservations made by the several treaties has not been ascertained, but they amount to several hundreds, and especially in cases of transfer, &c., involve more labor than the ordinary cases of private claims. By reference to a published abstract of the late Choctaw treaty, it will be seen that provision is made for granting about 1,700 reserves, exclusive of those to be granted to such Indians as may cultivate a certain number of acres for a few years, and to the several members of their families.

F.

Statement in relation to the indexing of the private land claims.

Indexes in favor of the present claimants have been made out in the following cases:

	Claims.
St. Helena district	3,655
Jackson Court-House district	1,013
Missouri and Arkansas	3,640
In Louisiana districts	2,766
In Florida	2,116
Total number indexed to the present claimants	13,190

Claims not indexed.

Michigan claims	1,247
Indiana claims	1,408
Illinois claims	3,022
Missouri and Arkansas claims	3,119
Mississippi, (Washington district)	1,863
Louisiana districts	4,641
St. Stephen's district	363
Total number to be indexed to the present claimants	15,663
Total number of names of original claimants to be indexed	28,853

To enable the office to give the information respecting private claims which is often required, it is necessary that the above claims should also be indexed to the *original* claimants.

It is also very important, where a claim once rejected has been subsequently revived and confirmed, or again rejected, that references should be made on the reports to all the other proceedings respecting that claim.

The labor that will be required in making these references will be very great, but cannot be correctly estimated.

REPORT FROM THE BOUNTY LAND OFFICE.

Return of claims which have been deposited in the bounty land office for the year ending on the 30th September, 1830, for services rendered during the revolutionary war.

Claims suspended, on file on 30th September, 1829	6
Claims received from 1st October, 1829, to 30th September, 1830, inclusive	471
	477

Disposed of as follows:

Claims for which land warrants have issued	119
Claims previously satisfied	85
Claims not entitled to land	173
Claims for which regulations were sent	52
Claims in which further evidence was required	42
Claims on file, suspended	6
	477

Abstract of the number of warrants issued for the year ending September 30, 1830.

Warrants.			Acres.
2 colonels	500	acres each	1,000
1 major			400
6 captains	300	acres each	1,800
11 lieutenants	200	do	2,200
3 ensigns	150	do	450
3 surgeon's mates	300	do	900
93 rank and file	100	do	9,300
119			16,050

Warrants signed by Generals Knox and Dearborn, which remain on file	54
Claims under act of May 15, 1828, presented to this office by the Treasury Department for examination	85

Return of claims which have been deposited in the bounty land office for the year ending September 30, 1830, for services rendered during the late war.

Claims suspended, per last report	325
Claims received since	329
	654

Disposed of as follows:

Claims for which warrants have issued	109
Claims previously satisfied	64
Claims not entitled to land	38
Claims returned for further evidence	32
Claims for which regulations were sent	93
Claims on file, suspended	318
	654

Abstract of the number of warrants issued for the year ending September 30, 1830.

1st. Authorized by the acts of December 24, 1811, and January 11, 1812	106
2d. Authorized by the act of December 10, 1814	3
Total	109

	Acres.
Whereof of the first description 106 granted, of 160 acres each	16,960
Whereof of the second description 3 granted, of 320 acres each	960
	17,920

WAR DEPARTMENT, *Bounty Land Office, November* 15, 1830.

The foregoing statement of the proceedings of this office for the year ending September 30, 1830, is respectfully reported to the honorable Secretary of War, by his obedient servant,

WM. GORDON.

21ST CONGRESS.] No 860. [2D SESSION.

LEGAL ARGUMENT ON CLAIM OF ANTOINE SOULARD TO LAND IN MISSOURI.

COMMUNICATED TO THE SENATE DECEMBER 22, 1830.

Substance of an argument delivered before the district court of the United States, at the first session thereof, held at St. Louis on the fourth Monday in November, 1824, pursuant to an act of Congress entitled "An act enabling 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," by L. E. Lawless, counsellor-at-law.

PREFACE.

The argument, of which the following pages contain an accurate outline, was delivered at the first session of the district court of the United States, held on the fourth Monday of November, 1824, for the adjudication of claims to land situated within the limits of the State of Missouri, founded on concessions, warrants, or orders of survey made by the Spanish or French authorities previous to the 10th of March, 1804.

Inasmuch as the subject is one of very general interest, not only in the State of Missouri, but in the Territory of Arkansas, where similar claims are to be adjudicated, it is believed that the publication of this argument may not be without its use. The subject has hitherto been involved in considerable obscurity, and has never, even in Congress, been completely developed. During the twenty years which have elapsed since the occupation of Upper Louisiana by the United States the claimants to land under French and Spanish grants have had to contend, not with fair and open argument, but with secret slanders or ignorant misrepresentation. Now that these claims are to be investigated in a court of justice, they can no longer suffer from these unworthy causes. If, as they believe, their titles are protected by the principles of municipal and international law, those titles will be confirmed, and, though late, (too late for many of them,) their long withheld property will be restored to them. If, on the other hand, these claims shall be rejected, they will, at least, have the satisfaction to reflect that no sinister means have succeeded in defeating them; and that if error has been committed, it will have been that inevitable error to which the best of human tribunals is more or less subject.

The circumstances of the claim in which the following argument was delivered are in some respects peculiar, but the doctrines and principles which it was the counsel's object to establish are applicable to the great majority of French and Spanish land titles in Upper Louisiana, and it is believed should govern the decision of the court upon them.

It was at the suggestion and request of the judge of the district court that this note of argument has been written and submitted to him. The considerations already mentioned have induced the friends of the claims to believe that it should, through the medium of the press, be laid before the public. The claimants do not fear discussion or investigation, but, on the contrary, invite both. If the argument here offered be sound it ought to have its due effect; if it be fallacious, by publishing it all hope is extinguished of its errors escaping detection.

We have subjoined to this report a few documents translated from the original Spanish, which, as far as we know, have not before been published in the English language, and which sustain or illustrate some of our principal positions.

Note of argument on claim of Antoine Soulard, before the district court of the United States, to confirmation of a concession and survey of ten thousand arpents.

On the 20th April, 1796, Zenon Trudeau, lieutenant governor of Upper Louisiana, granted to Antoine Soulard and his heirs ten thousand arpents, to be located on vacant land belonging to the royal domain.

On the 20th February, 1804, by virtue of and pursuant to said concessions said grant was located and surveyed on Cuivre river, within the present limits of the State of Missouri.

On the 8th of March, 1804, said survey was duly certified and recorded by the surveyor general of the then province of Louisiana.

Between the 8th March, 1804, and the 1st March, 1806, the said original concession and certificate of survey were destroyed by accident amongst other papers belonging to the grantee, who, in consequence of that loss and in ignorance of his rights and misconception of the law, omitted to file notice of his claim with the recorder under the law of Congress of 2d March, 1805, which required notices of claims founded on titles therein mentioned to be filed with the recorder before the 1st March, 1806.

Under the same erroneous impressions Mr. Soulard omitted to avail himself of the provisions of the act of 3d March, 1807, which extended the time for filing claims to 1st July, 1808.

As soon as Mr. Soulard became aware of his mistake he presented a petition to Congress, praying a confirmation of his claim; which petition was referred to the Committee on Private Land Claims, February 27, 1818.

In consequence of a general law having been reported, which would necessarily have embraced the claim, no special report was made by the committee.

On the above state of facts two main questions arise:

1st. Supposing the original concession to have been good, can the claimant, upon proof of its destruction, avail himself of the title which it conferred?

2d. Supposing that, notwithstanding its destruction, he can, upon proper proof of its existence and execution by the lieutenant governor, use it as a ground of claim, is the concession and survey such a title as ought now to be confirmed by this court under the act of Congress?

Upon the first question no argument will be here offered, as it is supposed that if the proof of the execution and contents of the concession be given, upon no principle of law or equity can the affirmative of the proposition be disputed.

But the proof of the execution and contents of the concession is complete, viz:

1st. The declaration and admission of Zenon Trudeau, made at different times during his command in Upper Louisiana.

2d. The oath of a credible witness, Colonel C. D. Delassus, who saw the concession in the hands of grantee.

3d. The proof of its existence resulting from the record of survey made before its loss, and in which it is recited and referred to.

It may, however, be proper to observe that the omission to file the claim under the act of 1805 or 1807 cannot effect Mr. Soulard's rights under this particular concession, because—

1st. The law of 1805 only requires those claims to be filed which were founded on *incomplete* titles subsequent in date to October 1, 1800, and therefore does not affect the present claim, which is by virtue of a concession made on the 20th of April, 1796.

2d. The act of 1807, which extends the time for filing to 1st July, 1808, has no more extensive operation as to claims excluded than the act of 1805.

The act of Congress of last session lets in every claim, no matter whether filed or not with the recorder, and no matter what is the date of the incomplete title on which it is founded, provided it be not subsequent to the 10th March, 1804.

To demonstrate the affirmative of the second proposition, namely, that the concession and survey in this case constitute such a title as should be confirmed under the late act of Congress, let us first examine that act.

By section 1st, every French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued, before the 10th day of March, 1804, by the proper authorities, to any person or persons resident in the province of Louisiana at the date thereof, or on or before the 10th day of March, 1804, and which was protected or secured by the treaty between the United States and the French republic of the 30th of April, 1803, and which might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government under which the same originated, had not the sovereignty of the country been transferred to the United States, is declared to be entitled to confirmation.

By section 2d this court is, by a final decree, to settle and determine the validity of the title, according to the law of nations, the stipulations of any treaty and proceedings under the same, the several acts of Congress in relation thereto, and the laws and ordinances of the government from which it is alleged to have been derived, and all other questions properly arising between the claimants and the United States; which decree shall, in all cases, refer to the treaty, law, or ordinance under which it is confirmed or decreed against.

It is contended that the present claim is entitled to confirmation, because,

1st. The concession was made to a person residing in Louisiana at the time it was made.

2d The concession was legally made before the 10th day of March, 1804.

3d. The concession was made by the proper authority.

4th. It was protected by the treaty of cession, April 30, 1803.

5th. It might have been perfected into a complete title conformably to the laws and usages of former government.

6th. It is protected by the law of nations.

7th, and lastly, because it is recognized and protected as entitled to confirmation, at least to the extent of a league square, by the laws of Congress heretofore made on the subject of such titles.

The fact of the concession having been made to a person residing in Louisiana at the date, is matter not merely of ordinary proof, but is an historical and recorded fact within the knowledge of the court.

The second and third grounds of its claim to confirmation will be considered together, inasmuch as they are convertible propositions. It is considered that the concession was legally made prior to the 10th of March, 1804, and made by the proper authority, because,

1st. The date and execution are proved.

2d. The concession was made by the lieutenant governor of Upper Louisiana.

It is contended that the lieutenant governor had power to make such a grant, and that his power is demonstrated by,

1st. The uniform practice and usage of lieutenant governors in Upper Louisiana, from the first establishment of a government in that province.

2d. The laws and ordinances of the Spanish sovereigns.

The usage and practice of the lieutenant governors may be ascertained by reference to the history of

Upper Louisiana, from the year 1770, when Spain took possession of that province, down to the 10th of March, 1804, when it was delivered up to the United States. During the whole of that period it is demonstrated by the records and archives, as they have been transferred to the officers under the government of the United States, that it was the uniform usage and practice of the lieutenant governor to make those concessions.

There exists not a single instance in which the power of the lieutenant governor in Upper Louisiana to grant any quantity of land has been questioned or denied by the superior authority.

Each lieutenant governor followed the usage of his predecessor, which certainly it is not to be presumed that he would have done if that usage had not been recognized as *legal* by the government which appointed him.

The perfect security with which the inhabitants of Louisiana acted on those concessions—bought, sold, transferred, and disposed of them by act *inter vivos*, or by last will and testament—demonstrates the existence of the usage, and the general impression that those concessions were legally made, and by the proper authority.

Judicial sales of intestates' estates, including incomplete titles of this description, have been made not only under the sanction of the lieutenant governor of Upper Louisiana, but have been ratified by the supreme authority at New Orleans.

There is no instance on record of any one of these sales having been *rescinded* on the ground that those concessions were nullities and not susceptible of sale for valuable consideration, as they certainly would be if the lieutenant governor had not authority to make them.

The practice and usage have been recognized in a variety of instances by the governors general of Louisiana.

The following complete titles, within the knowledge of the undersigned, have been granted by governors general of Louisiana upon concessions made by the lieutenant governor of Upper Louisiana:

1st. A complete title to Gratiot, on a concession by Cruzat, previous to 1790, of 7,056 arpents for the whole of that quantity.

2d. A complete title issued by the governor general, Baron de Carondelet, on the 2d April, 1797, on two concessions of 2,160 superficial arpents—the one made by Don Manuel Perez, lieutenant governor of Upper Louisiana, dated May 26, 1790, the other by Zenon Trudeau, lieutenant governor, dated September 11, 1796.

3d. A complete title by Governor General Don Manuel Gayoso de Lemos, dated March 1, 1798, on a concession of 1,480 arpents made by Zenon Trudeau, lieutenant governor, dated November 19, 1796.

In those complete titles, which are ready to be produced for the inspection of this court, the governors general specifically refer to the concession, and recognize the power of the lieutenant governor to make it. No new condition is imposed other than that of complying with the "*reglamento del asunto*," that is to say, the general regulation of the government touching lands granted.

Not only have the governors general thus ratified and recognized the power to grant of the lieutenant governors of Upper Louisiana, but the intendant general has also done so, to whom (as shall be hereafter noticed) was delegated by the King the power of issuing complete titles, after it had been taken away from the governors general.

The following complete titles, issued by the intendant general, Don Juan Ventura Morales, and which are ready to be produced to the court, demonstrate this proposition:

1st. A complete title for 900 arpents, on a concession issued on the 6th December, 1798, by Zenon Trudeau, lieutenant governor, in favor of Don Santiago Delassus de St. Vrain. This complete title bears date April 28, 1802.

2d. A complete title for 1,042 arpents, on concession by Zenon Trudeau to Antoine Soulard and his heirs, dated April 28, 1802.

3d. A complete title, dated June 5, 1802, for 8,000 arpents, on a concession and order of survey by Zenon Trudeau, dated January 18, 1798.

In those complete titles the intendant general specifically refers to and recognizes the concession obtained from the lieutenant governor. The terms used in the title issued in favor of Antoine Soulard are these: "*Por quanto habiendose presentado en este tribunal Don Antonio Soulard, representando que habia obtenido del teniente gobernador de Sn. Luis de Illinois, Dn. Zenon Trudeau, la concession de mil y quarenta y dos arpanes de tierra*," which, translated into English, are as follows: "Inasmuch as Don Antonio Soulard has presented himself to this tribunal, submitting that he has obtained from the lieutenant governor of St. Louis of the Illinois, Don Zenon Trudeau, the grant (or concession) of 1,042 arpents of land."

The language of the other two complete titles made by the intendant general is of the same import, and leaves no doubt as to the ratification of the act of the lieutenant governor, and of the usage and practice of granting such original concessions.

It has been already observed that original concessions, and the land granted by them, before any complete title had been issued thereon, were objects of sale and transfer *inter vivos*, and of distribution and sale as property of testators or intestates.

In support of these propositions, we refer to the records in the office of the clerk of the circuit court for the county of St. Louis.

Amongst a number of others, we find the following sales and transfers recorded:

1st. February 18, 1775, public sale, sanctioned by Pedro Piernas, lieutenant governor, of 2½ arpents by 40, belonging to the estate of Guillaume Bizet, purchased by Charles Bizet.

2d. October 2, 1774, public sale of a tract of land of 5 arpents by 40, at the place called Belle Fontaine, under the decree of the lieutenant governor, Pedro Piernas, for sale of same, at request and demand of Mr. John Bte. Sarpy, attorney in fact of Louis Chamart; said land purchased by P. Perrault, No. 42.

3d. November 13, 1774, public sale of land, the property of J. B. Martigny, containing 4 arpents in breadth by the depth from the Mississippi to the hill, purchased by Charles Bizet, No. 148.

4th. July 4, 1799, public sale of the property of the deceased Laclede Liguest, to wit: a tract of 6 by 40 arpents of land in Big Prairie, bought by Madame Chouteau, No. 264, by *virtue* of the decree of Fernando de Leyba, lieutenant governor.

5th. July 4, 1799, public sale of the mill and dependencies belonging to the estate of Laclede Liguest, deceased, bought by Auguste Choteau; sold by virtue of decree, F. de Leyba, lieutenant governor, No. 265.*

* This sale has been sanctioned by decree of the supreme authority at New Orleans; and the land on which said mill stands has been since confirmed to Auguste Chouteau, as representative of Laclede Liguest, deceased, the original grantee, by the board of commissioners.

6th. June 12, 1801, public sale after the failure of Hyacinthe St. Cyr, (merchant,) made at the request of the creditors, and by virtue of a decree of Charles D. Delassus, lieutenant governor, 919 arpents, situate on Crevecœur, county of St. Louis, purchased by James Richardson, No. 1500; on same day, as part of same estate, 573 arpents at St. Ferdinand; on same day, ditto, 12 arpents by 40, No. 1500. [The No. is that which the document bears in the index to the Spanish and French records in the clerk's office.]

7th. April 14, 1802, deed of partition before Lieutenant Governor Delassus, between the heirs of Madame Cerre, of divers tracts held under incomplete titles, No. 1500.

It is submitted that the concession at present under consideration is equally legal with all those above referred to, and which have been recognized as such by the supreme Spanish authority; and is equally legal, and equally the subject of sale, transfer, and distribution, as any of those recorded in the office of the clerk of the circuit court for the county of St. Louis.

2dly. The lieutenant governor of Upper Louisiana was authorized to make this concession by the laws and ordinances of the Spanish sovereigns.

In support of this proposition, we refer to the "royal ordinance" dated October 15, 1754.

This royal ordinance was republished in 1786, with an additional ordinance or law, vesting in the intendants and sub-delegates of the kingdom of *New Spain* the power of granting lands, which power had heretofore been vested in the viceroys, presidents of audiences, and sub-delegates appointed by said viceroys or presidents.

This ordinance, as published in 1786, is now in the office of the Department of State in Washington city; and those articles of it which are applicable to the questions arising on the Missouri land claims have been copied from it, and, with correct translations, are ready to be submitted to the court.

By the appendix to ordinance of 1754, (No. 10 in that of 1786,) after reciting the evils resulting from the royal order of November 24, 1735, whereby the claimant of land was obliged to apply to the King himself for complete title, the King ordains as follows: "I have resolved that, in the gifts, (mercedes,) sales, (ventas,) and arrangements, (composiciones,) of royal lands, (realengos,) places, (sitios,) and uncultivated grounds, (valdios,) now made, or which hereafter shall be made, there shall be observed and practiced precisely what is contained in this instruction, &c:

"First. That, from the date of this my royal resolution, henceforward remains exclusively to the office (alcargo) of the viceroys and presidents of my royal audiences of those kingdoms, the faculty of appointing the sub-delegate ministers, (ministros sub-delegados,) who are to exercise and make sale and arrangement (ventas y composiciones) of the lands and uncultivated grounds (de las tierras y valdios) which belong to me in said dominion, expediting to them, the sub-delegates, the nomination (nombramiento) or title, respectively, with an authentic copy of this instruction. [The instruction then points out the mode of informing the Secretary of State of those nominations, and authorizes the sub-delegates to commission others, distant from the place of their residences, *as was before done*, (como antes se excecutaba,) and excludes the council of the Indies from the direction and management of this branch of the royal finances.]

The 5th article ordains that all titles originated by the sub-delegates since 1700, and confirmed by the King, shall remain good; or if they were confirmed by the viceroys and audiences, while that power was vested in them, (that is, previous to the ordinance of 1735,) they shall also remain valid; also that those who possessed lands without such confirmation shall solicit confirmation from the audiences of their district, and the other ministers to whom the faculty of confirmation is given by this instruction, which audiences and ministers shall examine the title originated by the sub-delegate, and if *no fraud or collusion exist*, and on proof being given that there has been paid into the royal chest the price of the sale or arrangement, (venta o composiciones,) and the tax called *media annata*, and adding, besides, a corresponding pecuniary donation, (y hacienda de nuevo aquel servicio pecuniario que parecea correspondiente,) they shall despatch, in the royal name, the confirmation of the titles, &c.

The 9th article of the above ordinance of 1754 ordains, in substance, that the respective audiences, by provinces, shall despatch, in the royal name, the confirmation without any other judicial expense to the parties than the fees appertaining to the said provinces as fixed by law, for which purpose the sub-delegate is to transmit the proceedings had respecting the sales or arrangements of which the confirmation is demanded, and they may agree on the pecuniary service which they ought to pay for this new favor.

The 10th article ordains, in substance, that, to avoid costs and delay, if the audiences should direct new proceedings, the sub-delegates in each case are to transmit the original acts, in order that, if no objection presents itself, they may be returned (to the sub-delegate) and title delivered, or in order that what is necessary may be done (by party or sub-delegate) as pointed out, and thus to expedite the despatch of royal confirmations without the duplication of a new title.

Article 11th ordains, in substance, that the audiences are to entertain appeals from sub-delegates without putting the parties to the expense of an appeal to the council.

Article the 12th, (of the above ordinance of 1754,) the translation of which is here given *in extenso*, ordains—

"That in those provinces distant from the seat of the audiences, or where the seas may intervene, as Caraccas, Carthagena, Buenos Ayres, Panama, Yucatan, Cumana, Margarita, Porto Rico, and others in "*equal circumstances*," (de iguales circumstancies,) the confirmation shall be despatched by their governors, in unison with the royal officers and the lieutenant judge general, where there is one; and that the same ministers shall also determine the appeals which may be made from the sub-delegate who shall have been appointed, or may be appointed, in each of the aforesaid provinces and islands, without referring to the audience or chancery court of the district, except in case of the two sentences not being conformable, and this of duty, and in the form of a consult, (porvia de consulta,) in order to avoid the expenses of applications for relief by appeal; and wherever there shall exist two royal ministers, the most modern shall perform the duty of defender of the royal finances in these causes, and the senior that of assistant judge to the governor, consulting where there is no auditor or lieutenant judge of the governor, and the doubt which may arise is matter of law with any other lawyer within or without the district; and in those places where there is but one royal minister, he shall name as defender of the royal finances any intelligent person resident in the place; it being likewise the duty of the governors, with their assistant judges, to examine into the compositions (composiciones) of the sub-delegate, the same way as is expressed with respect to the audiences."

At the date and promulgation of the above ordinance of 1754, the province of Louisiana belonged to France, and was governed, not by any Spanish custom, usage, or law, but by the custom of Paris, and the ordinances of the French sovereign. It is, however, submitted that, from the treaty of Fontainebleau, November 3, 1762, or, at least, from the date of the actual occupation of Louisiana, under that treaty, by

Spain, the Spanish laws and ordinances were in force, and became applicable to the province of Louisiana as far as related to the original grant and final confirmation of lands belonging to the royal domain. It is therefore contended that, by virtue of the above-cited 12th article of the ordinance of 1754, the governors general and sub-delegates of Louisiana became vested with all the powers by that article given to the governors and sub-delegates of Caraccas, and the other places therein mentioned. It is manifest that if Louisiana had been, at the date of that ordinance, a province belonging to Spain, and had not been specifically mentioned, it nevertheless would have been included in its protection by the comprehensive words, "and others in equal circumstances" Louisiana was, perhaps, more than any other province, or would have been, within the purview of the ordinance. It was separated by the sea on the one side, and by a vast extent of uninhabited or savage region on the other, from the seats of the viceroys or audiences. The communication was rare and difficult at that time between Louisiana and Spain, or any of its South American dominions. At the date of the treaty of 1762, or of the actual occupation of Louisiana by Spain in 1769, the circumstances of the province were the same. Its communication with South America had not been increased or facilitated since 1754; and, in a political, commercial, or geographical point of view, it was more separated and detached than any of those places mentioned in the 12th section of the ordinance cited.

The usage and practice which have already been shown to exist in Louisiana demonstrate that such was the construction put on this twelfth article by the Spanish authorities in that province; but, besides this uniform usage, the proclamation of Governor General O'Reilly in 1769, whereby he announces to the people of Louisiana that the Spanish laws are thenceforward to have force, specifically applies the ordinance of 1754 to the colony of which he had so recently assumed the government.

Assuming, then, as sound doctrine that at least from the year 1769 the ordinance of 1754 was law in Louisiana, it manifestly follows that the concession in the present case was made in conformity with the provisions of that ordinance.

Here it may be proper to observe that in Upper Louisiana the lieutenant governor was clothed with both civil and military power. He was not only commander-in-chief of the troops, but he was also the highest judicial authority. It was in his civil capacity that he granted or sold the lands belonging to the royal domain. In this concession he acted in his capacity of sub-delegate minister, (ministro sub-delegado,) as he is described and contemplated by the first section of the ordinance of 1754, above recited.

In divers public acts the lieutenant governor is styled sub-delegate; which, however, was not absolutely necessary, as the character of sub-delegate was included in the title of lieutenant governor. This is sufficiently shown by the complete titles already mentioned, in which the supreme confirming authorities recognize the concession to have been made by the lieutenant governor, (teniente gobernador de San Luis Ilinoa.)

Having thus demonstrated the power of the lieutenant governor to make original concessions, we proceed to show that the concession in question was protected by the treaty of cession of April 30, 1803.

By the third article of the treaty, "the inhabitants of the ceded territory shall be incorporated in the union of the United States, admitted to the enjoyment of all the rights of citizens, and in the meantime shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

The questions, therefore, with reference to this article, as regards the concession before the court, are—

1st. Did this concession, at the date of the treaty, vest a right in Antoine Soulard?

2d. Did this concession constitute property in the grantee?

If those questions be decided in the affirmative, the proposition is true that the treaty protects the concession. From what has been shown it is manifest that those questions must be so decided, because,

1st. The concession was made by the proper authority.

2d. At the moment it was made it became the subject-matter of sale, of distribution, of descent.

3d. The grantee might at any time have applied for a confirmation of it to the superior authority.

4th. The lieutenant governor who made it, (nor his successors,) could not have rescinded, of his own mere motion, the grant so made. To do this, it was necessary that by a formal decree, for cause shown, the land granted should be reunited to the domain, or should be abandoned or relinquished by the act of the grantee; neither of which, in this present case, appears to have been done.

If Mr. Soulard had died before the treaty of cession, this grant, and the land it included, would have devolved upon his widow and children; or if he had the power so to do, unfettered by any marriage or other contract, it would have followed the disposition of his last will and testament, if he had made one.

His widow, or heir, or devisee, might apply for confirmation, or might sell it before confirmation. It follows, therefore, that Mr. Soulard had a vested right in this concession, and a property as *real* and *defined* as any other that could be contemplated by the treaty of cession.

We shall now proceed to demonstrate the fifth position, namely, "that the concession and survey before the court might have been perfected into a complete title, conformably to the laws and usages of the government under which the same originated."

In demonstrating this proposition, the petitioner might, it is believed, rely with confidence on what has been already shown, and call on the United States to rebut the *prima facie* case made.

It has been demonstrated—

1st. That the concession has been made to a subject of the King of Spain during the existence of the government in Louisiana, and a resident of that province at the date of the concession.

2d. That the concession has been made by lawful and competent authority.

3d. That the concession and survey vested a right and a property in the grantee.

Upon these grounds, it is submitted that, upon the ordinary principles of law and equity, a presumption arises in favor of the claim to confirmation, which should stand until the contrary be proven by the adverse party.

Between private litigants, this certainly cannot be denied; and we can see no reason why the United States, or those claiming under them, should not be bound by the same principles.

Where one private individual succeeds to the rights and liabilities of another, either as purchaser, heir, devisee, or personal representative, the contracts of the person under whom he claims, if legally made, are valid against him, and would, if necessary, be decreed to be specifically executed by a court of equity.

By the treaty of cession the United States became vested with all the rights, and subject to all the legal and equitable liabilities of the former government, as related to the province of Louisiana; and this,

it is contended, would have been the consequence of a mere cession, without any specific stipulation in favor of the rights and property of the Louisianians.

It follows, then, that the concessions made by the officers of the former government, duly thereto authorized, are as obligatory on that government, and on its successor and representative, the United States, as those private contracts above mentioned would be binding in a court of law or equity; and that to get rid of those concessions it is necessary, not merely to reject them, but to show *some good cause of rejection.*

For, although it be true that the Spanish King might, without assigning a reason, have, in the plenitude of his power, cancelled this concession, it is equally true that the United States have not succeeded to this attribute of despotism, and that the only power vested in them as regards the present question is that which the treaty of cession and the Constitution of the United States have recognized or created

But it would be in truth an injustice to the government of Spain to suppose that any other than the principles relied on could have governed the confirmation or rejection of this concession For, whatever might have been the tyranny exercised on political or religious questions, it is a known historical truth that between the crown of Spain and the subject, as related to rights and property the most equal justice was distributed, and in Louisiana, in particular, the mildness and liberality of the Spanish rule was proverbial.

We therefore repeat that, even before a Spanish intendant general, we have made a case for confirmation which would stand until rebutted. We consider it important here to press upon the consideration of this court that the claimant is not a petitioner to this tribunal for the grant of an *original right,* but merely for the recognition of a right *already existing,* and of a property of which the United States on the 10th of March, 1804, found him in quiet possession. He petitions not for a grant of any part of the *public land,* but that he may be quieted in his ancient title to *his own* by a disclaimer on the part of the United States of a pretension totally unfounded.

The confirmation by the Spanish authority would have amounted to *no more;* for, as it has been demonstrated, the concession and survey gave an immediate right, and vested an estate in the grantee from the date and by the operation of the incomplete title; and therefore the Spanish confirming powers would not by any means have granted, although it might have annulled a grant and divested an estate already vested.

We will proceed, however, as far as is practicable, to show that in this case the Spanish confirming authority would not have annulled the concession or divested the estate created.

If the supreme Spanish authority would have refused to confirm this concession, it must necessarily have been upon one or more of the following grounds:

1st. For want of power in the officer who made the concession.

2d. For informality in the grant.

3d. For some disqualification in the grantee.

4th. For non-compliance on part of grantee with some condition expressed or implied in the grant; or,

5th, and lastly, for fraud or collusion in the obtaining of the concession.

On the first point, viz: the power of the granting officer, the arguments and facts already submitted might be deemed conclusive; but inasmuch as none of the complete titles cited, and in which the power of the lieutenant governor to grant is recognized, include so large a quantity as 10,000 arpents, (the amount of the present concession,) some observations will now be made to show that the power of the lieutenant governor in Upper Louisiana was unlimited as to quantity.

To demonstrate this we may again refer to the uniform usage and practice of the lieutenant governors from the year 1770 down to the date of the treaty of cession.

We have seen that the grant for a league square made previous to the year 1790 was confirmed to Gratiot and his heirs by Governor General Gayoso; that a grant of 8,000 arpents, made 18th January, 1798, was confirmed by the intendant general, Morales, to Louis Labeaume, the original grantee, on the 5th of June, 1802. Here is the usage recognized by the supreme authority, in express terms, as far as 8,000 arpents; and we cannot discover why the same recognition would not have been made if the grant to Labeaume had been for 10,000 arpents. The addition of two thousand arpents certainly impugns no principle on which the confirmation of 8,000 arpents could have been grounded.

Besides this express recognition, we rely also on the tacit assent to the usage and practice of the lieutenant governor by the superior authority at New Orleans. A great number of concessions were made by the different lieutenant governors exceeding 8,000 arpents; and in no one instance has the superior authority disapproved in any manner the act of the sub-delegate.

It is not to be supposed that the lieutenant governors of Upper Louisiana would have dared to usurp a power which the law did not give them, or that if they had so usurped it, the superior authority at New Orleans would have in silence assented to it.

The character of the individuals who have successively filled those high offices under the Spanish monarchs forbids this supposition. It would be absurd to suppose that the lieutenant governor, without any motive of interest, would so act; and it would be calumnious to assert that any motive of self interest *did* impel him so to act.

When we look back upon the terms of the ordinance that has been cited, we will see that the power of the sub-delegate was unlimited as to quantity as far as related to Upper Louisiana, at all times and in every part of the province of Louisiana, until certain modifications were adopted by O'Reilly, Gayoso, and particularly by the intendant general, *Morales,* all of which, as will be hereafter shown, were applicable either to *new settlers* or to the land in Lower Louisiana exclusively.

By the 1st section of the ordinance of 1754, already cited, it is decreed that the viceroys and presidents of the royal audiences shall thenceforward have the faculty of appointing the sub-delegate ministers, "who are to make the sale and arrangements of the lands and uncultivated grounds belonging to the King." There is no limitation as to quantity whatever.

In looking back to the 5th article of the ordinance, we see that the viceroys and audiences are thereby directed to confirm when no "fraud or collusion exists, and on proof of payment when a price has been stipulated." Here is no limitation as to quantity.

By the 12th article, (the translation of which has been given *in extenso,*) by which the confirming power is vested in the governor general, the act or grants of the respective sub-delegates are to be examined and confirmed "in the same way as is expressed" with respect to the audiences.

It may be proper to observe that the condition of payment of a price can be only applicable to the sales or arrangements in the nature of sales; but that in the case of *mere donations* or *graces (mercedes)*

no such condition could be deemed applicable, and nothing more could be exacted than the fees usually paid to the officers of the confirming tribunal.

The preamble to the ordinance of 1754 and the introductory decretal part show that the King, in the case of gifts (mercedes) as well as of sales, intended that the power of the sub-delegates should be the same and subject to the same control on the part of the confirming authority.

The extent of those gratuitous grants, rewards, or "mercedes," is not limited, and was left, as well as that of sales, to depend upon the discretion, under all circumstances of the case, of the granting power.

In the present case the circumstances are all in favor of the grant.

1st. The *fact* of the grant creates a presumption that the grantee deserved the favor.

2d. The fact of his being a meritorious officer, and that the grant was intended as a recompense for services rendered, is in proof before the court.

3d. At the time the grant was made he had already been a considerable time in the service, and had received no compensation or pay until that grant was made to him.

It seems, then, to be demonstrated, as far as the matter is susceptible of demonstration, that, taking into view the complete titles theretofore made, and the merits of the grantee in the present case, the confirmation of this concession would not have been refused by the Spanish governor general or intendant, merely on the ground that too great a quantity was included in it.

We come now to the second possible objection, viz: "informality in the grant."

On this head we shall merely refer to all the concessions, not only those which remain unconfirmed, but those on which complete titles have been granted by the Spanish government, and confirmations made by the Congress of the United States. The concession under consideration was in the *same terms as those*, and clothed with the same formalities: if the one be good in point of form, the other must be equally so, and in that respect equally entitled to confirmation.

Here we shall notice an argument against the claim which may be, perhaps, drawn from the supposed want, in this case, of registry of the concession, and shall meet the objection by either of the two following propositions:

1st. Registry was not necessary, under the Spanish or French government in Upper Louisiana, to give validity to an original concession, warrant, or order of survey.

2d. Supposing registry to have been necessary, such registry has been made in this case as was required, according to the usage and practice in Upper Louisiana.

On the first point we will observe, that neither by the ordinance of 1754, or that of 1786, of the King of Spain, nor by any of the regulations of the governors general or intendents, is registry of an original concession, warrant, or order of survey, required. As far as regards written law, our position, therefore, is sustained.

We will admit that there did exist at St. Louis a book, called the *Livre Terrien*, in which, from the year 1766 down to the year 1797, a considerable number of concessions, orders of survey, and surveys, were entered by the respective commandants and lieutenant governors; but we deny that this book, or registry in it, was required by any law or ordinance, or that it gave validity to a concession, warrant, or order of survey. This book was used in some cases as the depository of the original and only grant, warrant, or order of survey, and in others was used as a mere record of the concession issued. In the latter case the original document was delivered by the granting officer to the *party interested*, who might, at his option, have the grant entered or copied into the "Livre Terrien." This, in point of fact, was very generally done during the first thirty years after the establishment of the post of St. Louis, the seat of government in Upper Louisiana. The practice, however, declined gradually after that period, and we find but one concession in the year 1796 entered on the Livre Terrien. This book remained in the custody of the commandant or lieutenant governor for the time being, until the appointment, by Governor General Baron de Carondelet, of Mr. Antoine Soulard (the claimant) as surveyor general of Louisiana, in the month of February, 1795. Previous to his nomination there was no surveyor of Upper Louisiana, appointed by the superior authority at New Orleans; and the few surveys theretofore made were executed by individuals authorized for the occasion by the lieutenant governor, or employed and paid by the grantee or his representative. The surveys so made by them were generally registered in the "Livre Terrien;" and here we will remark, that a number of those surveys appear to have been made, not for the original grantee, but for his alienee or vendee—a conclusive proof that even at that time unlocated or floating titles were the subject-matter of sale, and therefore had the effect of vesting a property.

The entry or registry of the concession was done at the request of the grantee, to protect him against the inconvenience which might result from the loss or destruction of the original concession before any other record of its existence was made. Many grantees, however, neglected this precaution, and their concessions were not the less valid on that account. This is demonstrated by the complete titles which have been granted by the supreme authority at New Orleans, upon original concessions made by the lieutenant governors and commandants, which have not been registered in the "Livre Terrien," or in any other record book in Upper Louisiana.

It is equally manifest that by no act of Congress has such registry been necessary to the validity of a concession. Under the laws of 1807 and 1814 upwards of twenty claims of a league square each have been confirmed, none of which appear on the "Livre Terrien."

We have said that in February, 1795, Mr. Antoine Soulard was appointed surveyor general of Upper Louisiana. Soon after his appointment the practice of registry in the "Livre Terrien" ceased altogether, and another species of registry, created by the surveyor general, was made use of. When Mr. Soulard was named surveyor he found it necessary to organize his office and adopt such a system as appeared to him most suitable to the duties which he had to perform, and to the interests and circumstances of the inhabitants. He had received no other directions from the supreme authority at New Orleans than those contained in his commission of surveyor general, which is expressed in very general terms, and defines not at all his functions, or the mode in which he is to organize his department or keep its records. Being thus at liberty to adopt any plan which to him might appear the most suitable, he discontinued the registry of concessions and surveys in the "Livre Terrien," and, instead thereof, entered each survey made by him or his subordinate officers in a book kept by him for that express purpose.

In this register was entered—

1st. The plat of survey.

2d. The date of the execution of the survey, and (in general) the name of the person who surveyed.

3d. The date of the warrant, order, or concession, and name of the commandant or lieutenant governor who made it.

4th. The date of the certificate of survey issued by the surveyor general to the person for whom the survey was executed.

This was the uniform practice in every case where a survey was made in pursuance of a superior order, down to the time when Mr. Soulard ceased to be surveyor and delivered up the above register and papers of his office, including the Livre Terrien, to the board of commissioners. The receipt given to Mr. Soulard for these books and papers bears date the 10th July, 1806, and is signed by the clerk of the board of commissioners, J. V. Garnier.

In pursuance of the act of Congress of the 29th February, 1806, section 2, all the plots of surveys and all other papers and documents pertaining to the office of surveyor general under the Spanish government, were delivered to the principal deputy surveyor of the United States; and by the above act it was provided that no plot of survey should be admitted as evidence in any court of justice unless certified by the said principal deputy to be a true copy of the record in his office.

Thus the registry kept by Mr. Soulard has become part of the public records of the United States and its authenticity expressly declared and recognized by the above act of Congress.

The same sanction has been given by other acts of Congress. Most of the confirmations made under the law of April 12, 1814, are based upon surveys made previous to March 10, 1804, and entered by the surveyor general (Soulard) in the above register. Indeed, in no case of confirmation under the act of 1814 does the original concession appear to have been registered, either in the Livre Terrien, or in any other book of record under the Spanish government.

Enough, it is hoped, has been now said to demonstrate the first proposition—namely, that registry was not necessary to the validity of an original concession.

To sustain the second position, viz: "That, supposing registry to have been necessary to give validity to the concession before the court, such registry has been proved," it is only necessary to refer to what has been already stated.

The surveyor general in this case followed the practice adopted by him in every other. Being *himself* the grantee, he kept, as he had a right to do, his concession among his other title deeds, until he found it convenient to have it located and surveyed. When the survey was made by the proper officer, Mr. Soulard entered it in his registry in the same way and with the same particularity that was observed in every other entry made by him.

By the certified copy from the registry, made evidence by the act of Congress before cited, it appears that the land included in the grant was surveyed in February, 1804, by Santiago Rankin, lieutenant (or deputy) surveyor, by virtue of a decree of concession of the lieutenant governor, Zenon Trudeau, for 10,000 arpents, dated April 20, 1796, and that the certificate of survey was made and dated on March 8, 1804, which was also the date of the entry in the registry.

This survey was made, as has been proved by a respectable witness, about the time that other surveys were made by the same deputy, (Santiago Rankin,) which surveys were registered in the same book and in the same form.

Many of those tracts so surveyed by Santiago Rankin under the acts of Congress of 1807 and 1814, amongst them a tract of 15,000 arpents, 7,056 of which have been confirmed by the recorder. All this has been shown in evidence, and, it is submitted, removes all doubt as to the operation in favor of the present claimant of the survey made for him by the deputy, Santiago Rankin.

Thus, then, if registry be required as an essential ingredient in the present case, this registry has been made—the only one that, by any law of Congress or any Spanish law, usage or practice, has ever been required.

The loss of the certificate of survey in this case cannot affect the question, inasmuch as the entry in the registry contains everything expressed in a certificate, as will appear by an examination of certificates existing and a comparison with the corresponding matter in the record.

The third possible ground of rejection, namely: "Disqualification in the grantee," manifestly does not exist; on the contrary, as has been observed, his quality as an officer of the Spanish government must now create a presumption of his merits. Besides, he was a resident of Louisiana when the grant was made to him, and therefore corresponds with the description in the law of Congress (under which this court sits) of a competent grantee.

The fourth ground of possible objection, namely: the non-compliance with some condition in the concession is equally wanting. There is, in fact, no condition unless that which attended every grant from the King of Spain, namely: that of conforming to the "Reglamento del Asunto," or, in other words, paying the taxes to which the property might by law be subjected, and performing the duties imposed on the proprietors of lands in Louisiana, according to the circumstances and localities of the land granted.

As to the fifth and last possible ground of objection, viz: fraud in the concession, enough has been said to demonstrate the non-existence of it, if, in any case, such proof were necessary. Fraud, however, is to be *proved,* not *presumed;* and if the United States rely on it as a ground of rejection they are bound to show it. It is assumed with perfect confidence in this case that such proof is impossible.

Now to the sixth general proposition which we undertook to establish, viz: "That this concession is protected by the law of nations." On this point, after what has been already urged, it must be quite unnecessary to expatiate. In a country conquered by force of arms the law of nations protects private property. For the correctness of this doctrine Vattel and Blackstone are referred to as being familiar to our recollection; but it is believed that every writer on international or even municipal law may be cited in support of it. How much stronger is the claim to protection in the present case, where the sovereignty of the United States over Louisiana was the result of a voluntary compact—of a solemn treaty, which guarantied to the inhabitants of Louisiana not merely their property, but assured to them and their children all the advantages of American citizens! This court, therefore, may well ground the confirmation on the law of nations, which, in truth, includes all the other grounds of confirmation mentioned in the acts of Congress.

The seventh and last proposition, viz: "That this grant is protected by the acts of Congress heretofore passed on the subject of such titles," can, it is believed, be sustained by a reference to those acts.

The first act passed by Congress, of March 26, 1804, while it outrages principle in declaring to be null and void all grants subsequent in date to the treaty of St. Ildefonso, by a proviso saves and respects every *bona fide* grant within a mile square to an actual settler, even subsequent to the date of that treaty. The silence of this act as to the *bona fide* grants made previous to the above date, it is submitted, may be

well construed into a recognition of them; for certainly, if the framers of that extraordinary law did not consider those grants good and valid as against the United States, they would have declared them to be null and void in the same compendious style in which they attempted to despatch the others. If this tacit recognition be admitted, it must be without limitation as to quantity.

By the first section of the act of March 2, 1805, the validity of every duly registered warrant or order of survey made previous to October 1, 1800, (the date of the treaty of St. Ildefonso,) *without any limitation as to quantity*, provided the lands granted were inhabited and cultivated by the grantee, or some person for his use, on that day is acknowledged as if a complete title had been vested in the grantee.

By the third section of the act of March 3, 1807, the commissioners were invested with powers to decide according to laws and usages of the French and Spanish governments upon all concessions where the claim was made by any person or persons, or the representative of any person or persons, who were on the 20th of December inhabitants of Louisiana, and to confirm the same within a league square, unless a salt spring or lead mine was included, and which confirmation was to be final against the United States.

It is contended that the above two acts of 1805 and 1807 have established a principle which protects every *bona fide* grant. Those acts cannot be construed to have conferred any original title on the claimant. They are by no means donative. They only recognize a pre-existing right in the claimant, and upon that ground confirm it. In the law of 1805 every duly registered warrant or order of survey, as therein described, is recognized as valid. In the law of 1807 every concession made according to law and usage, to the extent of a league square, is confirmed. These laws, while they so recognize the concessions and warrants, do not declare that in the one case want of possession shall annul a warrant, or in the other that the concession beyond a league square is null and void, or that it is void because a salt spring or lead mine is included in it. On the contrary, they recognize the warrants and concessions in the abstract, and give effect to them as complete titles, upon certain conditions in the one case, and without any conditions but within a limited extent in the other, provided no salt spring or lead mine be included. (Here may be cited François Tayon's claim of 10,000 arpents, 7,056 arpents of which are confirmed, and various others; also a tract of 15,000 arpents granted to M. P. Leduc, already mentioned in page 21.)

By the same act of 1807 those concessions which are not confirmed, or are only in part confirmed, are reserved for future decision, as appears by the seventh section of that act, which directs the commissioners to report and to classify them as therein mentioned.

It is manifest, therefore,

1st. That if the present concession had been before the board, it ought to have been confirmed under the act of 1807, within a league square.

2d. That the principle established by said act, and by that of 1805, protects it in its whole extent of 10,000 arpents.

The act of April 12, 1814, would still more clearly confirm this claim within a league square if it had been submitted to the recorder and was included in the report of the commissioners, because,

1st. It is an incomplete grant made prior to March 10, 1804, for lands lying within the Territory of Missouri to a person at that date a resident in Louisiana.

2d. It was actually located and surveyed within the Territory of Missouri before March 10, 1804.

It is submitted, also, that the above act furnishes, as well as the acts before referred to, a principle which recognizes the legality of the concession in its whole extent.

In conclusion of our observations in support of the seventh proposition, we can safely assert that the present claim or concession, in its terms and circumstances, is either exactly similar to or exceeds in point of merit the greater number of those which have been confirmed by the board of commissioners and the recorder, under the laws above referred to; and it is therefore to be inferred that if the claim had been submitted to either of these tribunals it would, equally with the rest, have been confirmed.

Having thus endeavored to demonstrate that the claim before the court possesses all the ingredients and fulfils all the conditions which, in the contemplation of the act of Congress, entitle it to confirmation, we should here conclude our argument did we not consider it proper to advert to certain regulations concerning the granting of lands in Louisiana made by the governors general, O'Reilly and Gayoso, and the intendant general, Morales.

To those regulations have been ascribed a bearing and effect on the Missouri land claims to which a very slight examination will prove that they are not at all entitled. Indeed, taking into view the terms of the act under which this court adjudicates, it may well be contended that those regulations are excluded altogether from its consideration. By this act, in its first section, the *laws, usages*, and *customs;* in its second section, the *laws* and *ordinances* of the government "from which the claim is alleged to be derived," are to be the rule of decision. Now we respectfully contend that the regulations of those officers above mentioned are neither usages, laws, or ordinances, but merely temporary and local regulations, not in any respect binding on the successor of the person who made them, and by that person only occasionally enforced or regarded.

To ascertain the distinction between these regulations and a law or ordinance, we can refer to Morales himself. In the preamble to his famous regulation of July 17, 1799, (a copy of which, in the original Spanish and French, is ready to be produced to the court,) he refers to the laws and ordinances of the King, and immediately after to the *regulations* of O'Reilly and of Gayoso, which regulations, he observes, he has examined with attention. He mentions the *laws* and *ordinances* as absolutely binding on him, while he speaks of the *regulations* of the governors general as merely entitled to his attention.

Besides this construction of Morales, we rely upon the known and exclusive meaning of the words laws and ordinances (ieyes y ordenanzas) in the Spanish code and under the Spanish government, and we therefore suppose that those words were used in the *Spanish* acceptation by the Congress of the United States.

But supposing those regulations (particularly those of Morales) to be either laws, ordinances, or simply *regulations having the force of law*, we submit that, to show their applicability to Upper Louisiana, it must appear that they were published or promulgated in that province. This has not been, nor can be done, for the proof exists to the contrary. We have proved by living witnesses of the first respectability that the regulations of Morales, so far from having been promulgated, were sent back by the lieutenant governor to Morales, with a remonstrance and various written objections to their operation, and that the intendant never replied to those objections, or insisted on enforcing his regulations in Upper Louisiana. And here it may be remarked, as a proof that the regulations of Morales were not known as law in Upper Louisiana at the date of the cession, that, among the laws and regulations of the Spanish government

furnished to the commissioners by the government of the United States, the regulations of Morales were never included, nor ever noticed at all by those commissioners.

But supposing those regulations were to have been promulgated in Upper Louisiana, a very slight inspection will show that they cannot affect the present claim.

The regulations of O'Reilly, the first Spanish governor of Louisiana, bear date the 18th February, 1770: at that date the settlement of Upper Louisiana had hardly commenced. It was in the year 1765 that the first cabin was built in St. Louis. The population of Upper Louisiana was then too thin to be the object of such complex regulations, or almost of organized government. Besides, the regulations of O'Reilly, which consist of twelve articles, are, the greater number, specifically restricted in operation to the island of Orleans, Opelousas, Attakapas, and Natchitoches; no mention whatever is made in them of Upper Louisiana. These regulations are noticed in Stoddard's excellent work on Louisiana. In page 252, Stoddard observes that "the regulations of O'Reilly were totally inapplicable to that part of the country, and the Spanish authorities there always conceded land on principles not derived from them." Here we will observe that the authority of Stoddard has been acknowledged by the most enlightened men as deserving of respect; and as a record of sound opinion and historic fact, we feel justified in calling the attention of the court to his work on Louisiana.

The regulations of Gayoso are equally inapplicable, in a great many of their provisions, to Upper Louisiana, and in those which are applicable, are intended to be in force only as to new settlers.

Those instructions are specifically styled by their author, "Instructions to be observed by commandants of posts in this province for the admission of *new* settlers."

The instructions, translated into English, are to be found in the Appendix to the Land Laws, page 21, No. 13; also in Geyer's Digest, page 438.

To show that the regulations of Gayoso are inapplicable, we shall refer to his own decision as conclusive.

In a former part of this argument we adduced, in proof of the authority of the lieutenant governor to make the concession now under discussion, a complete title made by Gayoso on an original concession by Zenon Trudeau, dated 19th November, 1796, to one Regis Loisel, for 1,480 arpents. In the requête or petition upon which this grant is made, Regis Loisel styles himself "a trader of this town," (negociant de cette ville,) of St. Louis.

Now, the 11th article of those regulations directs that "no lands shall be granted *to traders;* as they live in towns, they do not want them."—(*Vide* said regulations as above.)

This authority, it is presumed, precludes the necessity of any further remark on the subject of Gayoso's regulations. We shall therefore proceed to consider those of Morales, which, in fact, are those upon which the stress has been laid in recent discussion on the subject of Spanish land claims.

In the first place it is to be observed that, in the preamble to his regulations, which are dated July 17, 1799, he declares his intention to conform, in the execution of the duties imposed on him, (by the royal order of the 22d October, 1798,) to the 81st article of the ordinance of the intendants of New Spain, the regulations of the year 1754, cited in the said article, and the laws respecting it.

The ordinance relative to the intendants of New Spain was published in 1786, and invested them with the power of selling and distributing the royal lands, "acting in those affairs, as also their sub-delegates and others, in conformity with the royal instructions of the 15th October, 1754." (This ordinance, in the original Spanish, and translated into English, is ready to be produced to the court.)

It will be recollected that by the 12th article, before cited, of the ordinance of 1754, which became applicable, and was declared by royal order (as recited in the preamble to Morales' regulations) of the 24th August, 1770, to be applicable to Louisiana, the power of granting complete titles to lands was vested in the governor general, who was bound to conform to the general directions of the ordinance of 1754.

This power was accordingly exercised by the governors general of Louisiana, (being the same exercised since 1786 in *New Spain* by the intendants) down to the 22d October, 1798, when it was given to the intendant general, Morales.

It follows, therefore, that no greater power was vested in Morales than the intendants of New Spain possessed, who themselves were bound by the ordinance of 1754.

It is evident from this that no construction should be given, if any other can consist with their terms, to the regulations of Morales, which is inconsistent with the above ordinance.

Keeping this rule in our eye, we shall pass in rapid review those regulations.

It is only necessary to read the 1st, 3d, 4th, 8th, 9th, 10th, 11th, 12th, 13th, 15th, 16th, 34th, 35th, 36th, being 14 out of 28 articles, to be convinced that they never were intended to apply to Louisiana. The local circumstances to which they refer did not exist in that province; and provisions on the subject of applying for titles *within the time therein mentioned* would be absurd, and as the means of communication between New Orleans then existed, physically impracticable.

In a recent publication, signed *Jno. B. C. Lucas*, which appeared in the Enquirer newspaper of the 30th of August last, the writer appears to be of opinion that the 15th article of those regulations deprived the lieutenant governor of the power of making original concessions. He observes that "he never has been able to see the letter of office or document from the intendant, authorizing the commandants of posts to issue concessions; on the contrary, the 15th article of the regulations of the intendant provides that 'all concessions shall be given in the name of the King by the intendant general of this province, who shall order the surveyor general or one particularly named by him, to make the survey,'" &c. He then says "that the 2d article of the same regulations specifies that 'if in the posts the commandants shall state that the land asked for is vacant and belongs to the domain, and that the petitioner has obtained permission of the government to establish himself'—and declares himself perfectly at a loss to know how it comes that the commandants of posts have presumed to issue concessions as sub-delegates of the intendant when that power is lodged by the ordinance of St. Lorenzo, solely and exclusively, in the intendant, when he declares expressly that he retains it."

Now it is evident from the above observations that Mr. Lucas had totally lost sight when he wrote them, or was not aware of the ordinance of 1754 and that relating to the intendants of New Spain of 1786, before observed on. If he had ever read those ordinances he would have known that "no letter of office or document from the intendant" was necessary to authorize the lieutenant governors of Upper Louisiana to issue concessions. On the contrary, he would have known that the intendant had no power to deprive the lieutenant governors of the faculty if even he the intendant wished so to do. The power of making those original concessions or warrants of survey was vested, at least since the year 1700, in

the sub-delegates, as appears by the 5th article of the ordinance of 1754, which confirms all titles *originated by them* from that date. By the same ordinance, the power of originating titles is, in express terms, continued to the sub-delegates, (ministros sub-delegados.) The lieutenant governor of Upper Louisiana was, *virtute officii, sub-delegate*, and derived his power, when *once appointed*, not from any specific permission or authority given by the governor general or intendant, but from the royal ordinances which regulated and defined his functions.

It is evident, therefore, that this 15th article must, consistently with the ordinance of 1754, either refer to New Orleans alone and Lower Louisiana, if it means by concessions original grants, or, what is the more rational construction, it must refer exclusively to complete titles, in which case it very nearly conforms to the ordinance of 1754 and that of 1786.

To explain the meaning of Morales in the 2d regulation, it may be observed that commandants of posts were not necessarily sub-delegates, and that this latter quality alone entitled them to issue concessions. In Upper Louisiana, for instance, the commandant of the post of St. Andre was not a sub-delegate, and he therefore could only report that the land asked for was vacant, and that the demandant was such a person as he represented himself to be, upon which report the lieutenant governor, as *sub-delegate, originated* the title, or, in other words, made the concession, which, in due course, was to be confirmed at New Orleans. "The commandants of posts," therefore, mentioned in the 2d regulation, and upon which Mr. Lucas relies, must mean commandants *simply*, and not sub-delegates. In this way Morales is consistent with the ordinances, and in no other.

It may be proper to observe that, from the situation which Mr. Lucas held as commissioner, and the fact that he is now an adverse party to one of the petitions filed in this court, his publications and objections have been deemed worthy of notice. The subject is novel, somewhat involved, and it was feared that plausible objections, coming from such a quarter, might meet with more attention and respect than, when thoroughly examined, they deserve.

The other articles of those regulations appear to have been framed for the sole purpose of drawing money into the coffers of the government, or rather of its officers at New Orleans, and are manifestly in opposition to the spirit and principle upon which the government of Upper Louisiana was theretofore administered. The object of the governors general had been (particularly from the commencement of the administration of the Baron de Carondelet) to facilitate the colonization of Upper Louisiana. For that purpose the greatest encouragement was held out to settlers, and lands were granted to them upon terms the least onerous and expensive possible. The original concession was made, it is believed, without any charge for fees of office or of any other description.

Sales of land by the government of Spain were unknown in Upper Louisiana, and the grants made were universally either as recompenses for services or gifts, (mercedes,) or in consideration of and to encourage agricultural or other industry. It is not, therefore, to be wondered at that those regulations were objected to by the lieutenant governor of Upper Louisiana, or protested against by the cabildo at New Orleans.

But supposing for a moment that those complex and oppressive regulations were seriously intended by Morales to be enforced, it by no means follows that his intentions are binding on this tribunal. If it be manifest that, *at any point of time subsequent* to the date of the concession, the Spanish government would have confirmed the grant without loading its confirmation with the charges and formalities invented by Morales, this court is bound now to decree confirmation in the same liberal spirit.

Indeed, when we examine the 18th, 19th, 20th, 21st, and 22d articles of the regulations of Morales, it is manifest that, giving to them at this date the most plenary operation, the claimant would be entitled to a complete title on the ground of *compromise* to be made with reference to the circumstances of the case. The circumstances, it will be admitted, are all in favor of the claimant. The expenses to which he has been subjected; the deprivation of rights which he has sustained; the delay of justice; the many years that have elapsed since that treaty was made, which ought, if it had been observed, at once to have given to the inhabitants of Louisiana the substantial enjoyment of their property, so solemnly guarantied to them by its third article—all those circumstances, even upon the ground of compromise, to which even Morales's regulations entitle them, it is repeated, bring the claimants within the protection of the act under which this court is to adjudicate.

It is supposed that there can be no great necessity for demonstrating that the regulations of Morales, supposing them to have any value, can be only *prospective* in their operation, and that they cannot impair the validity of any incomplete title or concession made previous to their date.

To remove all doubt on this point we shall here refer to the authority of Morales himself, as we have already done in a former part of the argument, to demonstrate his recognition of the power of the lieutenant governor to grant.

We therefore call back the attention of the court to the three complete titles made by Morales before cited:

The 1st for 900 arpents, on a concession by Zenon Trudeau.

The 2d for 1,042 arpents, on a concession by same.

The 3d for 8,000 arpents, on a concession by same.

The first two dated April 28, 1802; the third dated June 5, 1802.

The language used by Morales in those complete titles is conclusive to show that he never intended their operation to be retrospective. He says that the grantee, "having complied with all the formalities and obligations required, inasmuch as this concession is anterior in date to the last regulation published by this intendancy," prays for a corresponding complete title, (habiendo cumplido con las formalidades, y obligaciones prevenidos por *ser esta concesion anterior* a las ultimas disposiciones del reglamento publicado por esta intendencia.) The "last regulations" meant by Morales are those upon which we have been observing; none others, it is believed, have even been published by him.

With this decision of Morales we shall close our remarks on his regulations.

In the argument above submitted we have relied on laws and usages, which, in an ordinary court of justice, deciding on the narrowest grounds, would, we conceive, entitle the claimant to a decree in his favor.

But we, with great respect, submit that this court has a duty to perform which transcends the limits of ordinary jurisdiction—the high duty of expounding and giving operation to international compacts and solemn treaties.

We have already spoken of the treaty of cession of 1803, but we conceive that not only this treaty, but those of 1762 and 1800, between France and Spain, are important to be considered.

The treaty of 1762, by which Louisiana was ceded by France to Spain, has never been published.

The character of this treaty and circumstances attending it are, however, matter of history. It was a species of family compact, which, though it may have answered the purpose of the monarch who transferred his vassals, did by no means please the inhabitants of Louisiana. This was felt by the King of France, and everything was done on his part that could reconcile his subjects to the new yoke to which they were compelled to submit.

The letter of the King of France to M. D'Abadie, director general and commandant for his Majesty in Louisiana, demonstrates this, and may well be considered a publication of that part of the treaty of Fontainebleau which immediately concerned the inhabitants of Louisiana, and those rights and interests which, by the operation of the treaty, might have been endangered or affected.

This letter bears date at Versailles, April 21, 1764, and was published at New Orleans in October of the same year. In this letter the King assures the inhabitants "that all the grants made by the governors and directors of the colony shall be holden and taken as confirmed by his Catholic Majesty, even though not yet confirmed by him."—(Vide Appendix to Land Laws of the United States, page 8, No. 2.)

The assurance thus given has been religiously observed by the Spanish authorities in Louisiana, who, no doubt, considered it as a part of the treaty, and equally binding on the conscience and honor of the Spanish monarch.

The observations we have offered on the treaty of Fontainebleau are applicable to that of St. Ildefonso: the same ungracious transfer, the same unceremonious conveyance of territory and people, and therefore the same causes of disgust and mortification to the inhabitants of Louisiana.

The Spanish government in that province had effectually succeeded in effacing all trace of attachment to the ancient French connexion. The mildness and justice of the Spanish rule had entirely reconciled the inhabitants to the domination of Spain, and made them look with the same disgust and apprehension to the retrocession to France as they had felt forty years before for their transfer by France to Spain.

Besides, the population of Louisiana had in that interval been in a great measure recomposed.

In 1762 it was universally French in birth, language, and habits: in 1800 it was comparatively Spanish.

Encouraged by the advantages held out by Spain, a multitude of Spanish subjects of either hemisphere flocked to Louisiana. The public offices were filled by them, and a great portion of the property had passed into their possession. They therefore viewed with all the prejudices of Spaniards the retrocession to France, and naturally preferred the mild sway of the Spanish monarch to what they deemed the military despotism of Napoleon Bonaparte.

This, as in 1763, was foreseen by the contracting parties, and every effort was made to reconcile the people of Louisiana to their new master.

In this point of view the proclamation of Salcedo and Casa Calvo (commissioners of the King of Spain for the delivery of the colony to the French authorities) is analogous to the letter of Louis XV to D'Abadie. It had a similar object and was couched in nearly the same language.

This proclamation (as has been proved in this case) was published with all due solemnity to New Orleans and St. Louis, and was sent to all the commandants of posts in Upper and Lower Louisiana, to be by them communicated to the inhabitants.

The commissioners in this proclamation, in the same terms used by Louis in his letter to M. D'Abadie, assure the people of Louisiana that *all their concessions shall remain good and valid, even those not confirmed by the King of Spain.*

This proclamation, having been tacitly assented to by the French government, must be taken as an authorized interpretation of the treaty of St. Ildefonso. If, then, Spain felt herself bound by the letter of Louis to his representative, and France assented to the proclamation of the Spanish commissioners, it seems to follow that the United States, who have succeeded the French republic in Louisiana, are bound to respect the Spanish guarantee, and to adopt the construction which has been given to the treaty of St. Ildefonso by the governments who were parties to it.

Inasmuch as the proclamation of Salcedo and Casa Calvo was a public and official act, the United States must be deemed to have had full and timely knowledge of it, and might have protested against it. This was not done, and consequently the inhabitants of Louisiana were justified in supposing that the objection which the proclamation created devolved on the United States when the sovereignty of the country became vested in them.

It would now, therefore, be a breach of faith to declare this assurance to be a nullity. All those inhabitants of Louisiana who, relying on the protection of the treaty of St. Ildefonso as proclaimed by the royal commissioners, *elected* to become American citizens, would be the victims of this perfidious doctrine. Many of those inhabitants were meritorious servants of the Spanish crown, and had an undoubted right to its future protection. This right, of course, became forfeited by the transfer of their allegiance to the United States, and there then remained to them no other fruit of their allegiance to Spain than the grants already made to them by that government, and which they were justified in supposing were virtually confirmed by the treaty under which they became American citizens.

It is to be regretted that this reliance on the faith of treaties has not been confirmed by the event. Already twenty years have elapsed, and grants made for services rendered are still unconfirmed. A confirmation at this day cannot repair the mischief and injustice of this long delay; for what can compensate twenty years of human existence wasted in disappointed hope and galling penury? The decree may restore to the injured claimant the possession of his lawful property, but it can do no more.

As an additional argument in favor of a liberal construction of titles such as the present, we rely also on the peculiar nature of the present law, and all the former laws of Congress on the same subject. The character of all of them is essentially *remedial*. When, therefore, in any of those laws a principle of protection is conceded by Congress, it is submitted that the claimant in this court is entitled to the benefit of that principle. In no other rational sense can the provision in the present act be understood, which authorizes the court to frame its decree as well with reference to those laws as to any other law or usage.

It has been contended at the bar on behalf of the United States, that a penal or disqualifying effect should be given to certain of those acts of Congress. This position it has been the duty of the counsel for the claimant to refute in argument, and is here noticed only on account of its self evident error.

In this note of our argument we have omitted a variety of auxiliary topics dwelt on at the bar. This omission will not, however, affect our general reasoning: our object has been to give a concise analysis, rather than a full report of what we have spoken. We are not at present aware that in our anxiety to be brief we have overlooked any part of the question. If, however, some link of argument should still be wanting, we pray that the defect may be pointed out, and we shall endeavor to amend it.

L. E. LAWLESS, *Counsel for Petitioner.*

APPENDIX.

Proclamation of the Commissioners of the King of Spain to the people of Louisiana, on the cession of that province to the French Republic.

Don Manuel de Salcedo, brigadier of the royal armies, governor, civil and military, of the provinces of Louisiana and Western Florida, inspector of the troops and militia thereof, vice-patron royal, judge, sub-delegate of the general intendency of ——, &c., and Don Sebastien Calvo de la Puerra y o Farrill, Marquis of Casa Calvo, knight of the order of St. James, brigadier of the royal armies, and colonel of the regiment of infantry of Louisiana, commissioned by his Majesty for the delivery of this province to the French republic—

Make known to all the vassals of our lord the King, of whatever class or condition they may be, that his Majesty has resolved that the retrocession of Louisiana should be made to the reciprocal satisfaction of each power; and, that the same proofs of protection and love which the inhabitants of this province have experieneed should be continued, his Majesty, amongst other things, has been pleased to determine certain points which we believe our duty to cause to be published for the knowledge and disposition of all interested.

First. His Majesty having under his eyes the obligations imposed by the treaties, and being desirous to avoid all dispute which might unexpectedly arise, has resolved that the retrocession of the colony and island of Orleans which is to be made to the general of division, Victor, or other officers lawfully authorized by the government of the French republic, take place in the same form as that in which France has ceded it to his Majesty. In virtue of which the limits of the border of the Mississippi or river St. Louis shall remain as they were fixed by the 7th article of the definitive treaty of peace, concluded in Paris the 10th of February, 1762; and consequently the settlements of the river Manshack, or Iberville, as far as the line which separates the American territory from the King's domain, shall remain under the power of Spain, and annexed to the Western Florida.

Second All individuals who have been in the employ of his Majesty, and who will remain under the domination of the King, will go to the place of Havana or any other places belonging to his Majesty, unless they should prefer to remain in the service of France, which they may freely do; but should any just and well-founded reasons hinder them for the present to comply with this disposition, they may state them through their respective chiefs, to be decided upon accordingly.

Third. The benevolence of his Majesty will not discontinue the pensions granted to the widows and those who have retired from the service, and will acquaint them in what manner they may receive their pensions.

Fourth. His Majesty makes known that by the wishes he entertains for the advantage and peace of the inhabitants of the colony, he expects, from the sincere and close amity and alliance which unites the Spanish government to that of the republic, that the latter will give orders to the governors and other officers employed in its service in the said colony and city of New Orleans, to the end that the churches and other houses of religious worship, served by the curates and missionaries, should continue on the same footing and enjoy the same privileges, prerogatives, and immunities, which were granted to them by the titles of their establishments; that the ordinary judges continue, equally as the tribunals established, to administer justice according to the laws and customs adopted in the colony; that the inhabitants should be maintained and preserved in the peaceable possession of their property; that *all concessions or property of any kind soever, given by the governors of these provinces be confirmed, although it had not even been done by his Majesty;* hoping, also, that the government of the republic will give to its new subjects the same proofs of love and protection which they have had under the government of his Majesty.

Fifth. In order that all parties interested may take the resolution which they will judge the most conducive to their interest and welfare, we also make known that, in case of doubt, they may have recourse and apply to any of us for more ample information and knowledge, according to the rules and instructions which we have received.

And that it may come to public knowledge, we do ordain that the same be published with all the solemnity required, at the sound of military drum, and posted up in the ordinary places. Given at New Orleans, May 18, 1803.

MANUEL DE SALCEDO.
LE MARQUIS DE CASA CALVO.

By order of their lordships.
CHARLES XIMENES, *Secretary of War.*

Copy.
ANDRE LOPEZ ARMESTO.

By order of their lordships the commissaries, I have commanded the publication, at the sound of the drum, in this post of St. Louis.

CHARLES DEHAULT DELASSUS.

The Baron de Carondelet, Knight of the Order of the Religion of St. John, Brigadier of the Royal Armies, Governor, Vice-Patron of the Provinces of Louisiana, Western Florida, and Inspector of the troops thereof, &c.

NEW ORLEANS, *February* 3, 1795.

In order to obviate the many and various difficulties which have happened between the inhabitants of the posts and settlements of Illinois, relative to the boundaries of their lands, the greatest part not yet surveyed for want of an experienced surveyor, and that to avoid disorder, confusion, irregularities, and litigations and lawsuits which may in future take place, being myself informed of the capacity and talents of the captain of the militia of the post of St. Louis, Don Anthony Soulard, I have named him, and by these presents I name and appoint him, surveyor of all the districts of Illinois and New Madrid, so that, conforming himself to the instructions of the surveyor general, the lieutenant of the armies, Don Charles

Laveau, with whom he is to correspond directly, he will measure, survey, establish boundaries, and mark the lands which will be conceded by this general government, taking his lawful and accustomary fees. I command all the respective commandants and the lieutenant governor of the establishment of Illinois to render him, and cause to be rendered him, the honors, rights, and privileges which belong and appertain to such surveyor.

Given the present, signed with my hand, sealed with the seal of my arms, and countersigned by the undersigned secretary of this government general for his Majesty.

EL BARON DE CARONDELET.

ANDRES LOPEZ ARMESTO.

NEW ORLEANS, *May* 30, 1805.

I have received the statement of the artillery, stores, and effects belonging and appertaining to his Majesty, which you have brought away in the boats of the expedition for the evacuation of the domain of Upper Louisiana, and which, agreeably to my orders, were disembarked at Baton Rouge. I have likewise in my possession the inventory of the papers relating to the inhabitants, and other documents and correspondence of the government mentioned in your official letter.

I have likewise been informed of the steps which you have taken to procure the artillery of the fort of Carondelet, in the Osage nation, and which you could not take down, leaving it with the hopes that Don Auguste Chouteau will attend to it, who has undertaken to deliver it at Baton Rouge.

In acknowledging the receipt of your official letter, I cannot do less than to manifest to you, sir, the satisfaction which I feel in observing the particular zeal and love for the service which has distinguished your command in the posts of Upper Louisiana, in which you have, in so distinguished a manner, interested yourself in the welfare of the inhabitants. God preserve you, sir, many years.

EL MARQUES DE CASA CALVO.

Sor. Don CHARLES DEHAULT DELASSUS.

Official letter of C. D. Delassus, lieutenant governor of Upper Louisiana, to Antoine Soulard, surveyor general of that province, dated May 18, 1808.

[Translated from the original Spanish.]

By letter dated 1st December of the last year, Don Juan Ventura Morales, intendant general of these provinces, tells me as follows:

"On account of the death of the assessor of this intendancy, and there not being in the province a learned man who can supply his place, I have closed the tribunals 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 in order that, apprised of this providence, you may not receive, frame, or transmit memorials soliciting lands until further orders."

I transmit you the above for your information, and you may communicate it to those inhabitants whose concessions have been surveyed, and who would solicit their title in form from the intendancy, to the end that they will await the further order above mentioned. In the meantime I understand that they shall continue in secure possession of the said lands.

God preserve, &c. At St. Louis of Illinois, May 18, 1803.

CARLOS DEHAULT DELASSUS.

Don ANTONIO SOULARD.

Official letter of the intendant general of Louisiana, Juan Ventura Morales, dated July 17, 1799, *on the subject of his regulations (of same date) concerning the granting of lands, addressed to Charles Dehault Delassus, lieutenant governor of Upper Louisiana.*

[Translated from the original Spanish.]

NEW ORLEANS, *July* 17, 1799.

For the government of this sub-delegation, and the information of the inhabitants of the district and the other persons concerned in the distribution and grant of lands and royal domain, I transmit to you six copies of the regulation that I have framed, and which must be observed until his Majesty shall have otherwise decided. It must be published in the same manner as is usual with respect to other general orders that concern the service of his Majesty, and you, sir, will give me due information of having executed it. God preserve you, sir, many years.

JUAN VENTURA MORALES.

The COMMAND OF ST. LOUIS OF ILLINOIS.

On the margin of the original are written by the lieutenant governor the words and letters—

Co. i. e. contestado—answered.

Ha. Nva. orden sin cumplimiento—*until further ordered, not executed.*

Letter from the intendant general to the lieutenant governor of Upper Louisiana, relating to the powers and duties of the surveyor of that province.

In my official letter of this date, I say to the Captain Don Henrique Peyroux, sub-delegate of the intendency in the post of New Madrid, as follows:

"Having before me the statement dated 31st of last July, made to me by the surveyor of Upper Louisiana, Don Antonio Soulard, and also the communication dated 22d September last, on the same subject, made to me by the surveyor general of Louisiana, Don Carlos Trudeau, I have to inform you that, considering as surveyor of the post of New Madrid the said Soulard, you must not prevent him from executing the surveys of land that may become necessary in that district, either by himself or by the person whom under his responsibility he shall commission, for this is necessary to the good order which I desire may be established on this subject, and the uniformity and subordination to the surveyor general of this capital, with whom the others must co-operate." I communicate this to you, sir, that you understand and enforce it, informing me of the receipt of this official letter for my own government. God preserve, &c. New Orleans, January 21, 1802.

JUAN VENTURA MORALES.

Soñ. Don CARLOS DEHAULT DELASSUS.

Official letter of the intendant general to the lieutenant governor of Upper Louisiana, in which the intendant recognizes the lieutenant governor and the commandant of the post of New Madrid as sub-delegates respectively, and in such capacity declares them to be independent of each other.

I have seen the instructions which you, sir, (in the belief that as lieutenant governor of the establishments of the Illinois, the officers of the royal treasury of the post of New Madrid, subject by order of the deceased governor, Don Manuel Gayoso de Lemos, to this command (that of New Orleans) must be subordinate to you) have framed for the government of the commandant, Don Roberto Mackay, in his quality of sub-delegate of the intendancy, and of the magazine keeper, Don Juan Lavellee, copies of which instructions you enclosed to me in your official letter of the 30th of June last, No. 59.

In answer, I must say that, it being contrary to law that *one sub-delegate* should transfer his powers to another, and it being opposed to the regularity of business that that should be certified upon report which is not present, the instructions given by you cannot nor ought not to have effect, and the more so inasmuch as the sub-delegation of the intendancy is local, and that the magazine keeper cannot recognize as his immediate chief any other than those who exercise the sub-delegation. For which reasons, without prejudice to the good understanding which the Commandant Mackay, or he who has succeeded him, shall have with you in civil and military matters, and to their recourse to you for the supplies of provisions and other things of which the post may have need, I inform, by letter of this date, the Captain Don Henrique Peyroux, and the magazine keeper, Don Juan Lavellee, that they are not subordinate to you, the first as sub-delegate of this intendancy, and the second as magazine keeper. The service consequently being to be performed, and the documents to be drawn up in the same form as when you, sir, were commandant of that post independently of the lieutenant governor of the Illinois, and observing the instructions which shall be issued from this royal treasury office, and also the other orders of this intendancy. God preserve, &c. New Orleans, August 26, 1799.

JUAN VENTURA MORALES.

Don CARLOS DEHAULT DELASSUS.

Official certificate by the ministers of the royal treasury at New Orleans, in favor of the lieutenant governor of Upper Louisiana, whereby it appears that the lieutenant governor was vested with the power of sub-delegate.

We, Don Gilberto Leonard, treasurer of the army, and Don Manuel Gonzalez Armires, ministers of the royal treasury, and formerly accountant and treasurer ad interim, respectively, of the province of Louisiana, during the Spanish government, continuing our functions until the entire conclusion of the affairs of said departments do certify that, in pursuance of a decree of the senor intendant general ad interim, the Señor Colonel Charles D. Delassus, formerly commandant of the port of New Madrid and lieutenant governor of St. Louis of the Illinois, with the sub-delegation of the royal treasury in both situations (con la sub-delegacion de real hacienda en ambos destinos) quitted this capital in the beginning of the year 1796, &c., &c.—[The rest of the certificate relates to the right of M. Delassus to certain emoluments in his above official capacities, and has no bearing on the matter of the argument.]—In order that this may authentically appear in favor of the said Colonel Don Carlos Dehault Delassus, and in virtue of the before recited decree, we give the present certificate at New Orleans, June 27, 1805.

GILBERTO LEONARD.
MANUEL ARMIRES.

NOTE.—The above document was offered in the cause and refused by the court, on the ground that it was executed and bore date subsequent to the 10th March, 1804.

[The regulations of Morales are to be found in the appendix to the last edition of the United States Land Laws.]

21st Congress.] No. 861. [2d Session.

APPLICATION OF PURCHASERS OF PUBLIC LANDS IN ALABAMA FOR FURTHER RELIEF.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 23, 1830.

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

Your petitioners, citizens of the State of Alabama, respectfully represent: That they are holders of certificates of purchase and relinquishers of public lands originally sold under $14 per acre, upon which further credit has been taken, or which have been relinquished under the several laws of the United States passed for the relief of purchasers of public lands.

Your petitioners further beg leave respectfully to represent that the law passed March 31, 1830, entitled "An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States," does not afford to them either an adequate or proportionate relief. Your petitioners are far from indulging in invidious feelings at the good fortune of the holders of high priced lands, who are presented with a patent upon surrendering their certificates and paying the fees of office; neither did they experience other than pleasing sensations when informed of the pre-emption rights granted to settlers on public lands; they cannot, however, but view with surprise and regret the fact of their forming an isolated class, apparently excluded from the favors of government. If the object of Congress was to raise a certain amount from land debtors, it seems but just to your petitioners that it should have been drawn in rateable proportions from all. It appears, however, that the heaviest contributions have been levied upon the holders of low priced lands, generally consisting of the poorer classes of society.

Your petitioners are impressed with a belief that higher considerations influenced your honorable bodies than a mere question of revenue, and that the laws of the last session were passed under the conviction of their affording general and ample relief. Your petitioners humbly suggest to your honorable bodies that they do not receive the relief required by them, or anticipated by the framers of the law. The provision giving script for payments made on land, the cost of which does not exceed $2 50 per acre, has not operated as beneficially as was expected by its advocates. The present value of that land arises more from the quantity cleared and the buildings erected on it than from the goodness of the soil. Your petitioners respectfully and earnestly request of your honorable bodies the passage of a law entitling holders of certificates of further credit to a patent upon their paying such sum, in addition to the sum already paid, as will, together, make $1 25 per acre; and, where $1 25 per acre has been already paid, entitling them to a patent upon the surrender of their certificate; and also permitting relinquishers of public lands to re-enter the lands relinquished by them upon the payment of $1 25 per acre. Your petitioners hope your honorable bodies will not consider this request unreasonable, when they reflect that by the bill entitled "An act to grant pre-emption rights to settlers on the public lands," those settlers are allowed to select from the lands possessed or cultivated by them a quarter section, upon paying to the United States the minimum price. Your petitioners consider it a fair presumption that those settlers occupy the most fertile tracts of the different countries in which they are located. They consider it equally plain that the lands which sold for upwards of $14 per acre must be the most valuable in the districts in which they are situated, and, as a natural consequence, that the lands held by your petitioners must be the poorest in those districts. Under these circumstances your petitioners are at a loss to discover the justness of that legislative reasoning which exacts from them a sum per acre greater than that required for the best public lands to be offered for sale during the continuance of the pre-emption law. And, as in duty bound, they will ever pray, &c.

A table exhibiting the prices which have been paid by the purchasers of public lands for those which sold under the credit system for prices not exceeding $14 per acre, and have reverted for non-payment of the residue.

For lands sold at $14, the amount paid being one-fourth, is $3 50 per acre.
Do.....13.....do.....do.....3 25 "
Do.....12.....do.....do.....3 00 "
Do.....11.....do.....do.....2 75 "
Do.....10.....do.....do.....2 50 "
Do..... 9.....do.....do.....2 25 "
Do..... 8.....do.....do.....2 00 "
Do..... 7.....do.....do.....1 75 "
Do..... 6.....do.....do.....1 50 "
Do..... 5.....do.....do.....1 25 "

It is proposed to pay, in addition to the amount heretofore paid,

For land which sold at $4, on which has been paid $1 00, 25 cents per acre.
Do.....3.....do.....0 75, 50 "
Do.....2.....do.....0 50, 75 "

21ST CONGRESS.] No 862 [2D SESSION.

ON CLAIMS TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE SENATE DECEMBER 24, 1830.

Mr. POINDEXTER, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Walker and Eliza Ann Griffith, formerly Eliza Ann Walker, surviving children and heirs of Peter Walker, deceased, late of the State of Mississippi, praying that an act may pass authorizing the location, on any lands of the United States not otherwise disposed of, at the proper land office in said State, of certain tracts or parcels of land, claimed by the said Peter Walker, deceased, and his two sons John Walker and Peter C. Walker, deceased, of whom the petitioners are also the legal heirs, and also one other tract claimed by the petitioner Joseph Walker, in his own right; all which said claims are founded on titles not legally and fully executed from the Spanish government, which were not confirmed by the board of commissioners sitting west of Pearl river, in the former Mississippi Territory, now State of Mississippi, reported:

That it appears to your committee, from the evidence accompanying the petition, that, on the 1st day of November, in the year one thousand eight hundred, one Elijah Bunch conveyed by deed of bargain and sale to Peter Walker, since deceased, a certain tract or parcel of land, situated in said State of Mississippi, on the waters of Beaver creek, containing eight hundred acres, French measure, which deed of conveyance was filed, with a notice of claim, by the heirs of the said Peter Walker, deceased, in the office of the register of the land office west of Pearl river, in the said State of Mississippi, and rejected by the board of commissioners appointed to investigate private claims to land in said district. No grant of any description from the Spanish government to Elijah Bunch, under whom the heirs of the said Peter Walker, deceased, claim, was exhibited to the commissioners, nor does it appear by the evidence before your committee that such grant was ever made to said Bunch. Your committee, therefore, are of opinion, that as the claim of the petitioners is founded on the conveyance from Bunch to their ancestor, the said Peter Walker, deceased, it is essential to the validity of their claim, either in law or equity, to show that a title existed in Bunch before or at the date of said deed. In the absence of any evidence to establish this fact, your committee are of opinion that, as to this particular claim, the prayer of the petitioners ought not to be granted. It further appears to your committee that warrants or orders of survey, each for five hundred acres of land, French measure, were granted by the Spanish government, in the district of Natchez, to Peter Celestino Walker and John Peter Walker, brothers of the petitioners Joseph Walker and Eliza Ann Griffith, formerly Eliza Ann Walker, and that said grantees have departed this life without issue, by reason of which all the right, title, and interest which said Peter Celestino and John Peter Walker, deceased, held in said lands, in their lifetime, vested in the petitioners as their legal heirs; and it also appears to your committee that a warrant or order of survey was, in like manner, granted to Joseph Walker, one of the petitioners, for five hundred acres of land, French measure, situated in said district of Natchez which said several tracts or parcels of land were actually surveyed under the authority of the Spanish government, prior to the 27th of October, 1795, that being the date of the treaty between the United States and Spain, by which the possession of the country in which these tracts of land are situated was transferred to the United States. These surveys, with a notice of the claims, were filed according to law with the register of the proper land office, and rejected by the commissioners because the claimants did not actually inhabit and cultivate said tract of land at the date of said treaty with Spain, as required by the act of Congress passed on the 3d day of March, 1803, entitled "An act regulating the grants of land, and providing for the disposal of the land of the United States south of the State of Tennessee." In the further investigation of these claims it appears to your committee that, by an act of Congress passed in the year 1808, the register of the land office west of Pearl river was directed to report to the Secretary of the Treasury a list of all claims to land filed in his office founded on warrants or orders of survey granted by the British government of West Florida, or the government of Spain, and which had been rejected by the commissioners, because the land so granted was not inhabited and cultivated by the grantee, or some one to his use, on the said 27th day of October, 1795; which report was accordingly made and submitted to Congress for further legislation, in relation to grants so rejected, as aforesaid.

On the 12th day of June, 1812, Congress passed an act confirming all such warrants or orders of survey which were fairly obtained, and the survey actually made prior to the date of the Spanish treaty, although the claimant did not actually inhabit and cultivate the land, as required by the act of the 3d of March, 1803, and the register of the land office and receiver of public moneys of the district in which the land was situated were required to grant certificates of confirmation to the claimants, on all such claims not exceeding six hundred and forty acres. It further appears to your committee that application was not made to those officers for certificates of confirmation in the warrants and orders of survey to Peter Celestino Walker, John P. Walker, and Joseph Walker, in consequence of the death of the said Peter and John before the passage of the act of 1812, and of the absence of Joseph from the State of Mississippi, who was unaquainted with the necessary steps to be taken to perfect his title; also, that Eliza Ann Griffith, one of the legal representatives of said Peter Celestino Walker and John P. Walker, deceased, was, at the date of said act, an infant under the age of twenty-one years, and not informed of her rights under the aforesaid grants. Those lands have been sold by the United States; and it appears to your committee, under the peculiar circumstances of this case, just and proper to place the legal representatives of Peter Celestino Walker and John P. Walker, deceased, and Joseph Walker, one of the petitioners, on a footing with the claimants whose claims have been confirmed under the act of 1812, which can be done only by authorizing them to locate a like quantity of land on any lands of the United States not otherwise disposed of, lying within said State of Mississippi; for which purpose they beg leave to report a bill.

21st Congress.] No. 863. [2d Session.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 24, 1830.

Mr. Patton, from the Committee on Private Land Claims, to whom was referred the petition of Luther L. Smith, reported:

The petition sets forth that on March 20, 1817, the petitioner bought of Robert Perry, attorney in fact of James Innerarity, of Mobile, a tract of land of two hundred and seventy-nine arpents, situate in the parish of West Feliciana, adjoining the tract of land on which the petitioner resided, for which he paid the said Perry a full and fair price and consideration; that the petitioner in the same year (1817) cleared and cultivated about seventy or eighty acres of the said tract, which he has ever since quietly and undisturbedly cultivated and occupied, having built his negro quarters on the same; that the petitioner was unaware that the commissioner of land claims east of the Mississippi and west of Pearl river had reported unfavorably on this claim in the year 1815, and that the petitioner expected provision would ere this have been made for improvements and settlements made in good faith prior to the year 1819. What report had been made by the commissioner of land claims, James O. Cosley, was not known generally until after the passage of the act of Congress of March 3, 1819; nor was it known to the petitioner that the claim had been reported on unfavorably till 1824; that the petitioner did not present his claim to the commissioners of the land office at St. Helena court-house, because the commissioners, as the petitioner was informed and believed, when they received claims in 1824, received and reported on only such as had been settled prior to April 15, 1813.

The petitioner has exhibited a deed of conveyance of the said land, executed to him by Robert Perry, as attorney for James Innerarity, also a power of attorney executed by Innerarity to Perry, authorizing the latter to sell and convey the land. The petitioner has also exhibited a paper purporting to be a copy of a grant of the said land by the Spanish government to Vincent Sebn. Pentado, but the petitioner has adduced no proof to show that Pentado conveyed the land to Innerarity, nor has the petitioner adduced proof of any other statement set forth in his petition. The committee are of opinion that if every allegation in the petition was proved Congress ought not to grant the prayer of the petitioner; they therefore recommend that his claim be rejected.

21st Congress.] No. 864. [2d Session.

ON CLAIM TO LAND IN MISSISSIPPI, DERIVED FROM GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 24, 1830.

Mr. Sterigere, from the Committee on Private Land Claims, to whom was referred the petition of Samuel Gibson, of Ohio, reported:

That petitioner states that on August 10, 1797, he purchased 1,000 acres of land of M. Montgomery, attorney of Zachariah Cox, for $1,000, and received a deed for the same, describing the land as lying in the great bend of the Tennessee river, in the Tennessee Company's purchase; that he was an innocent purchaser, without any notice of fraud or illegality of the sale made by the State of Georgia to said Z. Cox & Co.; that William Cox, attorney of said Z. Cox, by virtue of a letter of attorney, surrendered this land to the State of Georgia, and renounced to Georgia all the claim of said Zachariah Cox to said tract of land, for which he received upwards of $4,000.

Petitioner does not think that in equity and justice he should be bound by said relinquishment. That the land is worth $40 an acre, and asks Congress to grant him relief.

The statement of the petitioner is not corroborated by any testimony, nor even by his own oath. If, however, all the statements were fully proven, by his own showing he has not suffered any injury or injustice by the United States or any of its officers. The injury he complains of seems to have arisen out of an unlawful and fraudulent speculation, for which, perhaps, he is entitled to no relief from any source. From his own statement, if he can have any claim whatever it is on the State of Georgia, or on Zachariah Cox, his vendor, only. He is certainly not entitled to any relief from Congress on any principle of equity, or law, or usage. The committee recommend that the petition be rejected.

21st Congress.] No. 865. [2d Session.

QUANTITY OF LAND SOLD, RATE PER ACRE, AND AMOUNT RECEIVED FROM SALE OF PUBLIC LAND IN 1829 AND 1830.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1830.

Treasury Department, *December* 30, 1830.

Sir: In compliance with a resolution of the House of Representatives of the 23d instant, directing the Secretary of the Treasury "to report to the House the quantity of lands of the United States which has been sold in the several States and Territories within the last twelve months, and the amount paid for the same, and the average price per acre in each State and Territory," I have the honor to transmit a statement from the Commissioner of the General Land Office, which contains the information desired, for the year ending September 30, 1830.

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

S. D. INGHAM, *Secretary of the Treasury.*

The Hon. Speaker *of the House of Representatives.*

Statement of the quantity of land sold, the amount of the purchase money, and the average rate per acre, in each of the States and Territories, from October 1, 1829, *to September* 30, 1830.

States and Territories.	Land sold.	Purchase money.	Average rate per acre.
	Acres.		
Ohio	160,182.14	$201,923 50	$1 26.06
Indiana	413,253.63	521,715 13	1 26.24
Illinois	291,401.28	364,369 87	1 25.04
Missouri	182,929.63	228,748 12	1 25.05
Mississippi	103,795.61	130,475 87	1 25.70
Alabama	233,369.27	291,715 20	1 25
Louisiana	35,243.57	44,463 71	1 26.16
Michigan	106,201.28	132,751 58	1 25
Arkansas	1,336.79	1,670 85	1 25
Florida	50,253.98	67,519 94	1 34.35

ELIJAH HAYWARD, *Commissioner.*

Treasury Department, *General Land Office, December* 29, 1830.

21st Congress.] No. 866. [2d Session.

ON CLAIM FOR A RESERVATION UNDER TREATY OF 1814 WITH THE CREEK INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 3, 1831.

Mr. Sterigere, from the Committee on Private Land Claims, to whom was referred the resolution of the House of Representatives, directing the committee "to inquire into the expediency of allowing the claim of George Mayfield to six hundred and forty acres of land, reserved to him by the treaty made with the Creek Indians at Fort Jackson in 1814," reported:

That they find, on examination of the treaty made with the Creek Indians at Fort Jackson, in 1814, as ratified by the Senate, that it does not reserve any land to said George Mayfield; and that consequently he cannot be entitled to any land under that treaty. In a written communication submitted to the committee by the Hon. John Bell, of the House of Representatives, it is stated that, at the negotiation of the treaty of Fort Jackson, "a reservation of six hundred and forty acres of land was reserved to him, the said George Mayfield, in the treaty," but that "that part of the treaty which included the reservation was not ratified by the Senate."

Taking these facts for granted, the committee do not think they give Mayfield any claim on the United States. It will not be disputed that the part of the treaty relating to said reservation must have been ratified by the Senate before any right could vest in Mayfield, or that some assent or agreement on the part of the United States should be made to give him an equitable claim to said reservation or tract of land. It appears, however, from Mr. Bell's statement, that the Senate did not only not allow the reservation, but expressly rejected the article of the treaty in which it was contained. The committee are unanimously of opinion that the claim of George Mayfield to six hundred and forty acres of land, mentioned in the resolution referred to them, should not be allowed.

21st Congress.] No. 867. [2d Session.

CLAIM OF THE OFFICERS OF THE WAR OF 1812-'15 FOR BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1831.

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

The memorial of the undersigned officers of the army of the United States during the late war, emphatically called the second of independence, respectfully represents: That the continental Congress, by its resolution of the 16th September, 1776, did provide that the officers and soldiers of the war of independence should receive a bounty in land; that many of the States of the Union, viz: Massachusetts, New York, Pennsylvania, Maryland, Virginia, and North Carolina, following the generous impulse, and appreciating alike the services, sacrifices, and sufferings of the officers and soldiers, did from time to time provide liberal bounties in land for their respective State lines in the continental service; that Congress did by a resolution of the 14th August, 1776, promise a bounty in land to those who should leave the armies of his Britannic Majesty in America, and should choose to become members of any of those States; that by resolutions of the 23d April, 1783, and the 7th April, 1798, Congress did provide that refugees from Canada and Nova Scotia should receive a bounty in land, and has by various subsequent acts and regulations carried into effect the said laws so passed by its own body; that by an act of the 24th December, 1811, and the acts supplementary thereto, the same bounty and liberality were extended to the soldiers of the late war, in which the undersigned served; that by the second section of the act of the 6th February, 1812, the heirs of volunteer soldiers who should be killed in battle, or should die in actual service during the war, were each promised one hundred and sixty acres of land; that under the provisions of the act of the 5th March, 1816, citizens of the United States who were inhabitants of Canada at the commencement of the late war, and who during the said war joined the armies of the United States as volunteers, were promised bounty in land in the following proportions, viz: to each colonel 960 acres; to each major 800 acres; to each captain 640 acres; to each subaltern officer 480 acres; and to the medical and other staff according to their pay; and they were authorized to locate their claims in quarter sections on any of the unappropriated lands of the United States.

The undersigned have in vain sought for reasons which should deprive the officers of the second war of independence of the same bounty which was extended by the United States, and several of the individual States, to officers of the first. The officers of the last war held the same stake, exhibited the same valor and love of liberty; and although they may not as a body have suffered as much, yet their zeal was not less, nor their exertions less meritorious or successful. If the soldiers of the late war, and the heirs of volunteers who were killed or died in the service, had claims on the bounty of the nation, why have not the officers whose skill and prowess brought them into the field and drilled them into efficiency, or those who administered to their wants or watched over their health, claims equally strong upon the government which they supported and the nation which they defended?

If citizens who abandoned the enemy of their country, and arrayed themselves in her ranks, have met favor in the halls of the nation, will her representatives be deaf to the appeal of those who sought the enemy on his own soil, foiled the discipline which conquered that first of warriors who sleeps on a distant rock, and who in risking or surrendering their lives have added another plume to the cap of liberty, another leaf to the archives of the nation's fame?

The undersigned presume to answer for your honorable body in the negative. Buoyed up by the justice of their claim, and encouraged by the many precedents in their favor, and the further consideration that the laws did not allow them to share in the munitions of war and other valuable property taken from the enemy, they appeal with confidence to the liberality of Congress and the gratitude of the nation at this auspicious period of their country's history, and therefore pray that lands may be granted to those officers of the late war who served to its close, and to the heirs of those who were killed or died in the service, in proportion at least equal to the quantity allowed to the Canadian volunteers; and that they be permitted to locate their claims on any of the unappropriated lands of the United States, or to file their warrants in payment of any lands which have hitherto been purchased from the United States, and now remain unpaid for, or at their option to receive script at the minimum price, receivable in any land office of the United States.

New York, *November* 25, 1830.

21st Congress.] No. 868. [2d Session.

CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1831.

General Land Office, *January* 3, 1831.

Sir: Under the provisions of the act of Congress approved on the 28th of May, 1830, entitled "An act to authorize the register and receiver of the St. Helena land district, in Louisiana, to receive evidence and report upon certain claims to land therein mentioned," I have the honor to transmit herewith a copy of a letter from those officers, covering the report required by that act, together with copies of the papers therein referred to.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. Andrew Stevenson, *Speaker of the House of Representatives.*

LAND OFFICE, *St. Helena, November* 30, 1830.

DEAR SIR: With this you will receive our report and opinion respecting the validity of two claims to lands in this district, owned by John McDonogh, which report is in conformity to an act of the last Congress approved May 28, 1830. By reference to the report it will be seen that the grants for these claims were issued by Governor Miro as early as the year 1787. We have examined the regular transfers or chain of title from the original claimants down to the present, (John McDonogh,) and find them complete, and are of opinion that these claims are valid and ought to be recognized as such by the government of the United States.

We regret that it has not been in our power to furnish this report at the commencement of the present session of Congress, but the delay has been in consequence of the neglect of the claimant and not us, as will appear by reference to his and the letter from the register of the eastern district at New Orleans; the latter having only furnished *abstracts* in the first instance, instead of sending the regular certified copies of the patents at full length. As our delay has been solely with a view to the ends of justice, we hope we shall find sufficient apology by forwarding the enclosed letters.

With high regard, &c., &c.,

THOMAS GREEN DAVIDSON, *Register.*
A. G. PENN, *Receiver.*

Hon. ELIJAH HAYWARD, *Commissioner, &c.*

Register of claims to lands in the district west of Pearl river, in Louisiana, said to be derived from Spanish authorities, which, in the opinion of the undersigned register and receiver, are valid, agreeably to the laws, usages, and customs of said government.

No.	Present claimant.	Original claimant.	Nature of claim.	Date of claim.	Quantity claimed.				Where situated.	By whom granted.	By whom surveyed.	Inhabitation from—
					Front.	Depth.	Area in arpents.	Area in acres.				
1*	John McDonogh..	David Williams ..	Spanish patent.	April 8,1789	.....	....	400	....	East Baton Rouge .	E. Miro..	C. Trudeau.	1790
2*	.....do.	Guillemo Williams	.....do.	April 8,1789	.....	....	240	....	.....do.	....do....	....do.	1790
3*	.....do.	William Estevan.	.....do.	Dec. 18,1787	9 arp. 26 .	40	388	....	.....do.	.. .do....	....do.	1790
4†	.....do.	Domingo Assaretto	.....do.	Feb. 18,1783	30 arp....	40	1,200	....	.....do.	....do....	....do.	.....

* Certified copies from the register of the eastern district, dated November 8, A. D. 1830. † Sold in 1814 for taxes.

The above is a register of claims made in conformity with an act of last Congress of the United States, approved May 28, A. D. 1830. In regard to the foregoing claims, the undersigned commissioners beg leave to remark that they have examined all the title papers of each, and find the regular chain of title complete, from the original claimant down to the present, (John McDonogh;) and from the evidence before us it appears that the three first patents were issued as early as the year 1787, by Governor Miro, and that they were occupied as early as 1790. The precise nature of the inhabitation and cultivation has not been proved to us.

The fourth claim, in the name of Domingo Assaretto as original claimant, seems to be a complete patent from Governor Miro for 1,200 arpents, issued February 18, 1783, without the additional proof of occupancy, except the remark in the grant, "that the possession has been given and is recognized." The undersigned further remark, that although the grants for all of these claims refer to the surveys, and to the fact of their having been made, yet the date of the time when they were surveyed is not mentioned in the grants. How far this ought to affect their validity we leave to the consideration of Congress, by subjoining the following remarks: that many claims in this office appear to have been reported upon similar facts, which have been confirmed and recognized by the proper authorities as valid.

THOMAS GREEN DAVIDSON, *Register.*
ANDREW GORDON PENN, *Receiver.*

LAND OFFICE, *St. Helena Court-house, Louisiana, December* 4, *A. D.* 1830.

LAND OFFICE, *New Orleans, November* 8, 1830.

GENTLEMEN: Some time after I made out the copies of the patents in the names of Wm. Stephen, Carpinter, D. Assaretto, and Wm. and D. Williams, for Mr. McDonogh, I discovered that it had been the invariable custom of the office to fill out the copies of such of the patents which had been abbreviated or curtailed in the registry from the one recorded at length in the beginning of each book and which served as a formula or exemplar. This will account for the difference between the copies of the above patents now furnished and those furnished in August last.

I remain, gentlemen, very respectfully, your obedient servant,

HILARY B. CENAS, *Register.*

The REGISTER and RECEIVER *of the Land Office, St. Helena.*

NEW ORLEANS, *Tuesday, November* 16, 1830.

GENTLEMEN: I yesterday put in the post office a packet directed to Mr. Davidson, containing a duplicate of mine to him of the 4th instant, with the four patents in question copied out in full, and I took therefrom his letter to me of the 8th instant. On seeing Mr. McCaleb an hour after having put said packet in the post office, he handed me your favor of the 13th instant, the contents of which I note, and was happy to find you had received mine of the 4th instant. On the patents reaching you I doubt not all will be found satisfactory. As you observe, the plats of survey sometimes accompanied the patents, at other times they did not; they were not recorded in the book of patents. When at your office I pointed out to you on the township plats the situation of those tracts; they are put down there as public lands, (no private claims being on them, as every one knew they were owned by complete title.) Mr. Brown, the

principal deputy surveyor at Baton Rouge, promised me to forward you the plats of them. Whether your report is made, gentlemen, a few weeks sooner or later is of no consequence; the object is to do justice, and I know you too well to believe you would make one against me where you were convinced my title was a good one; therefore should my patents from any accident not reach you, I will beg the favor of one of you to cross over here, (as I will with pleasure and gratitude pay your expenses coming and going,) as two minutes passed by you in the land office here will satisfy you on every point.

Excuse the haste with which I address you, and believe me to be, with great respect, gentlemen, your obedient and very humble servant,

JOHN McDONOGH.

Messrs. T. G. Davidson and A. G. Penn, Esqs., *Montpelier, St. Helena.*

21st Congress.] No. 869. [2d Session.

ADVERSE TO THE RELOCATION OF A BOUNTY LAND PATENT BY THE ASSIGNEE OF A SOLDIER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 5, 1831.

Mr. Sterigere, from the Committee on Private Land Claims, to whom was referred the petition of Peter Williams, of Hancock county, Illinois, reported:

That it appears from a statement of the petitioner, and the accompanying testimony, that a patent was granted to William Hall, a soldier of the late war, for the southeast quarter of section number 29, of township number 4 north, of range number 9 west of the fourth principal meridian, as his military bounty land; that said Hall sold and conveyed the same by deed to John T. Doubleday, who sold and conveyed the same by deed to Lyman Tracy, and that Tracy sold and conveyed the same by deed of the 11th November, 1820, to the petitioner, who is still the owner of the said tract or quarter section of land.

The petitioner alleges that he purchased said land without previously ascertaining its actual value, and removed to it in 1823; that he has since found it is subject to annual inundations, and is unfit for cultivation; that he exhausted all his pecuniary means in removing from Ohio to the western country, and has suffered, &c.; and prays Congress to pass a law authorizing him to select and locate an equal quantity of land in the military bounty land tract in the State of Illinois.

By an act of Congress, *soldiers* who have received patents for bounty land which is unfit for cultivation are authorized to exchange them for other land fit for cultivation, provided they remove to and settle on the same; but there is no such privilege granted to the assignee of a soldier, or even to a soldier, unless he intends settling on the lands; nor is there a single instance in which it has granted to the soldier's assignee, or other owner, such a privilege. This privilege, which is proper with reference to the soldier himself, the committee think should not be extended to his assignee. It would operate generally as an increase to speculation in such lands, already too great, and would benefit the speculator *only*, and not the soldier, as nearly all the bounty lands granted to the soldiers of the late war are notoriously in the hands of speculators. The committee think Congress ought to be careful not to set an example of this kind, and are of opinion the prayer of the petitioner ought not to be granted.

21st Congress.] No. 870. [2d Session.

ADVERSE TO THE CONFIRMATION OF THE SALE OF AN INDIAN RESERVATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 5, 1831.

Mr. Sterigere, from the Committee on Private Land Claims, to whom was referred the memorial of James Caulfield, reported:

That by an act of Congress of the 20th of April, 1818, Peggy Bailey (sister of Dixon Bailey, a Creek Indian, who was slain at the capture of Fort Mims) was authorized to enter without payment, at the proper land office, three hundred and twenty acres of land, so as to include the settlement and improvement of said Dixon Bailey, in Alabama: Providing, however, "that neither the said Peggy Bailey nor her heirs shall have power of claiming said land, or any part thereof, in any manner whatever." And in case of the voluntary abandonment of the possession and occupancy of said tract of land by the said Peggy Bailey, or of her heirs hereafter, the said land shall revert to the United States.

The memorialist states that said Peggy Bailey entered 320 acres of land at the land office at Cahaba, agreeably to the act of Congress, took possession thereof, and remained in the possession and occupancy of the same until 23d September, 1828, when she voluntarily abandoned it, and emigrated to the west of the Mississippi river with her husband, Richard Robinson; that a Benjamin Hawkins, agent and attorney in fact of said Richard Robinson and Peggy, in consideration of $1,000, sold and conveyed all their right, title, claim, and interest in said tract of land to the memorialist. He states that at the time he purchased said claim he was not aware of the proviso in the act of Congress, but purchased the same in good faith,

and under an expectation he would receive a patent for the same, which he is now informed he cannot, and that it will be necessary to pass an act of Congress on the subject to vest the land in the memorialist. He says, in consequence of the removal of the said Peggy, he is left dependent for indemnity for the amount paid by him on the justice and liberality of Congress. He therefore prays Congress to pass an act vesting in him the title to the said tract of land granted to said Peggy Bailey. The letter of attorney and conveyance alluded to, and a letter from a Mr. Bailey respecting the character of the petitioner, accompany the memorial. But there is no proof of the allegations contained in the memorial, not even the oath of the petitioner himself. The petitioner purchased in the very face of a law *prohibiting* the sale of the land by *Peggy Bailey*, and the committee think it scarcely possible that the parties to the said sale and conveyance could have been ignorant of the prohibition to Peggy Bailey to sell said land contained in the act recited, as it is contained in the same act under which she derived her right to occupy the land, to which the purchaser ought to have looked, and to which it is highly improbable he did not look. But this view of the case is not material. If the memorialist was ignorant of the proviso, as he alleges, it is no ground to set up any claim to the land, or for indemnity for the amount he paid. He has no stronger claim on Congress than any other man would have who might purchase land of the squatter on the public lands. If Congress grant the prayer of the petitioner, and thus sanction the principle involved, it will be establishing a precedent, and making an example, going to countenancing and encouraging speculators in their frauds on the government, in buying up pretended titles to the public lands. The committee think Congress should discountenance such traffic by refusing their sanction to any such case as the petitioner's, or any other such speculation.

In this case the petitioner should be left to seek his remedy in the courts of justice, as other citizens. His case has no superior merits; and if he purchased ignorantly, as he alleges, the committee are not aware that he has any stronger claims than any other person who may have purchased lands to which the vender had no title, or had no right to sell. If the claim of the petitioner be allowed, it establishes a principle which gives *every* individual who will come forward and allege he has been overreached or deceived in a bargain—a speculation for land—or was mistaken in his purchase, or ignorant of the rights and interests of the vender, *a right to be indemnified by Congress.* Because *James Caulfield bought of Peggy Bailey* and her husband a tract of land to which *they* had *no title, and no right to sell,* it gives *him* no stronger claim to be indemnified by Congress than if he had bought a tract of land of any other individual to which he had no title or right to sell. To pretend that Congress ought to indemnify *all* ignorant purchasers for their improvident bargains and losses is an idea too *absurd* to remark upon The committee think the memorialist has no more claim to the tract of land mentioned than any other portion of the public lands, and that such speculations should be frowned upon. They therefore offer the following resolution:

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

21ST CONGRESS.] No. 871. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 6, 1831.

Mr. STERIGERE, from the Committee on Private Land Claims, to whom was referred the petition of Robert Hillin, reported:

That the petitioner states that he represents the heir of Nathaniel Hillin; that "*Isam Hillin,* in 1807, inhabited and cultivated" *a certain tract of land* in the parish of East Baton Rouge, State of Louisiana, which was afterwards inhabited and cultivated by his brother, Nathaniel Hillin, and subsequently by Peter Bailey in 1815 or 1816, for Nathaniel Hillin's heir, and that the petitioner has kept said land in cultivation ever since for the benefit of said heir. That they had employed an agent to lay the claim before the land commissioners, who neglected to attend to it.

The petitioner prays that the "land commissioners east of the island of Orleans, in the State of Louisiana," may be authorized to receive said land claim, and report thereon, or grant such other relief as may be deemed expedient.

The facts set forth in the petition are not verified even by the petitioner's own oath. There is an affidavit of the petitioner, and also of Peter Bailey and of Alexander Fridge, stating that *a certain tract of land situate in East Baton Rouge* was improved in 1807 by Isam Hillin, and in 1815 or 1816 inhabited and cultivated by Peter Bailey for said Nathaniel Hillin's heir, and has been in cultivation ever since for said heir.

The testimony in this case is entirely too loose, uncertain, weak, and suspicious to sustain any claim; neither the petitioner nor the deponents give any description of the property, its *boundaries, or quantity.* The claim has never been entered with any board of land commissioners. The allegation of the petitioner that an agent had been employed, who neglected to attend to this claim, is entitled to no credit in the absence of the testimony of the agent to that statement. At any rate, according to the petitioner's own statements, the claimants have been only trespassers on the public lands. The committee are not aware that this claim is sustained by any law or usage. But, if none of the above objections existed against the claim, the committee think it would be bad policy to open the land offices for the reception and examination of every new claim which may from time to time be gotten up, either honestly or otherwise, to portions of the public land, and in that manner prevent a final settlement of these claims, and the bringing of the public lands into the market. The committee think the prayer of the petitioner ought not to be granted, and submit the following resolution:

Resolved, That the petition be rejected.

21ST CONGRESS.] No. 872. [2D SESSION.

RELATIVE TO THE THREE PER CENT. FUND FROM THE SALES OF THE PUBLIC LANDS FOR THE CONSTRUCTION OF ROADS AND CANALS IN CERTAIN STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES BY THE CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS JANUARY 6, 1831.

TREASURY DEPARTMENT, *January* 6, 1831.

SIR: I have the honor to inform you that the payment of the balance due to the State of Missouri out of the three per cent. fund has been withheld, as well as those due to the States of Illinois and Alabama, for want of a return of the application of the money previously paid to those States according to law. The returns show that the money has not been applied to the object prescribed by the respective acts of Congress, and the Secretary of the Treasury is consequently required to withhold the payment. The difficulty may be removed by repealing so much of the several acts of Congress as requires the Secretary of the Treasury to withhold payment until a return be made of the application of the moneys previously paid. Should that measure correspond with the views of the committee, it will be proper to comprehend in the provisions of a bill for that purpose all the States to which the three per cent. fund may be payable conditionally, viz: Indiana, Illinois, Missouri, Alabama, and Mississippi. They will then be all placed on the same footing, in this respect, as Ohio; and, like that State, they will be required by law to transmit an annual account of the application of the moneys received, but not subject to have the accruing moneys withheld in default of such return being made.

Annexed is a note of the several acts of Congress relating to this subject.

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

S. D. INGHAM, *Secretary of the Treasury.*

Hon. C. A. WICKLIFFE, *Chairman Committee on Public Lands, House of Representatives of the United States.*

Ohio.—Laws U. S., vol. 3, p. 542, § 2. To be applied in laying out, opening and making roads within said State, and to no other purpose whatever. Annual account of the application of the same to be transmitted to the Secretary of the Treasury. No direction is given for withholding payment in default of such return being made.

Indiana.—Laws U. S., vol. 6, p. 284. Public roads and canals within the State, and to no other purpose whatever.

Illinois.—Laws U. S., vol. 6, p. 547. Encouragement of learning, and to no other purpose.

Missouri, Mississippi, and Alabama.—Laws U. S., vol. 7, p. 46. Public roads and canals, and improving the navigation of rivers, and to no other purpose.

In the five last-mentioned States, the same account of the application of the money is required as in the State of Ohio; and in default of such return being made, the Secretary is required to withhold payment until a return shall be made.

21ST CONGRESS.] No. 873. [2D SESSION.

ADVERSE TO ALLOWING TO THE HEIRS OF A REVOLUTIONARY OFFICER A WARRANT FOR LAND WHERE THE OFFICER HIMSELF HAD RECEIVED IT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1831.

Mr. STERIGERE, from the Committee on Private Land Claims, to whom was referred the memorial of Selby Harney, Arthur Gregory, (for his wife Nancy,) and Thomas Harney, reported:

The memorialists allege that the said Selby Harney, Thomas Harney, and Nancy Gregory are the only surviving heirs of Selby Harney, deceased, a lieutenant colonel in the revolutionary army, who died in the year 1800; that Colonel Harney was entitled to a tract of land for his revolutionary services; that a grant was issued to Colonel Harney for his land, and it was located in the county of Licking, in the State of Ohio, and now held by other persons, without any right in the knowledge of the petitioners; that, until within three or four years, the petitioners were ignorant that their father had been granted a tract of land for his revolutionary services; they allege they do not believe their father, or any of his legal representatives, ever transferred said grant; that, by the lapse of time, they are debarred from receiving the land from the present holders, and pray Congress to make them compensation in other lands belonging to the United States in Tennessee, Alabama, Mississippi, or Kentucky, which may be a fair equivalent to that granted to their father, Colonel Harney, taking into consideration the present enhanced value of land in Licking county, Ohio. They also state the death of the other heir of said Colonel Harney.

The petitioners have submitted ample proof of their being heirs of Colonel Harney, but no proof of their being the only surviving heirs, or of the death of all the other heirs; but, taking the statement of the petitioners, so far as they are not contradicted by other proof, as true, they are not entitled to have their claim allowed.

It appears Colonel Selby Harney was entitled to 500 acres of land for his revolutionary services, and that a warrant, No. 1093, was granted to Colonel Harney for that quantity; that this warrant was located by the holder, G. W. Steel, on the second section of the fourth township, range twelve, in the United States military tract of Ohio, agreeably to the act of the 1st of June, 1796, which authorized the

holders of such warrants to locate them. These facts are shown by the records of the land office. The warrant mentioned, with many others, was destroyed at the time the departments were burned in August, 1814, and many other papers connected with this subject. It is fair to conclude that the land officers would not have permitted this land to have been improperly or illegally located; and the committee have no doubt that the warrant had been legally transferred to Mr. Steel in the absence of all proof, or even presumption, to the contrary; and that there is no foundation whatever for the belief that the present holders, or their vendors, obtained possession of the land by forgery, fraud, or any other illegal means. If the land passed legally and honestly from Colonel Harney, his heirs have no cause of complaint, or any claim on the United States, or anybody else. If the possessors have obtained possession of the land in the manner the petitioners allege, or Colonel Harney has been defrauded of the right, the courts of justice are open, in which, like other citizens, they must seek a remedy for their violated rights. The committee think they should have prosecuted their claims in the courts of justice before they sought relief elsewhere. Whether Colonel Harney or his heirs have been defrauded out of the tract of land mentioned, or have lost it in any other manner, they have clearly no claims on the United States for remuneration. This loss has not been occasioned by any act or neglect on the part of the government. It is admitted by the petitioners, and proved by the records of the land office, that a warrant was issued to Colonel Harney for said tract of land, which was then at his own disposal and under his own control, and the government no longer responsible for it. If Colonel Harney, or his heirs, have, by their acts or negligence, been deprived of the land, they, like other citizens, should submit to the loss, or take the course allowed by law to recover it. There is no shadow of claim on the United States in this case. The committee therefore offer the following resolution:

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

21ST CONGRESS.] No. 874. [2D SESSION.

LEGAL DECISION ON THE LAND CLAIMS OF THE HEIRS OF MACKAY WHERRY AND OF AUGUSTE CHOUTEAU AND OTHERS IN MISSOURI.

COMMUNICATED TO THE SENATE JANUARY 7, 1831.

OPINION OF JUDGE PECK.

Court of the United States for the Missouri District.—Special Court.

JOSEPH WHERRY AND OTHERS, HEIRS OF MACKAY WHERRY, *vs.* THE UNITED STATES.

PECK, *Judge.*

The ancestor under whom the petitioners claim, in his petition to the lieutenant governor, dated April 15, 1802, upon which the concession in the present case was obtained, alleges that he had been a long time an inhabitant in the country, and that the 400 arpents which had been theretofore granted to him, "his family being much increased, and particularly his animals increased in number considerably, were no longer sufficient for their support, and therefore prays a concession of 1,600 arpents, near the rivers Dardenne and Mississippi, which he will point out at the time the survey thereof shall be made." In answer to this petition the lieutenant governor, after reciting "that the petitioner is an old inhabitant of the country and that his family is sufficiently large to obtain the quantity of land which he solicits," concedes the land solicited by a concession dated April 18, 1802.

On the part of the petitioners the handwriting of the lieutenant governor to the concession is proved and the body of the concession is proved to be in the handwriting of Soûlard. The signature of Mackay Wherry to the petition is likewise proved, and the petition is proved to be in the handwriting of Pierre Provencher. There are so many witnesses who prove the handwriting of Delassus, Soulard, and Provencher, that the court does not doubt of their handwriting.

The witness, Rutgers, on behalf of the petitioners, states that in 1801, as he thinks, Wherry, the ancestor, had a family of several children, (three or four,) a negro woman, some cattle, and, he thinks, a horse. Mrs. Dodge, a witness on behalf of the United States, however, says that two or three years after the said Wherry arrived in this country he married her sister and removed to St. Charles to live; that Joseph Wherry, who was his eldest son, is now but twenty-eight years of age. The deposition of said Wherry, certified from the recorder's office, shows that he arrived here in 1798. Mrs. Dodge further states that he had seven or eight head of cattle and a negro woman, lived in a small house in the town of St. Charles, owned a lot there, and cultivated corn in the common fields of St. Charles; does not know whether he owned a horse or not. Both Mrs. Dodge and said Rutgers agree that when he left St. Charles he removed to Rutgers' farm, where he remained some years and then returned to St. Charles. Mrs. Dodge further states that prior to his intermarriage with her sister, he resided in the town of St. Louis and did business as a merchant in partnership with another gentleman. It further appears in evidence that the tract of 400 arpents was not surveyed until December, 1803. The statement, then, that the petitioner was an old inhabitant at the date of the concession is disproved by his own affidavit, which shows that he arrived in 1798, four years before. The insufficiency of the 400 arpents for the support of his family and cattle is disproved by the evidence on behalf of the petitioners, as well as on behalf of the United States, particularly by the evidence of Mrs. Dodge, which is minute and altogether credible; and is disproved by the circumstance that he never took possession of it, or even had it surveyed, until December, 1803. The period of his arrival, as established by his own affidavit, of his marriage, and the age of his eldest child, as established by Mrs. Dodge, with the other evidence, show that at the date of the last concession his family consisted of a wife, an infant child, and a negro woman. It is remarkable that when his concession for 400 arpents was before the board of commissioners, the testimony of James Mackay should have been introduced to negative the existence of any other concession in his favor than that which was then before the board, which testimony likewise represents that he was the head of a family when the concession for 400 arpents was obtained, and also that witness had known him in the

country for ten years anterior to 1806, which would date his arrival in the country and marriage more than a year earlier than do his own affidavit and the evidence of Mrs. Dodge. And it is further remarkable that in 1808, when the present claim for 1,600 arpents was before the commissioners for adjudication the concession was alleged to be lost, and its previous existence established by Pierre Provencher, in whose handwriting the petition is proved to be, who testified before the commissioners "that about 1801, in the spring or summer, when he lived at the house of the lieutenant governor, he had a concession to Wherry for 1,600 arpents in his hand." It did not then occur to the witness, it would appear, that the petition for the concession had been written by himself. Antoine Soulard, also, in support of the same claim before the commissioners, testified, that in 1800 Wherry put into his hands a concession for 600 or 800 arpents, which he gave to one of his deputies that the survey might be made, but that he did not know what had become of it. This witness also omits to state that the concession was in his handwriting. Both of them make the concession earlier than its actual date. This concession having reappeared is not for any *particular* lands, and was never located until within a few years.

The law of Spain in Louisiana did not authorize gratuitous grants, except for tillage or pasturage, and in the former case but in proportion to the ability and the means of the cultivator, and in the latter but in proportion to the number of his cattle, slaves, &c. The laws authorize gratuitous grants of the first kind, with condition that a certain proportion should be cultivated within a specified time, and do not intend that a second grant should be made to the same person until the conditions of the first shall have been complied with or the first grant relinquished. Here nothing had been done towards compliance with the conditions upon which the grant would have issued upon the first concession. Wherry did not occupy the lands conceded by the first concession. At the date of the first concession he was a merchant, resident in St. Louis. The concession for the 1,600 arpents, under the circumstances of the previous grant and the family and means of the grantee, was certainly unauthorized by the law. The representation which is contained in the petition and concession in relation to the family and cattle of the petitioner and his being an old inhabitant, for the purpose of making the concession appear to have been authorized by law, raises the presumption of an intentional fraud—not confined to the original claimant, but extending to the officer making the concession and implicating Soulard, the surveyor, in whose handwriting the concession is proved to be. The attempt to negative the existence of this concession when the one for 400 arpents was before the board, and afterwards putting in a claim for this as upon a lost concession, and supporting that claim by the testimony of witnesses in the manner which has been mentioned, are all circumstances unfavorable to the fairness of the claim.

On the hearing of the case of the heirs of Mackay, decided some days since, the court believed and now has no doubt but that three of the officers of the former government were concerned in antedating the concession upon which that claim was founded, viz: the lieutenant governor, the surveyor, and the commandant of the post of St. André, in whose favor the concession was made. Under this belief a rule was made upon the party to show cause why the concession in that case should not be impounded. When the lieutenant governor and the surveyor under the former government were believed by the court to be implicated in the fraud of antedating the concession in the case referred to, it felt that it was its duty to avail itself of the evidence which it supposed the offices of the recorder and surveyor of the public lands would afford, by which to test the correctness of that opinion with a view to the rule mentioned, and to detect the possible frauds of those officers if frauds to any great extent had been committed. Accordingly, the court expressed its wish to see particular documents of these offices, and directed the attorney for the government to obtain them. During the hearing of the present case the facts it developed were so remarkable that additional documents to those first required were requested by the court to be procured by the attorney for the government. From such of these documents as were obtained with the oral evidence that had been heard, it would appear that, during the latter period of the government, there had been great departures from the law by the lieutenant governor and his predecessors in making concessions; and that, particularly immediately preceding the transfer of the possession of Upper Louisiana to the United States, there had been a great disregard of authority upon this subject. By the evidence of Mr. Leduc, a witness on behalf of the petitioners who is largely interested in supporting the validity of the acts of the lieutenant governor—his unconfirmed claims amounting to upwards of 20,000 acres—it appears that the lieutenant governor continued to issue concessions down to the time of the occupation of this post by the United States; notwithstanding that, early in the summer of 1803, he had received the order of the intendant, directing that no further petitions should be received for lands;* and notwithstanding the information which had been received here at least as early as November or December of the same year of the transfer of the country to the United States; and that he was in the practice of making concessions which were issued after the receipt of the order mentioned bear date prior to the time of its receipt; that the lieutenant governor should have continued to issue concessions after the receipt of that order from the intendant, from whom alone he derived his authority to do any act having relation to the disposition of the soil, evinces a plain disregard of authority and duty; that he should have antedated such concessions so as to make them appear to have been issued, some in 1799, some in 1800-'1-'2, as stated by the witness Leduc, whose evidence is impliedly supported by the refusal of Soulard and Mackay to answer questions before the late board of commissioners in relation to that subject, as appears by the minutes of that board, *shows intentional fraud;* that he should have continued to issue concessions after the information of the transfer of the country to the United States had been received, and by them direct the surveyor to put the party into possession, and to survey the lands and deliver him the certificate thereof to enable him to obtain the title in form from the intendant general, to whom belonged the power

* The following is the order referred to:

"On account of the death of the assessor of this intendancy, 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 appraise 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.

"NEW ORLEANS, *December* 1, 1802."

That the decree of concession of the lieutenant governor upon the applicant's memorial was but a mode of conveying information to the intendant, as supposed in the opinion of the court in the case of Chouteau's heirs, is an inference from the terms of this order. The lieutenant governor, by this order, *is not to receive or transmit memorials for grants of lands.* The decree of the lieutenant governor, therefore, was not to pass title, but to give possession and authorize a survey; and the memorial, after the survey was made, was transmitted through the memorialist to the intendant, from whom the title would issue. The secret reason of this order, it is believed, was the secret treaty of 1800, at which the country had been transferred to France. That the tribunal was closed on this account was proved by Mr. Chouteau in the case of Chouteau's heirs.

to grant lands by royal order, when, at the time of making such concessions, he knew that, as a consequence of the transfer of the country, there could be no intendant to give such formal title and antedate those concessions, so as to make them appear to have been issued prior to the receipt of the order mentioned from the intendant, *also evinces intentional fraud;* that the surveys are in many instances of a date so much later than the concession, and made upon the eve of the transfer of possession, is a circumstance which attracted the attention of the court. The practice which prevailed of antedating the concessions which were made after the receipt of the order mentioned from the intendant, explains the reason why so many years intervene between the date of the concession and the date of the survey, which is so frequently observable where the surveys were made immediately preceding the change of government. The witness states that he continued to issue concessions after the receipt of the order and *information* of the transfer in the same proportion that he had done before, but cannot say what proportion so issued *were made to bear* date prior to the receipt of the order, but thinks about sixty of them were *thus antedated.* The *unwillingness* of the witness to give evidence upon this point, his interposing his interest to excuse himself from answering thereto, and the *difficulty* of extracting from him the extent of that interest, together with his absence from St. Louis during a greater part of the time that the practice of antedating prevailed, are circumstances which do not permit his testimony, in relation to the number of concessions antedated, to be satisfactory to the court. The few which bear date subsequent to the receipt of the order, in comparison with the many which bear date in 1799, 1800-'1-'2, will afford some data from which an opinion may be formed concerning the extent of the frauds of this character. The years 1799, 1800-'1-'2 are those only in which the last lieutenant governor could lawfully make concessions. He succeeded his predecessor in the command in the early part of 1799. The order of the intendant, directing that no further petitions should be received for lands, was made December 1, 1802, and was received, as mentioned, in 1803. Of the intervening period, therefore, were the concessions made to bear date which were issued after the intendant's order, that they *might appear to have been legally issued.* The number of concessions which were issued during the years 1796 *or* 1797, *and* 1802 *inclusive,* and the quantity of land they embrace in comparison with the number issued during the preceding period of the government in Louisiana, and the quantity of land embraced by these would also furnish data, considered with reference to the increase of population, from which an opinion might be formed in relation to the good or bad faith with which concessions were issued during the period mentioned, and whether the quantity actually issued during the latter period of the government could have been issued with a view exclusively to the cultivation of the soil and herding of cattle.

The practice of the lieutenant governor in giving out petitions, after they had accumulated in number, to some one of the numerous persons which the witness mentions, who were in the habit of writing concessions for him to have them written for his signature, shows that little credit should be given to the statements which might be contained in such concessions, and that, as the deposition of Mackay states, in practice the facts stated in the petition were mere *routine.*

There is no grant recorded in the *Livre Terrien* larger than a league square during the whole thirty-one years in which grants were recorded there, and that few grants of that extent appear by the evidence to have been made to wealthy persons. The witness, Leduc, is sure that there are very few concessions which were not recorded prior to the year 1796, and none which were not prior to the year 1792. During the first twenty-five or six years of the former governments here concessions would appear to have been recorded without exception, and during the first twenty-eight or nine years with but little exception. During this period it would appear that the number of settlers was greater than the number of concessions. Lands and lots, says the witness, Leduc, were settled without concessions. This remark of the witness, however, did not refer to one period of the government more than another. It would appear that, about or a little before the period of Gayoso's instructions of 1797, a change in the practice of making concessions took place. After that period it would appear that concessions had not always been made with attention to the ability and forces of the applicant, or with a view to tillage, a neglect in direct violation of the instructions mentioned. With other articles relating to the same subject these may be referred to:

9. "To every settler answering the foregoing description, and married, there shall be granted two hundred arpents of land; fifty arpents shall be added for 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 rate, 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."

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."

That the lieutenant governor has departed from the previous practice, disregarded the instructions of Gayoso, the regulations of the intendant, Morales, the order of the intendant not to receive further petitions for lands, and the treaty itself which transferred the country, is unquestionable. That he has done so contrary to instructions and against law cannot be doubted. The royal order of 1770 vested the granting power exclusively in the governor general. The decree of 1798 transferred that power to the intendant, with inhibition to other authorities. The lieutenant governor, therefore, must have derived all the authority he had upon the subject from these officers, as they successively exercised the granting power. Those decrees of concession, therefore, made by him, contrary to the negative terms of the authority thus emanating, evince an intentional violation of authority, especially in the cases of the larger grants. The list of unsurveyed claims made in one only of the four districts of the province throughout which he issued concessions has been produced in evidence. The concessions upon which those claims are founded are proved by the witness, Leduc, to have been issued by the lieutenant governor. The list is proved to be extracted from the registry of opinions of the late board of commissioners; and Leduc proves that, as

translator to that board during the whole period of its existence, a few weeks excepted, it was his duty to render a verbal translation of all the concessions, and that he is satisfied that no concession was presented to the board which did not bear the genuine signature of him by whom it purported to be issued. In the same manner are the concessions proved to bear the signature of those by whom they purport to be made, which are contained in the list of claims presented by Labeaume, St. Vrain, and Tisson to the late board of commissioners. It cannot be pretended that the concessions, upon which the claims contained in the lists mentioned, were made in pursuance of authority, and with a reference to the family and forces of the applicant, or for the purpose of tillage.

The fifty-one concessions of eight hundred arpents each, surveyed for the assignees of those in whose favor the concessions were made, are attended with many evidences of fraud. Those to whom they issued, with few exceptions, were villagers at the several dates of the concessions, and continued to be so. The lands were surveyed in favor of their assignees in three tracts, by running the out-boundary line of each, one of those tracts containing thirty-five eight hundred arpent tracts. The lines of intersection which would describe each eight hundred arpent tract within the several large tracts were not surveyed, but merely designated upon paper. It would not appear that these concessions were made or surveyed with a view to their settlement. The surveys purport to be made in January, February, and March, 1804; and the concessions are dated some years earlier, in 1799, 1800, 1801, and 1802. The survey of the thirty-five eight hundred arpent tracts is certified to have been made on one day, the 20th of February, by running the out-boundary line which includes these tracts—a distance of something more than twenty-four miles—the lines described as having been minutely marked by notching trees at particular distances, and particularly where the lines of intersection should divide the eight hundred arpent tracts from each other.

The mind of the court cannot dwell upon the three figurative plats which include, and are chequered by those fifty-one tracts, and the certificate of survey which accompanies them, in connection with the circumstances mentioned, and with reference to the law which regulated grants, without being impressed with the opinion that the concessions for these tracts are the result of a confederacy between the lieutenant governor, the surveyor, and the several assignees. The law presumes that an act purporting to be done by an officer at a time when he was authorized to do such act was done at the time it purports to be done. The presumption of law is that an officer has done his duty and has not violated the trust reposed in him. But these presumptions are not conclusive, may be weakened by circumstances, or wholly disproved. The general bad faith of an officer in relation to acts of the nature of that in question, or a practice long persevered in, of repeating or performing such official act at a period when he was unauthorized to perform it, and making such act bear date of a time at which it might have been legally performed by him, are circumstances which must weaken the presumption arising in favor of the legality of the act, and may, therefore, be combined for this purpose with other circumstances of fraud connected with the particular act in question, or for the purpose of explaining appearances connected with the charge of fraud.

Upon the whole evidence, therefore, the court believes the present claim to have been fraudulent in its inception. It does not, therefore, become necessary to consider the grounds upon which it is insisted on the part of the petitioners that this case is to be excepted from the operation of the principles which have been decided by the court, viz: that the tribunal for granting lands having been closed before the grant could have reasonably been applied for in the present case, excuses the omission on the part of the original claimant to obtain a survey of the lands conceded, as the object of such survey was to enable the party to apply for the legal title, which, under the circumstances, became impossible.

The court must decide against the claim.

OPINION OF JUDGE PECK.

Court of the United States for the Missouri district, January term, 1830.—Special Court.

AUGUSTE CHOUTEAU AND OTHERS *vs.* THE UNITED STATES.

PECK, *Judge.*

The complainants, by their petition, show that on the 5th of November, 1799, the said Auguste Chouteau, deceased, applied, by petition, to the lieutenant governor of Upper Louisiana for permission to erect a distillery in the town of St. Louis for the distillation of spirituous liquors from the several kinds of grain raised in the province; representing, in said petition, that the remoteness of the chief city of the province rendered it too expensive to supply, by importation from thence, the quantity of such spirits necessary to supply the demands of the inhabitants; and that said lieutenant governor, in compliance with said petition, on the 3d of January, 1800, granted the permission solicited, reciting, as his reasons for the grant: "*that the establishment proposed to be formed by the supplicant would, in his estimation, be useful to the inhabitants and to commerce, inasmuch as there existed no other establishment of the kind, and that liquors would be procured in greater abundance and at a less price, little being imported from New Orleans;*" and that, on the fifth day of the month and year last-mentioned, the said Auguste, deceased, presented another petition to the said lieutenant governor, stating that he was "much embarrassed in his progress with the considerable distillery which he had been permitted to erect by his decree of the 5th of November of the preceding year, from the scarcity of timber daily more felt, the lands adjacent to the town having been mostly conceded, and therefore prayed that a concession should be made to him of twelve hundred and eighty-one arpents of land situate on the fourth concession, in depth of the land adjoining this town, bounded on the north by the land of Doctor John Watkins; south and west by the lands of the third concession;" the petition further representing an intention on the part of said petitioner to form an establishment upon the said land; and that upon this petition the lieutenant governor, on the date last-mentioned, decreed as follows:

"Being satisfied that the supplicant has sufficient means to make available, in the term of the regulation of the governor general of this province, the lands which he demands, the surveyor of this Upper Louisiana, Mr. Anthony Soulard, will put him in possession of the twelve hundred and eighty-one arpents

of land in the place where he asks it; and afterwards the applicant will have to solicit the formal title of concession of the intendant general of these provinces, to whom belongs, by order of his Majesty, the disposing and conceding every kind of vacant lands of the royal domains."

And that on the 5th day of March, 1801, the said surveyor, in obedience to this decree, surveyed the twelve hundred and eighty-one arpents at the place mentioned in the petition of the said Auguste, and delivered to him the possession thereof; and that the said decrees were made in pursuance of the special instructions given by the governor general of Louisiana, Don Manual Gayoso De Lemos, to the said lieutenant governor, "to favor all the undertakings of the said Auguste, deceased, &c., &c., which instructions were made in answer to an application made by the said Auguste, deceased, to the governor general. And that the said Auguste, deceased, in his lifetime, did, in conformity to the acts of Congress in that case provided, submit his claim to said tract, derived as aforesaid, to the board of commissioners for the adjustment of land claims in Upper Louisiana; and that that board rejected said claim on the sole ground that a tract of a league square had been already confirmed to the said Auguste Choteau, and that they had not therefore power to confirm the claim in question. And that the said Auguste, deceased, has departed this life, having, before his death, in due form of law, by last will and testament, devised the said tract to said petitioners, as tenants in common; and pray that the said title may be inquired into and confirmed.

The answer of the attorney for the government states "that he is uninformed of the matters and things in said petition contained, and prays that the said petitioners may be held and required to prove the same, and all such other matters and things the existence whereof may be deemed necessary to authorize the confirmation of the said claim."

The petition does not allege that any improvement whatever had been made upon the said lands, nor does it contain any statement in relation to the ability or means of the said Auguste, deceased, to improve the same, except that which appears in the decree of the lieutenant governor.

It appears by the evidence on behalf of the petitioners that permission to erect a distillery was obtained from the lieutenant governor of Upper Louisiana upon the petition of the said Auguste, as stated in the petition; and that previous thereto the governor general of Louisiana addressed a letter from New Orleans to the said Auguste Chouteau, under date of the 20th of May, 1799, in the following words: "My dear friend: Wishing to testify to you my esteem by every opportunity, I merely assure you of my esteem, promising you to answer your letter by the boat that just arrived, and which will leave here next week. In my instructions to Mr. Delassus I recommend him particularly to favor all your undertakings, &c., &c. Adieu," &c. And, also, that a decree of the said lieutenant governor, ordering the surveyor general to put the said Auguste Chouteau in possession of the lands asked for by him, was made upon the petition of the said Auguste, as stated by the petitioners; and that, in pursuance of said decree, the said surveyor put the said Auguste in possession of the said premises and made a survey of the same, as would appear by his report thereof; and that the said Auguste, deceased, from the time of the said decree down to the time of his decease had cut and used wood and wild grass from the said lands, but had made no improvement whatever upon the same. That at the time of the said decree the said Auguste was the owner of a large property, consisting of lands, slaves, horses, cattle, hogs, and sheep, and had a large family of children; that about the date of the last mentioned decree the said Auguste had his said distillery erected and in operation; and from that time until within about ten years past distilled annually in the same from 2,500 to 3,000 gallons of spirituous liquors; and that the claim of the said Auguste to the said land was presented to the board of commisioners for the adjustment of land titles, and by them rejected, for the reasons stated by the petitioners; and that during the present year the said Auguste died, leaving a last will and testament, by which the land in question was devised to the said plaintiffs.

Other evidence was also offered on behalf of the plaintiffs, consisting mostly of complete titles, public documents, &c., which, so far as the same is deemed material, will be adverted to in the course of this opinion.

The first inquiry relates to the laws which, at the date of the inception of the present claim, regulated the disposition and grant of the royal domain in Louisiana. The laws which regulate the disposition and grant of the public domain must be excepted from the general rule that the laws of a ceded country continue in force until changed by the new sovereign. When Louisiana passed to the crown of Spain by the treaty of 1763 the regulations of the French monarch upon that subject would be of no force or authority *after the occupation of that country by Spain*, no more than were the regulations of the Spanish monarch upon the same subject after the transfer of the same country to the United States. The sale of a country is necessarily a revocation of the authority which the vendor had given to his agents to dispose of it in parcels, and of all instructions or laws relating to the manner of the disposition; nothing is necessary to be done on the part of the new proprietor to abrogate them; and it appertains of right to such proprietor to decide upon the expediency of sales or the manner of the disposition.

Anterior to the occupation of Louisiana by Spain, laws, ordinances, regulations, and instructions had been, from time to time, framed by the Spanish sovereign for the grant and distribution of the royal lands throughout his dominions in America. Would these laws be extended to Louisiana by force of the treaty and occupation mentioned? They could only have been extended there in virtue of the will of the Spanish King, either as expressed in them or in some other legislative act anterior to, at, or after such occupation. Were they so extended there, and when?

In the year 1769, General Alexander O'Riley, with a military force under his command, in pursuance of a special commission from the Spanish monarch empowering him "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 the colony of Louisiana, took possession of it in the name of his sovereign, under the treaty mentioned. In the execution of his powers, after other changes and acts of legislation, he formed, on the 18th of February, 1770, an instruction, which, being translated, so much of it as relates to the subject under consideration is in these words:

"Don Alexander O'Riley, 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, and 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, Hyberville, and La Pointe Coupee, 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 upon 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 upon 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 or aliened by the proprietors until after three years' 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 of 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 lands 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 held 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."

"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 possessed of one hundred head of tame cattle, some horses and sheep, and two slaves to look after them; a proportion of which shall always be observed for the grants to be made of a greater extent than that declared in the preceding article.

"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 the presence of the judge ordinary of the district, and of two adjoining settlers, who shall be present at the survey. The above-mentioned 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 the 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, April 16, 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 conform punctually to all that is required by this regulation.

"Given at New Orleans February 18, 1770."

This instruction having been transmitted to Spain for the royal approbation, that approbation was duly announced in a royal order of August 24, 1770, addressed to the governor general of Louisiana, which order is thus translated:

"The lieutenant general, Don Alexander O'Riley, in his letter No. 33, written at this place under date of the 1st of March, transmitted to me copies of three instructions, framed for the lieutenant governor, established in the *Illioneses*, 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 Coupee, (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 of the salary heretofore allowed them; he encloses one set of instructions, which explains 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 *Ordounateur;* 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.

"SAN ILDEFONSO, *August* 24, 1770.

"A true copy.

"A. D. LUIS DE UNZUGA."

If the terms of this order be not necessarily exclusive of all other laws upon the subject to which the instruction relates, they make that instrument the law paramount to the governor general. If it be admitted that they would not be thus exclusive, had the sovereign will been expressed that any other law, in addition to the instruction, should regulate the conduct of the granting officer? A collection of laws having been made for the government of the Spanish possessions in America, a royal order of the year 1682, after reciting the injuries and inconveniences which have been experienced from the imperfect promulgation of many of the laws which had heretofore been enacted, their defects and the disagreement between them, and other evils; and further reciting the expediency "that all which should be provided and determined should be made known to all, in order that they might be made acquainted with the laws by which they were to be governed, and to which they were to conform in matters of justice, war, finance, and others, and with the penalties incurred by offenders against those laws;" proceeds with a historical account of the manner in which the work of the collection mentioned had progressed, and concludes with a "decree and command that the laws contained therein, and formed for the 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, fulfilled, and executed, and that they regulate and determine all suits and differences which may arise in this as well as in the aforesaid kingdoms."

It may be assumed that the country which was present to the mind of the Spanish monarch in the formation of this ordinance consisted of the dominions which were then ruled and governed by him; and that that country, such as it then was, is that in which alone those laws were to have authority, and that Louisiana not then having been acquired, was consequently foreign to his mind, and would remain unaffected by those laws until they should be extended there by his will. This assumption rests upon the terms of the ordinance, upon the policy which is recited in the previous part of it in relation to the expediency that the laws which were to govern should come to the knowledge of all; upon a fundamental law of the kingdom that the promulgation of the law should precede its obligation; upon the principle that the laws of a ceded country continue in force until changed by the new sovereign; and upon all the forcible considerations which establish this principle as an indispensable maxim in the code of nations: an assumption which is also in accordance with the opinion of O'Riley, as evinced by his subsequent introduction of those laws by proclamation. Did the laws which regulated the grant of the royal domain, and which were contained in the collection of laws mentioned, form a part of those which were introduced by this proclamation of O'Riley of the date of the 25th of November, 1769?

The only part of this proclamation which has been accessible to me is thus translated:

"Don Alexander O'Riley, commander of Benfagan, of the order of Alcantara, lieutenant general of the armies of his Majesty, inspector general of the infantry, and, by commission, captain general of the province of Louisiana:

"Whereas the prosecutions which took place in consequence of the rebellion raised in this colony *have* fully proved the part and the influence the council had therein, by supporting, contrary to their duty, acts of the greatest atrocity, while it was incumbent on them to have used their endeavors to maintain the people in that fidelity and subordination which they owe to their sovereign; for these reasons, and wishing to prevent such evils for the future, it has become indispensable to abolish said council, and to establish in its stead the form of the political government and administration of justice which our wise laws prescribe, and by which all the States of his Majesty in America have ever been maintained in the most perfect tranquility, content and subordination. For these considerations, using the powers which the King our lord (whom may God preserve) has confided to us by a patent issued at Aranjuez the 16th of April of this year, to establish in the army, the police, and in the administration of justice, and of his finances, that form of government, dependence, and subordination which is consonant with his service and the happiness of his subjects in the colony; we do hereby establish, in his royal name, a city council, or cabildo, composed of six perpetual regidors, agreeably to law 2, tit. 10, book 5, of the Recopilacion of the Indies, and among whom shall be distributed the offices of alferez royal, alcalde, mayor provincial, alguazil mayor, depository general, and receiver of the Penas de Camara, or fines accruing to the Fisc; and these shall elect on the first day in every year two judges, who shall be called ordinary alcaldes, a syndic, attorney general, and an administrator of the city rents and taxes, such as they are established by our laws for the good government and administration of justice. And whereas the want of lawyers in this country, and the little information these new subjects have of the laws of Spain, may render their faithful observance very difficult, which would be entirely contrary to the intention of his Majesty, we have thought it useful and even necessary to cause an abstract of these laws to be formed, in order to serve for the instruction of the public, and as elementary rules for the administration of justice and municipal government of this city, until the knowledge of the Spanish language can be introduced, and thereby afford to every one by the reading of these laws the means of extending their information in that matter; and therefore, and under the good pleasure of his Majesty, we do order and command that all judges, cabildoes, and their officers, do comply punctually with that which is prescribed in the following articles."

Concerning the articles here referred to, I am only informed by a note which accompanied the proclamation, that they consisted of an ordinance establishing the several branches of the government of Louisiana, and defining their respective powers. If, among the powers prescribed to the new government established by this ordinance, the power to grant lands was not enumerated it would not be conferred. If among the officers created by the organization of the new government there were none of those whose agency was required in the disposition of the royal lands, the conclusion would follow that this subject and the laws relating thereto were foreign to the mind of the framer of the proclamation, and if not within his words, consequently not within his intention. They are not necessarily referable to

any of the departments or branches of the government mentioned in the proclamation. All subjects relating to the police and the administration of justice could be regulated by laws altogether distinct from those which the sovereign might provide for the disposition of his domain. Although provisions upon this subject might have blended with them subjects of police, or even subjects relating to the administration of justice, as particular considerations of policy might suggest, they, in fact, as they existed in New Spain, formed a body in their nature distinct; and however properly they would form a part of the system which was moved in the financial operations of the government, yet they formed a distinct branch which might be stationary in the general operations of the other parts of the system, so distinct as not necessarily to follow the other parts on their introduction into Louisiana.

The terms of the proclamation want perspicuity. They show, however, that an existing system was to be abolished, and another introduced in its stead; and there is no reason to believe that more was to be introduced by the proclamation than was necessary to supply the place of that which it abolished. It has been already shown that this proclamation was not necessary to abrogate the laws regulating the grants of lands, as they existed under the French government—the change of sovereignty having done this. The evils which are recited in the proclamation, as inducements to the change, have relation to results and tendencies of the existing government—to results and tendencies which made it necessary to introduce the "forms of political government, and administration of justice, prescribed by the wise laws of Spain, and by which all the states of his Majesty in America had ever been maintained in the most perfect tranquillity, content, and subordination." The evils recited did not spring from the provisions of the laws which France had provided for the disposition of the soil. Whether, then, we consider the evil, against the recurrence of which it was the intention of the new system of government to provide, or that which would form part of this new system for the accomplishment of the objects declared, we shall incline to the opinion that it was not the intention of the framer of the proclamation to abrogate or to establish any provision relating to the disposition of the soil. His instruction upon this subject of the 18th of February following, and particularly his views in relation thereto, submitted to the King, and recited in the royal order which approves those views and that instruction, evince an impression upon the mind that conceived them, inconsistent with the opinion that the provisions relating to the same subject, contained in the collection of the code of the Indies, had been introduced by the proclamation of the 25th of November of the preceding year. In the despatch which enclosed the instruction, O'Riley recurs to the authorities to which the power to grant lands had been committed under the French government, and recommends a change in this respect. He considers that he is proposing an alteration of what had been the practice under the French government, not an alteration of the Spanish law; and although, in his instruction, he preserves the policy maintained in the laws of the Indies upon the subject of gratuitous grants, he does not preserve it by the same conditions in the grant; a circumstance which he would have adverted to, rather than to the French practice, had he considered the effect of his proposition an alteration of the Spanish law already introduced into Louisiana. It is observable that the grants of land in East Florida, after that country passed under the dominion of Spain, were authorized upon principles differing from those upon which they were authorized in West Florida and Louisiana. It would appear by the collection of laws made by Mr. White, that the Spanish government had varied the laws or instructions upon this subject in various parts of the Spanish dominions, according to circumstances. The royal order under which lands were distributed in East Florida, not having prescribed the conditions of the grant, might afford an argument in favor of the application to grants there of the general provisions in relation to the conditions of the grant which were contained in the collection of the code of the Indies, which does not exist in relation to Louisiana, where the conditions of the grant were prescribed; yet the government in East Florida did not consider those general provisions introduced there, and prescribed other conditions. The correctness, however, of that practice, was afterwards questioned at a late period of that government, in an opinion of the senior auditor. I am, therefore, led to the conclusion, that the laws regulating the disposition of the royal domain, as contained in the code of the Indies, were not introduced into Louisiana as a consequence of its occupation by Spain in 1769, nor by the proclamation of O'Riley of the 25th of November of the same year; but that it was the intention of the royal order of the 24th of August, 1770, that the instruction of O'Riley should exclusively regulate the conduct of the granting officer, until his Majesty should otherwise dispose. It does not appear that any change in the royal disposition, in this respect, took place until October 22, 1798, the date of the King's decree, which transfers the granting power to the intendancy; which decree is thus translated:

"*To the Intendant ad interim of Louisiana:*

"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 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 August 24, 1770, 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 intendancy 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 intendancy.' This resolution is communicated to you for your information and its due fulfilment. God preserve you many years.

"SOLER."

This decree announces the revocation of the governor's power to grant lands, but does not announce the abrogation of the instructions of O'Riley; consequently this instruction would continue in force. It cannot be admitted that the power, by this decree, was intended to be conferred upon the intendancy, to be exercised according to the discretion of the intendant, exempt from all limitation or rule, and therefore the decree is not to be understood as restoring, in conformity to the provisions of the laws, the power of granting lands to the intendancy, but is to be understood as intending, "with a view to the good of the service, and the better fulfilment of what is required in the royal ordinance respecting the intendants of New Spain, that the power of granting all kinds of lands be restored to, and made the particular province

of the intendancy, *to be exercised according to the provisions of the laws.*" The power having been transferred with a view to the better fulfilment of what is enjoined in the royal ordinance respecting the intendants, we should lose sight of the inducement to the transfer of the power did we not give effect to the policy of this ordinance, so far as it should be directory to the intendant, in relation to the subject under consideration. Concerning the laws in conformity to which grants were to be made by the intendant under this decree, it would appear that those which were already in force in the province, and those which, in New Spain, according to the provisions of the 81st article of the royal ordinance, before mentioned, formed the rule of his conduct, and those only, would be included. This, it would appear, was the construction made by the intendant, Morales, contemporaneously with the decree. His regulation in relation to gratuitous grants are but an amplification of the principles contained in O'Riley's instruction. Those articles that relate to sales and compositions, and those which denounce penalties, and offer rewards to informers, are, in spirit, but extracts from the royal regulation of 1754, and the laws cited therein; so that these laws and that regulation, as well as the provisions of the 81st article of the royal ordinance mentioned, having been made by the latter the rule of conduct for the intendants in relation to grants of lands, the reference of Morales to these for his rule of conduct is perfectly in accordance with the view here given; so that, in respect to the regulations of Morales, they must be regarded rather as his interpretation of what those laws prescribe, than as laws emanating from him. This observation should be qualified by the remark, that those provisions in the regulations that relate to matters concerning which he had a discretionary power are to be considered declaratory of the manner in which his discretion would be exercised in relation to those powers. Those parts of the regulations which can be considered thus declaratory do not lessen the discretion, or in any way affect its free and full exercise, as authorized by the law, and are consequently not obligatory upon the officer promulgating it; and as to him, is no more than a notice to those to whom the declaration may offer any benefit, however it might be considered in relation to an inferior, to whom it should be addressed. Where the provisions of the laws furnished precise rules, there would be no room for the exercise of discretion—certainly none for legislation—on the part of him who was required to conform to those laws. But in reference to the regulations of Morales, if they be considered as abstracts of the laws which had been prescribed to him, made for the purpose of being promulgated for the information of the inhabitants, while the utility of the work might supply us with a reason for it, one of higher authority is to be found in the requirements of the 3d, 7th, and 8th articles contained in the royal regulation of 1754, concerning the notices and orders which were to be published to the inhabitants. The assumption, however, on the part of Morales, of the right to publish those regulations as laws emanating from him, would, in the absence of the decree under which the right was assumed, mislead the reader in relation to the extent of the powers it conferred. Do the laws, then, as they existed in Louisiana under the King's decree of October 22, 1798, authorize the confirmation of the present claim?

The decree of the lieutenant governor in the present case, which orders the ancestor of the petitioners to be put in possession of the premises in question, is, without doubt, "*a warrant*" within the intention of the 1st section of the act of Congress under which this claim is preferred to this court. Was it legally made? Was the lieutenant governor authorized, in the particular case, to make it, as connected with the title to be solicited of the intendant? The regulations of Morales, in the 2d article, require that, where lands are applied for in any of the posts, "that the commandant should, at the same time, 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 of advice they have received;" and, in the 32d article, further declare that "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." All the agency which is required of the lieutenant governor or the commandants of posts in originating titles is prescribed by the preceding articles. They were made the medium of the information which it was necessary the intendant should receive before he makes the grant. The form in which this information was conveyed consisted of a petition, generally addressed to the lieutenant governor, in which the matters of fact upon which the applicant relies to obtain what he solicits are usually set forth. The lieutenant governor being the officer from whom the permission to settle would be obtained, the information of which is required by the 2d and 32d articles of the regulations of Morales to accompany the application for a grant, when he is also cognizant of the other facts stated in the petition, the petition would, of course, be presented to him in the first instance for his decree. But when he should not be cognizant of these facts, or of other facts which it is deemed by the applicant necessary or advisable to have attested by the immediate commandant of a nearer post, who may be better informed in relation to them, the petition would probably be presented to such commandant to be accompanied by his remarks, when presented to the lieutenant governor for his decree or order thereupon to the surveyor to put the party in possession; in pursuance of which, a survey would also take place in the presence of the neighbors, who, together with the surveyor, would sign the *proces verbal* drawn up by him; and in this manner would be joined the information of the surveyor and two of the neighbors to that of the commandant or syndic, as required in the articles recited. The information being thus embodied in formal and official documents, consisting of the petition of the applicant, the decree or order of the lieutenant governor, and the remarks or information of the commandant of the dependent post, (in cases where the petition is first presented or addressed to him,) and the report of the surveyor, accompanied by a plat of the survey and property, the attesting signature of the neighbors joined to that of the surveyor, is put into the possession of the applicant to be presented by him to the intendant, for the purpose of obtaining the title. The information required being contained in these documents and presented in that form to the intendant, it is believed that the legal title would issue thereupon as a matter of course, on the applicant's making it appear that the quantity applied for was in that proportion to the number of his family and his means of tillage which the laws required. If, however, any suggestion by the proper officer was made against the emanation of the title, the objection was duly adjudicated upon, or a formal trial had concerning the matter of fact alleged in opposition to the grant, and the final decision upon the application would abide the result of the trial. In no case was the emanation of the grant to depend upon any previous improvement; but when it issued, it was, by the terms of the law, conditional, and did not give the complete title until the conditions were fulfilled, and all benefit under it was forfeited by an omission to comply with the conditions which the law annexed.

It is important to keep in view that, by the royal order of the 24th of August, 1770, the governor general *alone* is authorized to grant the royal lands, and is required, in his grants of them, to conform in all things to the instruction of O'Riley; and that this instruction does not invest the lieutenant governor or the commandant of posts with any agency whatever in relation to that subject; and that when this power was transferred to the intendancy by the decree of 1798, it was transferred "*with inhibition to other authorities*" to reside in the intendancy, and be exercised in conformity to the provisions of the laws. That by this decree the intendancy has the exclusive power to make the grants; but in the performance of this trust, the employment of agents would be convenient, if not indispensable. The law having required the performance of a duty, authorized the employment of the means reasonable and necessary to its performance.

The governor general, therefore, during the time he exercised the granting power, and the intendant on succeeding to that power, not improperly made the commandants of posts their agents, or subdelegates as they were called, to furnish information in relation to particular facts, concerning which they could be relied upon as a channel of communication sufficiently authentic. And it is not improbable that during the time the power of granting lands resided with the governor general, the commandants of posts were invested with a larger authority upon that subject than they were authorized to exercise under the intendant, according to the regulations of Morales. The practice of those officers in making concessions, as well as some of the articles of Gayoso's instructions, would raise the presumption that they were then invested with a discretion or a power of judging of the merits of the application for the purpose of giving possession—a power which might be exercised with great practical convenience to the government and the applicant by the commandants of distant posts; exercised, however, subject to the limitations contained in the law—to what further limitation, down to the time of Gayoso's instructions, no certain rule is afforded.

The practice of judicial officers subdelegating their commissions and powers to others, which is authorized by the laws of Spain, may also be adverted to as affording a ground of presumption that the governor general may have committed to the commandants for the purpose mentioned, and with a view to gratuitous grants, a part of the discretionary powers with which he was so largely invested by the instruction of O'Riley; the powers thus committed being, of course, always exercised subject to his own final judgment thereupon. The term *subdelegate* having been applied to the officer employed in the sale and grant of lands by the laws of Spain, might, for that reason, have been applied to him to whom somewhat similar duties were committed by the governor general or by the intendant. The regulations of Morales, far from intending to confer upon the commandants of posts the general powers exercised by the subdelegates in virtue of the royal regulation of 1754, specifically define the duties which he requires of them as subdelegates of the intendancy. They are not, therefore, subdelegates as known to the royal regulation mentioned. Their appointment did not proceed from the authority which that regulation required. Their authority had not a higher source than the commands contained in the regulation of Morales, and is thence and only thence derived. If the regulations do not authorize the lieutenant governor, as the subdelegate or agent of the intendancy, to put the applicant into possession of the lands solicited, his powers in the civil and military departments of the government concerning the settlement of the inhabitants and the admission of foreign settlers might be properly combined with the duties required of him by the regulation, and authorize the order usually made that the applicant should be put in possession—an order which is referred to in the 18th article of the regulations of Morales as familiar in practice; for, notwithstanding the transfer of the granting power to the intendant, the civil and military government still retained the power to admit foreign setlers and authorize settlements upon the royal domain, as may be seen by the 1st, 2d, and 32d articles of the regulations last mentioned, which require this permission to accompany the application for the grant. This power would be, of course, delegated to the lieutenant governor as the commandant of a distant post; his order, therefore, that the party be put in possession, contains that permission of the government to the applicant to establish himself, which is required by the 2d and 32d articles of the regulations as necessary to accompany the application to the intendant for a grant.

But the claim is for 1,281 arpents, whereas the 1st article of the regulations of Morales limits grants to 800 arpents; it prescribes that "to each newly arrived family, *(a chaque familie 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 800 arpents in superficies.

And of a similar purport is the 10th article of the instructions of Gayoso, which provides that "to every emigrant possessing property, and uniting the circumstances beforementioned, who shall arrive with an intention to establish himself, there shall be granted 200 arpents of land, and in addition 20 arpents for every negro that he shall bring: provided, however, that the grant shall never exceed 800 arpents to one proprietor. If he has such a number of negroes as would entitle him at the above rate 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." Here it is proper to discriminate that portion of the act of the lieutenant governor in making the order that the party be put in possession, which was done pursuant to the authority conferred by the intendant, from that portion which was done in the exercise of the civil and military powers of the government. The permission to settle upon the royal domain, we have seen, might be given in the exercise of the latter powers, and is, in the present case, included in the decree which ordered the surveyor to put the applicant into possession; but inasmuch as a survey would, in general, be necessary to ascertain whether or not the land solicited were vacant, the whole residue of the act, whether it should order a survey in express terms, or render one necessary as the means of ascertaining the particular land solicited, and whether they be vacant, as well as the acts of the surveyor in obedience to such order, would all seem to follow reasonably in the performance of the duties which the surveyor and commandant are called upon to perform by the 2d and 32d articles of the regulations of Morales. But in the performance of these duties the lieutenant governor or commandant is not made the judge of the party's right, under the law, to the land he solicits, so that the party's whole proceeding in soliciting the lands is at his own risk; if he solicit more or less than by the laws he would be entitled to receive a gratuitous grant for, the commandant would violate no law by

giving information that the land he solicited was vacant, and that he had received permission of the government to settle. This information, which it would be the duty of the commandant to furnish, supposes the right still reserved on the part of the intendant to judge of the state of facts upon which the party founded his right to gratuity; which facts are always to be established before the intendant, as necessary to precede the grant, but not necessary to be established before the lieutenant governor or commandant, although, in practice, some of those facts were frequently stated by the lieutenant governor as his reasons for the decree. The object of this decree, then, so far as it was made in pursuance of the authority of the intendant, being to establish the permission of the government to settle, and that the land solicited was royal domain, in the manner necessary to enable the party to apply for the legal title, the court is now to consider of the merits of the claim under the law, as the intendant would have done had the application been made to him for the title. In doing this, it will look beyond the instructions of Gayoso and the regulations of Morales, and to the authority under which they were made. The former were addressed to the commandants of posts as rules for their government in the performance of the duties to which they relate, and were not intended by their author to abrogate or in any way to affect the instruction of O'Riley, but were doubtless made with a view to the better fulfilment, on the part of their author, of the duties he was required to perform by that instruction.

O'Riley's instruction had been made by the royal order of 1770 a law to the governor, until the King should otherwise dispose. There is no such inconsistency between the instruction of Gayoso and that of O'Riley as to authorize an inference that the former had been made in consequence of any alteration in his Majesty's disposition in that respect. They were doubtless intended to be made pursuant to the powers conferred by O'Riley's instruction and the royal order, but not to impart in their full measure the discretion which these invested. These observations apply equally to the regulations of Morales, which could not, more than the regulations of Gayoso, annul the provisions of any antecedent law, or limit the discretion with which the officer making them had been invested. If this discretion, in relation to the extent of the grant, should not, upon a consideration of the law, be limited to any definite number of arpents, it may serve to explain the apparent inconsistency between the larger grants made by the officers last mentioned and the limitations of grants to eight hundred arpents, which they respectively prescribed.

In the 61st section of the 81st article of the royal ordinance, respecting the intendants of New Spain, it is provided that "it shall be an object worthy 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 private property of individuals, as applying only to such as, either from 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 when 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."

My researches have not enabled me to discover any provision, other than those contained in this section and in the instruction of O'Riley, upon the subject of gratuitous concessions, in force in Louisiana, which can in any way apply to the present case. The royal regulation of 1754, to which, and the laws cited in which, the intendants are referred in the royal ordinance just mentioned for their duties and powers in relation to grants of royal lands, have in view, as their general objects, sales and not gifts, and evince in the provisions regulating those a jealous care and parsimonious frugality. The exceptions to this general object of those regulations are limited to grants of commons to towns and villages, according to their wants; to grants to informers who shall give information of lands held without title by others; and to grants or reservations to Indians, or to communities of Indians. Those cases of exception may, perhaps, be considered in the nature of gifts; but in every other case of a grant it is required to be upon a sale or composition for a consideration in money, the amount of which, in the case of a composition, was to depend upon the estimated value of the land, but, in the case of a sale, was determined by what it would command at public auction.

Neither the 61st section just quoted, nor the regulations of O'Riley, define with precision the extent of the gratuitous grants they intend to authorize; and, by their terms, necessarily invest much discretion in the officer to whom the charge of making these grants is committed. The objects for which they are authorized would direct the manner in which the discretion was to be exercised—the 61st section having enjoined upon the intendants, as objects worthy their special attention, the encouragement of the culture of the valuable produce of cochineal, and the sowing, raising, and preparing of hemp and flax by the natives and others; and, if necessary, for the attainment of objects so desirable, authorizes lands to be distributed for that purpose. Circumstances, therefore, of which the intendant was to judge, must necessarily dictate and control the extent of the grant necessary for the attainment of the object. It might, perhaps, to some extent, be necessary to give land as a bounty to that sort of labor to promote sufficiently the object, and, therefore, to make the extent of the grant exceed the quantity actually cultivated, not-

withstanding the subsequent part of the section requires that the lands thus granted shall be taken from those who shall not cultivate them, and granted to others upon the same condition of cultivating them.

The instruction of O'Riley authorizes grants upon a scale more liberal; is less limited in the objects of the grant, and, in reference to its extent, affords nothing more than rules to be applied in each particular case with a view to those objects. It directs that grants upon the borders of the river shall be six or eight arpents in front, according to the means of the cultivator, by forty in depth. It contains, in relation to the extent of the grant, no other direction which can be applied to grants that may be made elsewhere than upon the borders of the river, except those which will be adverted to hereafter, and which are authorized with a view to the breeding of cattle. The articles which immediately follow the first article, and which require within a specified time an enclosure and cultivation to a defined extent, and also the making and keeping in repair of roads, bridges, ditches, and mounds, as therein directed, under the penalty of forfeiting the lands granted, show the objects of the grants authorized by the first article, and in a good degree disclose the considerations which were to determine the grant in each particular case. It was not intended by the direction in the first article that grants upon the river should, in every instance, be either six or eight arpents in front, neither more nor less; but the reference to these numbers, qualified as it is by the further reference to the means of the cultivator, show that the grant might be more or less than six or eight arpents in front, and that the means of the cultivator were mainly to be regarded in determining the extent of the grant. The proportion which the grant should bear to the means of the cultivator, and the rule by which the latter would determine the extent of the former, is to be extracted from the conditions of the grant; and the chief thing, I apprehend, to be considered in fixing the extent of the grant, was the ability of the applicant to fulfil the conditions of it—that is to say, his ability to enclose and clear within the time specified the whole front, by two arpents in depth, which, the grant being forty arpents in depth, makes the proportion required to be cultivated equal to five acres for every hundred which should be granted; and also, within the same time, to make the roads, bridges, ditches, and mounds, which, according to the situation of the grant, might be necessary. He, for example, who should not have such means as would enable him to enclose and put in cultivation sixteen arpents within the time required by the regulations, in addition to the other improvements necessary on making a new settlement, and also in addition to the labor necessary in making the mounds, ditches, roads, and bridges, would not be entitled to a grant of eight arpents in front; but would be entitled to one of less front, and which, by diminishing the labor necessary in making the mounds, &c., would enable him to direct more of it to the cultivation of the soil, and a compliance with the conditions of the grant in that respect. But if the applicant had the means of cultivating extensively, his means would be regarded in making the grant, and the scale before laid down would be applied to determine the extent of the front, which might, in this case, exceed eight arpents in pursuance of the spirit of the rule; and the same scale of proportions between the grant and the means of the cultivator would be applied, without doubt, to the grants which should be made remote from the river as to those which should be made upon its border, with this distinction: that, in grants remote from the river, and where roads, &c., were unnecessary, the labor of the settler being directed more exclusively to the cultivation of the soil, the grant might be in the same degree enlarged in the proportion it should bear to his means, and he still be enabled to comply with the conditions annexed to the grant, which, in this case, would be that of only cultivating and enclosing the proportion required. According to this mode of considering these articles, and this application of the rule, which they are supposed to supply, a large grant of lands would be made to him who had large means to cultivate them. The practical result of this construction would be to direct the labor of the province to tillage; to stimulate industry by a grant of a hundred arpents for every five which should be put in cultivation. The conditions of the grant would require industry, as necessary to their performance, to prevent a forfeiture of title. The larger the grant should be in its proportion, in reference to the means of the cultivator, the greater industry would be required on his part to cultivate the quantity prescribed to prevent the forfeiture. Thus this system of conditional grants, offering a bounty to the cultivation of the soil, would be well adapted to the advancement of agriculture, one of the declared objects of the instruction.

To apply these principles to the present case, had the ancestor of the claimants, at the date of the order of the lieutenant governor, the ability and force which would, within the three years, enable him to cultivate the proportion of five arpents for every hundred of the tract solicited? There is no question but that his ability greatly exceeded this, and that what the lieutenant governor has vouched upon this subject in his order was fully justified, viz: "Being satisfied that the supplicant has sufficient means to make available, in the terms of the regulation of the governor general of this province, the lands which he demands the surveyor will put him in possession," &c. These words of the lieutenant governor show *his* understanding that, in the grant to be made, the means of the applicant to comply with the regulations was to be the ground of the grant. This view, therefore, of O'Riley's instruction would lead me to the conclusion that it would have authorized the grant of the lands claimed in the present case; but the argument which arrives at this conclusion is resisted by that used by the claimant's counsel, who insist that the instruction of O'Riley applies exclusively to the Lower Mississippi, and to settlers who may arrive from abroad, as distinguished from the inhabitants then in the colony. The construction which restrains that instrument to an application so limited, particularly as it relates to territory, is entitled to consideration, not only as it is concurred in alike by the counsel for the claimant and the attorney for the government, and is supported by the authority of Stoddard in his *Views of Louisiana*, and is that which would not improbably result from a hasty examination of the question; but, which is more important than all, is that which would destroy the validity of all the gratuitous grants made by the Spanish government elsewhere than in the places to which it would restrict the application of the instrument.

The error into which the mind is betrayed by reading particular articles of the instruction will be corrected by considering those articles with reference to other parts of the instrument, and to the recital contained in the royal order by which it is approved, and to the extended range which must be allowed to the acts of its framer in the performance of the powers which had been committed to him. These powers were, to take possession of the country; to receive the surrender of the sovereignty of the crown of France in every part of it, and to establish in its stead that of the Spanish monarch; and also "to establish such regulations in the army, the police, and the administration of justice and of his finances as should be conducive to his service and the happiness of his subjects in the colony." These powers appear to comprehend all that would be necessary to be exerted under any circumstances that could attend the change of sovereignty, and would require in their execution that the mind should be directed to every part of the province. He to whom they had been committed having, as we have seen, proceeded far in the execution of them, formed the present instruction. The royal order which approves it mentions that

copies of three other instructions which he had framed had been also enclosed in the same letter with it, and that one of these three had been framed for the lieutenant governor of Illinois.* This order, therefore, shows that in the performance of his duties his attention had been directed to Upper Louisiana before the date of the despatch which enclosed the instruction. In the preamble to his instruction he adverts to the circumstances which had called his attention to the subject, and his means of information in relation thereto, and expresses his conviction that the tranquillity of the inhabitants and the progress of culture required it, and declares its objects to be to "fix the extent of the grants of lands which should thereafter 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," &c.

The sixth article of the instruction is equally general in its terms. It declares that "every inhabitant shall be held 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;" and in the same spirit are those which relate to cattle, and also the order with which the instruction concludes, "commanding the governor, judges, cabildo, and all the inhabitants of this province," &c. The fifth section has not an exclusive application to grants upon the river, and would relate to those belonging to minors, which should remain uncleared in every part of the province equally. The second section, while it prescribes duties to the grantees upon the borders of the river, supposes that there may be grantees elsewhere than upon the borders of the river. But if the instruction did not authorize grants elsewhere, there could, of course, be no grantees elsewhere, inasmuch as the instruction was the only authority in pursuance of which grants were to be made. O'Riley having stated in his letter to the King, as the royal order recites, 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 the 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 instruction dated from this city on February 18 of this year; all which I communicate to you for your own government, and for its fulfilment."

"The provisions contained and published upon this subject," to which O'Riley considered it expedient the governor should conform in the distribution of the royal lands, are those which formed his instruction, and which had been previously mentioned in the royal order as that which explained the mode of proceeding in relation to surveys, and which, in the concluding part of the order, is referred to by its date. There is no question, therefore, that the instruction referred to in the royal order is the one whose provisions we have been considering. The three instructions mentioned in the previous part of the order, copies of which had been sent by O'Riley, are mentioned perhaps for the purpose of identifying the despatch, and as acts which had received the royal approbation; but certainly not as acts which had relation to the disposition of the royal domain."

The purpose of the grants authorized by the eighth and ninth articles in Opelousas, Attacapas, and Natchitoches, was for the pasturage of cattle, as disclosed by those articles themselves. A rule is given by which the quantity of arpents to be granted is to be ascertained by the number of cattle the applicant may possess. "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 it appear that he is 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." The grants authorized by these articles are not subject to the condition of cultivation. If the applicant had the cattle and slaves required to entitle him to a grant of forty-two arpents by forty-two, although he possessed no other property to enable him to cultivate so extensive a front, he was entitled to the grant. In these grants the cattle, and the slaves to look after them, are the inducement to and the consideration of the grant. These articles encourage the breeding of cattle, by conferring a premium upon their possessor. The previous articles encouraged agriculture by a premium upon the cultivation of the soil. If the progress of culture and the tranquillity of the inhabitants, as declared in the preamble, required a new regulation on the subject of grants, the provisions of such regulations should be executed in a manner which should be calculated to advance the progress of culture. If the causes which threatened to disturb the tranquillity of the inhabitants had reference to the means of subsistence, or to any deficiency in this respect, to which the country at that early day might have been exposed, the probable influence of the system which this construction would introduce would offer a better security against the continuance of such a cause of complaint than would be afforded by any other. If the encouragement of tillage was the object of the framer of the instruction in the grants he intended to authorize, the intention to limit them to the borders of the river is so inconsistent with that object that it is not to be supposed. This reflection acquires increased force when it is considered that all the arguments, as drawn from the articles themselves, or from any other source, in favor of an exclusive application of the instruction to the borders of the river, equally restrict its application to those points, or that extent of country upon the borders of the river where mounds are necessary for the preservation of the land, and to that narrow border which a single line of grants of forty arpents in depth would occupy. Is it then to be believed, without some invincible necessity, induced by the terms of the instrument, that its author intended to encourage agriculture by thus limiting grants, and consequently settlements and the improvement of the soil, to so inconsiderable a proportion of a vast region which lay before him, and which was everywhere inviting the husbandman; or that he could hope to tranquillize the inhabitants by his proclamation of such an intention? The general words and articles of the instrument before adverted to, and the mode of considering the instrument which has already been submitted, relieve us from this invincible necessity. Neither is it to be supposed that the inhabitants, assembled in each district by his order, in their reports, which appear to have exercised an influence upon the framer of the instruction, had recommended the limitation of grants to a strip of land so confined, or called for the adoption of a policy so little to be reconciled with their interests or the improvement of the country; or that there could have existed a reason for the desire on their part that none but foreign settlers should receive grants. Yet such are the unreasonable supposi-

*Illinois. This was the name of Upper Louisiana, at least all that portion which was dependent upon the post of St. Louis, as appears by the official acts of the government.

tions which must encumber the limited application contended for at the bar. For as this instruction was the only authority, if it were to be applied exclusively to a particular section and to particular persons, the authority to grant elsewhere and to other persons is necessarily denied. The power to grant being derivative, could not be exercised without a positive authority from the crown. Consequently, all grants which were made by the Spanish government during the twenty-eight years preceding the decree of 1798—no other authority having existed during all this period—elsewhere than in the places, and to the persons, to which this argument would restrict the application of the instrument, would be void for want of authority.

The force of this conclusion cannot be eluded by any sound construction of the royal order of 1770, or of the instruction of O'Riley, or by any presumption authorized by the practice of the Spanish government, or by any aid to be derived from the laws contained in the collection of the code of the Indies. That the royal order is on a paper distinct from the instruction does not afford ground for an opinion that the power of the governor is either enlarged or diminished by that circumstance, or is any other than it would have been, had the instruction itself been the act of the King, and the power to grant solely derived from the twelfth article; for the order made with the knowledge of the instruction pursues precisely the recommendation of O'Riley—the object of which recommendation was, that the governor should grant the land in conformity with the instruction.

If, from the terms used in the instruction, it was doubtful whether its framer intended to confer a general power to grant throughout the province, and that the particular articles applicable to grants on the borders of the river, and to Opelousas, Attacapas, and Natchitoches, were intended to be the only restraints upon the general power, which elsewhere was to be exercised without control of law or limitation of quantity, the general policy of the Spanish monarch, as adopted in other parts of his dominions, not so dissimilarly situated as to require a different policy in relation to the same subject, might be adverted to as affording the system, the policy, the general mode of thinking, which had a probable influence upon the mind of the framer of the instrument, to induce us to prefer one rather than another construction. *It is not to be presumed that the King had conferred upon his governors in the several provinces of his extensive dominions in America an unlimited power* to make gratuitous grants of his domains, as the consequences of conferring such a power would be to deprive him of a valuable source of revenue—to diminish his power, his influence, his patronage, and the dependence of the subject upon him, throughout those dominions; and in the same degree to increase the power, the influence, and the patronage of the governors, and the dependence of his subjects upon them. The collection of laws made by Mr. White furnishes no example of a discretion unlimited having been committed by the crown to governors in any of his provinces to make gratuitous grants. They, on the contrary, afford us a general view of a practice, which, according to the statement of one of the counsel for the complainants, who represents the dates of some of those laws, as examined by him, to be of the fifteenth century, has been so long persevered in, of authorizing those grants to be made with a view to their habitation and cultivation, and of prescribed dimensions—not prescribed in every instance by referring to a given quantity or numbers, or in a manner to prevent the exercise of some discretion with a view to particular objects—that it is not presumable that a practice so long persevered in was wholly lost sight of in framing the instruction. Those laws do not contemplate that the governors, as a matter of course, were to exercise *ex officio*, or to be invested with the exercise by special authority from the crown, of the power of granting the royal lands. This power was, perhaps, as often elsewhere reposed. The earlier laws, which were made with a view to the settlement and exploration of the Spanish dominions in America, and were gratuitous grants of lands, were intended to be the inducements held out to adventurers to make new discoveries and settlements, do not authorize those grants otherwise than in limited quantities, and upon the condition of settlement and residence for a term of years.

When, by the settlement of the country, lands had acquired value, the policy of sales with a view to revenue took the place of gratuities; in passing from more remote to more recent times, and where the advancement of the settlement would justify it, the latter policy gained upon the former. In the royal regulation of 1754, it would appear to have superseded it, with but little exception; which exception is extended by the sixty-first section of the royal ordinance respecting the intendants—extended, however, with a view to the advancement of tillage. The acquisition of Louisiana by Spain again presented an occasion for authorizing gratuitous grants as inducements to the settlement of that country. The King, therefore, may have been disposed to authorize such grants in Louisiana in 1770, upon terms more liberal than he had been in the other provinces of his American dominions in 1754, the date of his royal regulation, or in 1782, the date of his royal ordinance respecting the intendants. But when, in 1798, the settlements in Louisiana had so far advanced that sales of lands might be effected with a view to revenue, the system established for that purpose by the royal regulation, and the eighty-first article of the royal ordinance, which have been just mentioned, was introduced; it was not until then that sales of lands were authorized in Louisiana. Prior to that time grants had been gratuitous, and are not then proposed to be discontinued.

The abstract of the laws prepared by Morales, composing his regulations, so far as they contemplate gratuitous grants, is little more than a transcript, in a more amplified form, of O'Riley's instruction, and is in conformity with the practice under it, which, it is believed, before that time had prevailed, with the exception of the limitation of eight hundred arpents; which, as already remarked, was rather a declaration of the principle upon which he meant to make gratuitous grants than a law restrictive of the discretion which might rightfully be exercised under the instruction of O'Riley; and perhaps this restriction might be considered an innovation upon the previous practice under O'Riley's instruction, wisely and properly induced by the eighty-first article of the royal ordinance, which authorizes sales as necessary to give effect to the King's intention to derive revenue therefrom, since that which could be obtained without price would not be purchased from the crown on the part of the subject; whilst, on the other hand, the crown would be disposed to withhold the gratuity where there existed a motive to purchase. This policy on the part of the crown is forcibly illustrated in those articles of the regulations which apply to those who were in possession of lands under the first decree of the lieutenant governor, and who would be likely to purchase the lands they had improved rather than incur the penalty of an expulsion from them, as from lands of the crown, notwithstanding they had originally entered upon them with the understanding that they would be given, subject to the usual conditions—a policy inculcated by the royal regulation of 1754, in a form not less unacceptable to the subject.

The strange medley of gifts, sales, and compositions which the provisions of the regulations of Morales exhibit—the natural consequence of the collection into one body of substances drawn from mate-

rials so incongruous as those which formed the laws under the King's decree of 1798, might not, nevertheless, be wholly inconsistent with some degree of utility and practical harmony, under a system skilfully directed, which should give the preference to sales, and which should deny gratuities where motives and the means to purchase should concur.

Whilst a comparison of those articles of the regulations of Morales which authorize gratuitous grants with those provisions of O'Riley's instructions upon the same subject will show that the latter are in everything substantially retained in the former, and authorize the inference that Morales understood that the provisions of that instruction were included among those to which he is referred by the decree of 1798, and in conformity to which he is to distribute the royal lands—authorize equally the inference that it was also the opinion of Morales that the instruction of O'Riley applied to every part of the province—to Upper as well as Lower Louisiana. If, in the opinion of Morales, the instruction of O'Riley did not apply to Upper Louisiana, he could not have applied its provisions there. He might have made gratuitous grants there, under the authority of the sixty-first section before recited; but the conditions of such grants would have been that of cultivating and continuing to cultivate the land, and without the power of alienation, in default of which it was directed to be retaken and granted to others. Or if he had considered that the other laws in the collection of the code of the Indies, on the subject of gratuitous grants, had been extended to Louisiana, either anterior to or in virtue of the decree of 1798, the condition of the grant would have been a settlement, cultivation, and residence of four years, and not of three, as he has prescribed.

It was an *error* which imputed to the governor general of the province of Louisiana a general power of legislation. In the *case of Soulard's heirs*, that was an inference which the court had drawn from the exercise of this power by O'Riley, and from its supposed exercise by Gayoso, in the formation of his instructions—an inference the correctness of which was, perhaps, less examined, in consequence of the opinion of Stoddard, in his *Views of Louisiana*, to that effect. The inference was made without discriminating between the powers usually committed to the governors of provinces, which powers were regulated by established laws emanating from the King, and those more extensive powers which had been conferred upon O'Riley by a special commission, without any reference to existing laws; which powers, among others, comprehended that of giving laws to the province and form to its government, as, in his discretion, he should consider the good of the service of the King and the happiness of his subjects might require.

It is a fundamental principle of the Spanish monarchy that all laws emanate from the King, and that if laws be made by his authority his approbation is necessary to give them force, except the contrary be expressed by him in the authority.

The laws which had long prevailed in his American dominions were a collection made by his order, and which afterward derived their authority from a royal ordinance. Those were as obligatory upon the governors of provinces as upon the humblest subject. When, therefore, O'Riley, in the exercise of the extraordinary powers which had been committed to him, had established laws and the political form of government, these were unalterable by the governor general, and as binding upon him as upon any other subject, and were addressed to him as an inferior, in the same manner that they were addressed to all others. The order of O'Riley, with which the instruction concludes, is in this manner addressed to the governor, the judges, the cabildo, and to every inhabitant. The powers of the governor general, therefore, would depend upon the laws and the political form of government which O'Riley should establish; and these might have been established without the creation of such an officer, if, in the exercise of the discretion invested, this had been deemed expedient. To ascertain the powers of the governor general, therefore, we must advert to the laws and the political form of government established by O'Riley; but to ascertain the powers of O'Riley as the governor and captain general of Louisiana, by special commission, with a view to the exercise of extraordinary powers, we must advert to the terms of that commission in reference to its objects. To confound, therefore, the powers of the governor general with those of O'Riley must lead to error, the extent and official existence of the former having been but accidents attending the due exercise of the latter.

Entertaining these views in relation to the policy of the Spanish monarch in the distribution and grant of the royal lands in the other parts of his dominions, and the powers of the governor general; when O'Riley has declared, in the preamble to his instruction, that one among the objects of that instruction was to fix the extent of the grants which should thereafter be made; and when, by the practice of former times, this had never been omitted, and when the interest of the King required that the instruction should do this, the instrument should be construed consistently with this object, if its terms will authorize it; not that such a provision was necessary to restrain the exercise of a power previously existing, and which, without such restraint, might have been exercised at discretion; for, it being a principle of the Spanish monarchy that all lands within its dominions, which are not the property of the subject, belong to the King, as well those which have never been granted as those which, having been abandoned or become derelict, fall to him by escheat, can only be granted away by him or by his authority, the governors of provinces could no more make grants of land without such authority than they could make laws for the kingdom without the assent of the crown. But the intention of gratuitous grants being to invite settlements, and to populate new regions, in prescribing the manner in which the distribution should be made, it would reasonably be one among the objects of the instruction to supply rules which should determine the dimensions of the grants, which rules would of course prescribe those dimensions which should be necessary for the attainment of the end, permitting no great excess beyond this, inasmuch as it would not be the interest of the King to divest himself by gratuitous grant of more than was necessary to induce settlements, increase the number of his subjects, enhance the value of the undisposed part of his domain, which would eventually redound to the benefit of the treasury. Such being the object of gratuitous grants, the quantity authorized to be granted would reasonably bear a proportion to the number of the settlers, and their means to cultivate. Whilst, therefore, this view offers reasons for so construing the instrument as to limit the power of the governor as to the extent of the grant, it offers reasons equally strong against the construction which would confine the power to grant to the borders of the river, and to Opelousas, Attacapas, and Natchitoches, or which would confine his power to grant to none but foreign settlers. The direction in the twelfth article of O'Riley's instruction, in relation to the manner in which surveys should be made and boundaries established, contemplates contiguous grants, grants in the vicinity of settlements where there are neighbors, and a syndic acquainted with the boundaries of the previous grants, a direction inconsistent with an intention to authorize large or unlimited grants, or grants without a view to settlement.

The intendant's letter of April 3, 1800, in reply to a proposition of the commandant at New Madrid

concerning the sale of lands, may be referred to as enforcing the same doctrine. It states that "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." This letter shows that so soon as the door was supposed to be open, by the provisions contained in the regulations of Morales authorizing the sale of lands, in a manner to permit it, the attempt was made to obtain them in large quantities through means of a sale for a small consideration. May it not be inferred that before this authority to sell, they were not to be obtained in such quantities as gratuities? If they were not to be sold except with a reference to *the ability and force of the purchaser*, much less could this reference be dispensed with when they were to be granted gratuitously.

The inference which is drawn from the prohibitive terms of the eighth article of the instruction, that "no grant in the Opelousas, Attacapas, and Natchitoches, shall exceed one league in front by one league in depth," implies that without this *prohibition* larger grants might have been made, and that they might, elsewhere than in the *prohibited* places, be made, cannot prevail against the evidence which stands opposed to it. That mode of expression may have been suggested as a reply necessary to be made to the petitions from those districts which are mentioned in the preamble, and which were before O'Riley when he framed the instruction, and which may have solicited in those districts, for the purpose of herding cattle thereon, grants to a greater extent than a league square; or the form of expression may have been deemed necessary in consequence of a possible previous practice under the French government of granting in those districts, for the same purpose, tracts larger than a league square. But if the inference were warranted, would it imply that they were not to be for the same bucolic purposes, or for the purpose of tillage, the one or the other, and subject to the rules prescribed as it should be for either?

The court has been forcibly impressed with the difficulty of construing the instruction. That O'Riley was a soldier, may have imparted to this instrument something of the Spartan brevity by which it is characterized; that his illustrations of the rule which was to be observed by the governor in making grants may have been suggested more particularly by the situation and localities of the country over which he had travelled during the tour mentioned in his preamble, is a conjecture probable.

The court has endeavored to consider the instruction as it is induced to believe the Spanish governor general must have considered it, at the period at which he was first required to execute its provisions. He, acquainted, as he is supposed to have been, with the policy of the crown in authorizing gratuitous grants, and with full information of the local circumstances, would probably have little difficulty in understanding those provisions which are now the occasion of so much perplexity It is not probable that he would consider that the legislator for the province intended to limit settlements to the borders of the river, or the districts referred to in the instruction; or that he intended to limit gratuitous grants to foreign settlers; or that he intended to require a cultivation of a certain proportion of the lands which should be granted upon the borders of the river, under pain of forfeiting the lands granted, and exempt grantees elsewhere from the operation of this penalty; for such exemption would offer a motive to applicants for grants to ask for them elsewhere than upon the river, while it was the manifest policy to offer the greater inducements to applicants for grants upon the river, as such grants were the means by which the mounds and roads necessary there were to be maintained in the condition which the country required. He would understand that the reason of requiring the narrow fronts upon the river was peculiar to grants there, and mainly connected with the mounds and roads required; and as a rule, would be calculated to distribute the good and the bad lands equally. He would understand that the King was to be benefited, as well as the subject, by the gratuitous grants; and that the settlement and cultivation were required as the benefit to accrue to the King, as this benefit had been required as the condition of gratuitous grants in the other parts of his dominion; he would therefore apply the rule which had been given upon the subject, whenever, according to the intention of the lawgiver, there existed a reason for the application; he would, therefore, apply the injunction contained in the fifth and sixth articles to grants which should be made elsewhere than upon the rivers, and would, for the same reasons, consider the provisions contained in the eighth and ninth articles an authority to make grants to the possessors of cattle, subject to the rule there laid down, not confined to the districts mentioned, but extending to other parts of the province adapted to the objects of those grants; but he would not understand that Louisiana, in its whole extent, the places referred to in the instruction only excepted, was at his disposal, without limitation or rule.

The means of information which the governor general would possess, and which are now lost, besides his knowledge of the Spanish policy, would enable him to penetrate with so much more certainty into the intention of the framer of the instruction than this court can pretend to do, that it is disposed to regard his contemporaneous construction as entitled to great authority, were it admissible on the part of the United States, under the circumstances of a change of sovereignty, to question that construction, and thereby render invalid the majority of the grants made by the Spanish government It is believed that the construction now given is in accordance with that contemporaneous construction; that the grants which were made by the governor generals, as well as those made by Morales, are consistent with this construction, and cannot be supported upon any other; that the authority for these grants cannot be derived from any other source than the instruction of O'Riley; and that the larger grants which have been adduced to the court are not so disproportionate to the number of which the family of the grantee in each case was composed, and to his means of cultivation and property, including cattle, as to authorize the court to say that the rule which the instruction supplies has been wholly disregarded. One of those grants appears to be for pasturage, and of lands unfit for tillage. In looking to those grants, the court cannot say what proportion of each of them may have been given in consideration of the grantee's cattle, and what with a view to the number of his family and means of tillage; nor can it say that the spirit of the instruction does not authorize these combined circumstances to be considered in determining the quantity of land to which the applicant was entitled. Each of those grants was conditional, as appears by its face. Those made

by Morales refer to the particular articles of his regulations by their numbers for the conditions which are to be performed by the grantees. Those made by the governors refer, for the conditions to be performed by the grantees, to the regulations upon that subject more generally. That reference, it is believed, cannot be to any other than the provisions contained in the instruction of O'Riley; there is no record of any other provision made with reference to Louisiana to which they could refer; the memory of no witness suggests any other; the royal order of 1770 makes that instruction the rule, so long as his Majesty shall not otherwise dispose; the preamble of the regulations of Morales refers to it and to the instruction of Gayoso in terms to induce a belief that none other existed; and the provisions of the instruction of O'Riley, being embodied in their true spirit in the regulations of Morales, form a combination of circumstances all tending to establish the negative of the possible existence of any other law; and, as a corollary, that the grants made must have been made *under the instruction of O'Riley*, and in pursuance of a construction not inconsistent with that now adopted. Would, then, the introduction of the eighty-first article of the royal ordinance, respecting the intendants of New Spain, into Louisiana, and consequently the royal regulation of 1754 and the laws cited therein, which it would draw after it, in any degree limit or control the power which might have been exercised under the instruction of O'Riley? The disposition to sell, and to wring from the hands of the subject rather than give, which pervades these laws, evinces that their introduction carries with it an intention that sales of land and economy should to some extent *take the place of gratuities*, while the *previous instruction*, which *authorized gratuities*, not having been revoked, leaves it to be inferred that the policy which first required these was not to be abandoned. Thus were two systems theoretically opposite brought together and united in the same hands, and to be applied to the same tract of country, without prescribing the cases in which the one or the other should be applied. The regulations of Morales may be cited to show that this was his opinion. They *authorize gratuities* and sales, without discriminating the cases in which the one or the other of these would be made; they discriminate those where compositions would be allowed. The duties of the intendant, such as they must have been under the regulations of Morales, are precisely such as the two systems of laws thus brought together would impose, and involve necessarily the power to determine the circumstances which would authorize a gratuity, and of the circumstances which would require a sale. But in forming this judgment his mind would be directed to the object of the authority to make gratuities, viz: tillage, the settlement of the country, the extension of settlements, or the formation of new establishments; the reasons that might exist for the advancement of either or all of these, and how far those reasons should yield to the new intention concerning sales; or whether the objects of the latter would be affected by the former in the particular case; for, while the improved condition of one part of the country might render it expedient, under the two systems, that that of sales should supersede in a great degree that of gratuities, a less improved part of the country, or one not at all improved, might still make it expedient to offer, as necessary to its settlement, the inducements of gratuities, under the least restriction imposed by the instruction of O'Riley. So that the introduction of the system of sales, to be applied conjointly with that of gratuities, would not necessarily impose the defined limit of eight hundred arpents to grants of the latter character, but might impose more or less, according to circumstances, localities, &c., to be judged of by the intendant with a view to the objects of both systems. That limit, therefore, not being a matter of law, or the necessary result of the provisions of the law, would not have restrained the discretion which Morales might have exercised.

None of the circumstances from which the intendant might have formed an opinion concerning the probable benefit which the treasury might derive from the sale of lands in the district where those are situated, and the prejudice to tillage which might thence follow, having been adduced in evidence, nor those from which, on the contrary, he might form an opinion that the interests of tillage did not still demand the benefit of his more enlarged discretion in relation to gratuities, so as to enable the court to say that the grant of the lands claimed would have prejudiced the claims of the treasury, contrary to the royal regulation as it was intended to be exercised consistent with the system of gratuities in Louisiana; the court will proceed to consider the claim as though it might have been granted under and in conformity to the laws of the Spanish government at the date of the decree of the lieutenant governor had the then claimant proceeded in due time to apply for such grant. For although the limitation of gratuitous grants to eight hundred arpents by Morales, and previously by Gayoso, might raise the presumption that in their opinion the interests of tillage did not require larger gratuities as a general rule, yet larger grants were made in this district by both those officers; this, together with what the court has taken as true, that sales in pursuance of the royal regulation of 1754, and the laws cited therein and as prescribed by Morales, were never effected in Upper Louisiana to any extent, if at all, induces the belief that the intendant would have considered, as the court has, that he was at liberty to look to the interests of tillage, and to the labor which the gratuity would direct to its advancement. Then considering that the lands claimed in the present case might have been granted by the intendant, under and in conformity to the provisions of the laws, had the original claimant in due time presented his documents for that purpose, and had shown, as he has here shown, that his means to cultivate them were proportionate to the quantity asked for, how stood the claim at the date of the transfer of the sovereignty to the United States? We have seen that the intendant, by the King's decree of 1798, had the exclusive power to grant; and to the end that the inhabitants might be informed of the information which it would be proper that every applicant for a gratuitous grant should present, he specified this information among other rules and directions, and, to avoid injurious mistakes, prescribes that the information required should come under the hands of the persons mentioned in the second and thirty-second articles of the regulations of Morales, already cited. We have also seen that he who intends to apply for a grant for the purpose of obtaining this information, presents his petition to the commandant who may be able to afford it; which petition and the proceedings thereupon take the course which has already been described. When the decree of the lieutenant governor has been obtained upon it, it is delivered to the party, who, when he is so disposed, obtains a survey and the possession of the premises, as a matter of course, upon showing the decree to the surveyor and paying his fees; the certificate of which survey, with the attesting signature of the neighbors, (the last of which, in practice, so far as the court has been informed, has been more frequently dispensed with, the surveyor's report showing, as in the present case, that the survey had been made in the presence of the adjoining settlers,) is delivered to the party, with the original petition and decree, that he may, in the terms of the decree of the lieutenant governor in the present case, "solicit the formal title of concession of the intendant general of these provinces, to whom belongs, by order of his Majesty, the disposing and conceding every kind of vacant lands of the royal domains." The order or decree of the lieutenant governor, therefore, and the surveyor's certificate, are to afford the information that the lands are vacant, and that the party has permission to settle, which is prescribed by

the second and the thirty-second articles as necessary to accompany the application for the grant. When, therefore, the petition is presented to the lieutenant governor with a view to a compliance with what had been prescribed by the intendant, and with a view to obtain possession of the lands, the order of the lieutenant governor under which the applicant obtains the survey and possession of the lands is made, with the legal understanding that he will apply for the grant, and proceed to enclose and cultivate the lands according to the provisions of the laws upon the subject of gratuities. To suppose that he does not in good faith, and according to the import of the whole proceeding, intend to apply for the title, or to improve the land as the law requires in cases of gifts, but intends to use the proceedings as a means to get possession, or to enjoy the use of the land or timber to the exclusion of others or to the injury of the King, supposes a fraudulent use of the proceeding—a perversion of it contrary to the intention of the law. But if in good faith he intends to apply for a grant, and in pursuance of such intention, and with a view to obtain the information which was required to accompany his application, he presented his petition to the lieutenant governor and obtained possession of the land under the usual order, and afterwards neglected, no matter from what cause, to apply for the grant, yet, in pursuance of his original intention, he makes the improvement which would have been necessary under the grant, had it issued, to comply with the conditions which the law would have annexed to it, without abandoning his intention to apply for the grant, which would be supposed from his continuing possession, his neglect to apply for the grant would be excused without compelling him to show any reason therefor, and the court would look to the improvement which had been made as that which formed on his part the substance of the undertaking—that in the performance of which the King had an interest—that which in fact would have been the object of the grant, and to that, therefore, which, being performed, would raise an equity which would authorize him to claim the title if he could show any legitimate excuse for his omission to apply for it when he should have done so and might have obtained it; the obligation of showing which excuse it must be the intention of the act of Congress to dispense with, and justly so, because the application for the title was not that in which the King could have any beneficial interest, except as it might be connected with necessary municipal regulations, to the enforcement of which, considering them as foreign relations, it would not be incumbent on this court to attend in contravention of an equitable claim. The court would, therefore, in such a case, by its decree, confer the legal title—place the party in the condition in which he would have been placed had he not been guilty of the negligence to apply for the title which is thus excused; or if a party being put in possession of lands under the usual decree of the lieutenant governor, obtained with a view to apply for the legal title, neglects for any cause to make the application, but in the meantime proceeds to improve the land, which, however, he is prevented from improving to the extent which the condition of the grant according to the law would have required within that term of time which the law would have fixed as a part of the condition of the grant had it issued upon an application made in due and reasonable course, such party, having afterwards made the improvement which the condition of the grant would have required, would be at liberty to show the cause which prevented him from making the improvement within the time required, or that he had prosecuted his intention of making the required improvement in good faith until its final fulfilment without having abandoned it. In such case, besides excusing his neglect to apply for the grant, the court might also, according to the circumstances, excuse the lateness of the period beyond the legal term at which the conditions on his part were performed, the performance of which was the ground upon which his equity would be raised to demand the legal title, and might consequently confer upon such a claimant the legal title. But if a party, after obtaining the first decree of the lieutenant governor, abandons the prosecution of his original intention to apply for the legal title, and does not even procure a survey or obtain possession of the lands he intended to apply for, the decree thus obtained would afford no ground of claim, nor would it in a case where the intention had been further prosecuted, or where possession had been obtained and a survey made, where the party not having made the required improvement nor applied for the legal title abandons the lands *without the animo revertendi*. In neither of these cases has the claimant performed what was necessary to be performed to give the complete title; in neither has he performed that which it would have been the object of the grant to secure the performance of; in neither, therefore, would there be any equity to support a claim. These are rather cases where the party may have intended to apply for a grant and to perform what was necessary to secure the complete title and afterwards relinquished that intention. Whether this intention should have been relinquished before or after the first decree of the lieutenant governor, or before or after the delivery of possession to him, would be immaterial to the King if he should not proceed to improve the land. But if he proceeded to improve it, and was prevented from fulfilling his intention to comply with the law in this respect from any cause which would authorize a court of equity to assist him, such a case would merit a different consideration.

With this exposition of the laws which apply to the present subject of inquiry, what are the legal merits of the present claim—what the equitable merits upon which the interference of this court can be claimed? The claim is supposed to derive merit from an alleged instruction of the governor general to the lieutenant governor, to favor all the undertakings of the original claimant; and is supposed to derive merit also from the alleged connexion of the order of the lieutenant governor under which possession of the premises was obtained with the distillery which the claimant had been permitted to erect. If the instruction of the governor general had any influence in producing the order of the lieutenant governor, it would add nothing to the virtue or force of that order; because the acts of the latter, so far as they are designed to afford facilities to the applicant to obtain the title, derive their merit from the authority which is given them by the intendancy, or from their having been required by that authority, and because the royal order of 1798 transfers to the intendancy the exclusive right to grant, &c., with inhibition to other authorities. The influence, therefore, which is imputed to the instructions of the governor general would subtract from, rather than add to, the virtue of the act, as an interference contrary to the spirit of the inhibition of the royal order—an interference not to be presumed, and which is not established by the letter of the governor general, relied upon for that purpose. This letter bears date the 20th of May, 1799. What was the precise application to which this letter is in part an answer, and which induced the instructions of the governor general, does not appear. The answer which this letter promises would be written "by the boat just arrived" might probably have shown the nature of the application, and the object of the instructions. In the absence, therefore, of this better evidence, and of those instructions, the court will not presume an improper interference on the part of the governor general with the disposition of the royal domain; and all that the letter permits the court to say in reference to the object of the claimant's application to the governor general, to which his instructions were an answer, is that it may have been the permission to erect the distillery which was afterwards obtained from the lieutenant governor. If

this was its object, the inference is that permission was deemed necessary. So the application to the lieutenant governor for this permission, and his decree which grants it, imply that such permission was necessary to the lawful exercise of the right. For what cause the permission was deemed necessary, or that the interference of the governor general to obtain the permission was necessary, if such interference had been solicited, the court does not inquire. It cannot perceive, however, how an art or business which the policy of the government or the law prevented the exercise of without a special permission, is for that cause to be deemed of greater general utility to the public than if such permission was not necessary to its exercise. The restriction upon the exercise of the right implies that a higher object was to be subserved thereby, or that the unrestricted exercise of the right was deemed injurious. But if it were admitted that the distillation of spirits in Upper Louisiana was desirable as a public advantage, and conducive to the interest of the King, the grant of lands had not been authorized to advance any such object; the distillery had not been erected upon the faith of any promise of a grant; and therefore there is no pretence of equity upon the ground of expenditure incurred with a view to the grant. Nor does the claim connect itself with the distillery otherwise than as it is referred to in the original petition of the claimant as affording a reason why the timber upon the lands solicited was an object of importance to him; which reason, it is to be remarked, the lieutenant governor does not advert to, or appear in anywise to regard, in his decree under which possession was delivered to the claimant, but places that decree upon the ground that the claimant had "*the means to make available, within the term of the regulation of the governor general of this province, the lands which he demands.*" The claimant having solicited the land upon two grounds—first, as important to him in consequence of his distillery, and, secondly, that it was his intention "to establish the lands," meaning, doubtless, to cultivate them—the order is made upon the merit of the application, as it is founded upon the last-mentioned ground. The claim, therefore, derives no merit from the circumstance of the distillery, or the reference to it. Then the title of the claimants, in point of law, is, that at the time the original complainant presented his petition to the lieutenant governor he possessed the means which would have enabled him to comply with the conditions which the law would have annexed to the grant, and the means which, under the law, would have authorized the grant of the lands he solicited; and that he either intended to apply for the title, and to fulfil the conditions as necessary to perfect it, or that he intended to avail himself of the order of the lieutenant governor for the purpose of obtaining possession of the lands, and the temporary use of the timber; but the qualifications to obtain the legal title, and the intention to apply for it, would not vest any title at law; nor could the prosecution of that intention, as in the present case, so far as to incur the surveying fees necessary to obtain possession, vest any title either at law or in equity; for here the party having done nothing under the law which was beneficial to the King—having voluntarily declined to proceed further to obtain his title, or delayed the further steps necessary, contrary to his legal undertaking at the time he obtained the order for possession, until, by the change of sovereignty, or a change in the circumstances or policy of the government, the opportunity to obtain the title was withdrawn, the claimant, in the meantime, and down to the present time, having been in the enjoyment of the use of the timber, and omitted to improve the lands. But if, as has been done in the cases in which this court had decreed the title to the claimants, the party had made the settlement and improvement which the law required to perfect the legal title, he, by so doing, would have rendered the benefit to the King which it would have been the object of the grant to secure; that which was to be the consideration of the grant being thus rendered, and the negligence to apply for the title excused, his title in equity would authorize him to claim the interference of this court, and the exercise of its powers, for the purpose of giving him at law the benefit of all that he was entitled to in equity.

That the court has correctly interpreted the object of the application to the lieutenant governor, and the authority of his act under the regulation of Morales, it does not doubt. His acts could not tend to confer or assure the title otherwise than as they were authorized by the intendancy, with whom resided the exclusive power in relation to that subject. It may be that the object of the intendant in making the permission of the government to settle a prerequisite to the issue of the grant had relation more particularly to foreign settlers; and it is probable that any statement of the lieutenant governor which might accompany his authorized act, or be offered as the ground of it, might be of advantage to the claimant before the intendant, or might be considered by the intendant sufficient to establish the fact which it assumes to establish. That certain facts were required to be authenticated in a particular form, or by particular persons, would not prevent those persons from establishing other facts necessary to be established on the part of the claimant. The object of the forms prescribed being to prevent mistakes and imposition, an adherence to them would not be insisted upon under circumstances where the evidence produced was a sufficient security against either. The official survey, therefore, of the surveyor, in the presence of the neighbors, as a mode of ascertaining that the lands solicited were vacant, may have been received by the intendant as affording sufficient security against any mistake in that respect. The practice of addressing, by petition, the officer whose agency was first required, was, it is believed, the familiar mode of proceeding under the Spanish government, and might be adopted by the applicant, not only as more familiar generally, and one which had been long practiced in the times when the governors made grants, but as more formal than the simple mode prescribed, and as enlisting in his behalf higher authority; while it also gave him the immediate possession of the premises he solicited, and the advantage of a formal survey, by a reference to which the grant might be made—advantages of no little importance to the applicant in Upper Louisiana, the distance of the office of the intendant from that part of the province being considered. That this practice was continued after the regulations of Morales does not, for these reasons, appear to authorize the opinion that it was continued in virtue of any other authority than that contained in the second and thirty-second articles of the regulations of Morales. The lieutenant governor *does not assume to pass the title; nor does his order—the survey made in pursuance thereof—possess any more efficacy for this purpose than would the simple statement of the syndic or commandant of a post, that permission* to settle had been given by the government, and his further statement, united with that of the surveyor and two of the neighbors, having knowledge of such fact, that the lands solicited were vacant.

The grant of the intendant, which, under the royal order of 1798, is necessary to pass the legal title, and the settlement and improvement which by law is necessary to perfect that legal title, being both of them in the present case wanting, the laws of Spain afford to the complainants no ground to ask for the assistance of the court. That the settlement and improvement would be necessary to perfect the title, after the emanation of the grant, and must be shown as a ground of equity in the absence of the legal title, is a doctrine which results so forcibly from the provisions of the laws which authorize gratuities that the court cannot escape from it; and in this view would consider it immaterial whether the

intendancy had or had not committed to the lieutenant governor a discretion—a power to decide in relation to the merits of any application beyond what this opinion has allowed to him. The fourth article of the regulations of Morales prescribes that "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 reunited 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." What this article prescribes had been required substantially by the second and sixth articles of the instruction of O'Riley. The quantity which is required to be put in cultivation, according to the spirit of the rule, is ascertained by the depth of the grant, as directed in the first article of the regulations of Morales, and the first article of the instructions. The sixth article of Morales is connected with the object of the fourth, and is also taken from the third article of the instruction of O'Riley. It prescribes that "during the said term of three years no person shall sell or 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 intendancy, 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." The fifth article of Morales is a further illustration of the intention of the regulations upon this subject. It directs that "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 intendancy, 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." This article is also taken from the fifth in the instruction of O'Riley. If the four first articles of the instruction of O'Riley have a particular relation to grants upon the borders of the river, the sixth article, and also that part of the fifth which requires clearing, has not that exclusive relation. The regulations of Morales preserve the same distinction between sales and gratuities which had been maintained by the previous laws of Spain, and particularly those introduced into Louisiana. By the twenty-sixth article purchasers are onerated with the keeping up of mounds and roads, but not under the penalty of a forfeiture, as in the case of gratuities; and it is an implication from this article that no forfeiture is incurred by a purchaser for an omission to cultivate. So the fourth article of the royal regulation of 1754, which allows proof of long possession to give a title by prescription, subjects the claimant by such a title to lose his lands, if he shall not, within three months, or within a reasonable time, cultivate them, and requires that they be given to others who may inform thereof, upon the same condition of cultivating them. So the sixty-first section of the eighty-first article of the royal ordinance for the establishment of the intendants, which authorizes grants as an inducement to the natives and others to devote themselves to the sowing, raising, and preparing of hemp and flax, commands that the lands thus granted shall be taken from those who shall not cultivate them, and granted to others upon the same condition of cultivating them. So the earlier laws which authorize gratuities, but which are believed not to have been in force in Louisiana, require a cultivation and residence of a longer period to give the legal title. Law 1, tit. 12, lib. 4, of the collection of the laws of the Indies, page 38 of White's collection, declares that, "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 the breeding of stock; and when the 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 merit 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." Law 2d of the same title and book, page 39, White's collection, also declares that "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*.") The 3d law of the same title and book, page 39, White's collection, declares that "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 lands and lots, and, besides, a certain number of maravedis for the republic; which obligation shall be in due form, with good and sufficient sureties." In a similar spirit are the early laws upon the subject of gratuities. Under these laws neither the legal nor equitable title could be acquired without a settlement and cultivation for four years.

The act of Congress directs that the claim, to authorize the court to take jurisdiction of it, must be such as might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government, had not the sovereignty of the country been transferred to the United States. This phraseology, I apprehend, was adopted without adverting to the intervening sovereignty of France, between the origin of the titles under the Spanish government and the transfer of the sovereignty to the United States. After the transfer of the sovereignty to the United States the claimant of a title derived

from the Spanish government could have no proceeding under and in conformity to the laws of that government for the purpose of perfecting his title; nor could he, after the transfer of the sovereignty from Spain to France, have the benefit of such proceeding. The laws of Spain which authorized this proceeding were as entirely abrogated by this transfer as they could have been by the transfer to the United States; so that, after the transfer of the sovereignty from Spain to France, whether there had or had not been any transfer of it to the United States, no claim which originated under the Spanish government could have been perfected into a complete title under and in conformity to the laws of that government; and, consequently, no claim so originating would fall within the description of those of which the court is authorized to take jurisdiction, the literal construction of the act being adhered to. But a construction which would defeat the act is not to be adopted, and the intention, doubtless, was not to exclude the jurisdiction where the claim was such as might have been perfected into a complete title under and in conformity to the laws of the government from which the same originated, had no change of sovereignty taken place, if it was also attended with the other circumstances required, of being in virtue of a grant, concession, warrant, or order of survey, legally made before the date specified in the act, and to a person resident in the province at or before that date, and protected by the treaty. A claim by virtue of a warrant from the lieutenant governor, by a person who, from his property or family, was qualified according to the laws to receive a grant of what is claimed, might have been perfected into a complete title under and in conformity to the laws, *i. e.* if the claimant had done everything which the law required for that purpose. But that it might have been perfected into a complete title will not authorize a decree in favor of the party, unless he has performed all that the law required to be performed on his part. It is the performance of this which would constitute his equity, and which would authorize the interference of the court in this, as in all other cases. The act requires the court to hear and determine the claim "in conformity with the principles of justice, and according to the laws and ordinances of the government under which it originated." According to these laws and ordinances, where there was no grant, neither the legal nor equitable title could be acquired without the settlement and improvement prescribed, which not having been made in the present case, the court cannot, in conformity with the principles of justice, decree in favor of the claimant.

The act further directs that the court shall, "by a final decree, settle and determine the question of the validity of the title according to the law of nations, the stipulations of any treaty, and proceedings under the same, the several acts of Congress in relation thereto, and the laws and ordinances of the government under which the same originated." Here the court is required to settle and determine the question of the validity of the title according to the several laws enumerated. As, according to these laws and ordinances of the government under which the present claim originated, there is neither a legal nor equitable title in the petitioners, the court must determine the title to be invalid, unless it be rendered valid by the law of nations, the stipulations of some treaty, or proceedings under the same, or the several acts of Congress relating thereto.

The third article of the treaty by which Louisiana was acquired provides that "the inhabitants of the ceded territory shall be incorporated into 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." This article guarantees, first, the incorporation of the inhabitants into the Union; secondly, their admission as soon as possible, according to the principles of the Federal Constitution, to all the rights, &c.; and, thirdly, protection in the meantime. It was doubtless the understanding of the parties to this treaty that the admission into the Union could not take place immediately, and, as to part of the inhabitants, might not until a remote period; but that the same reasons which might postpone their admission into the Union need not postpone the extension to them of the benefit of all the principles of the Federal Constitution which might be enjoyed under a territorial form of government; and the spirit of the stipulation would appear to require the extension of this benefit to them as soon as possible. But so soon as they should be admitted to the free enjoyment of all the rights, advantages, and immunities of citizens of the United States, they would not need any other guarantee of protection than that which the Constitution would afford. But during the intervening period between the treaty and such admission, the guarantee of protection might be beneficial; and to this period do the terms of the stipulation limit it. The admission of Missouri into the Union having secured to her inhabitants the higher guarantee of protection which is contained in the Constitution of the United States, they no longer have or need that contained in the treaty. But this was no more than that they should be maintained and protected *in the free enjoyment of their property, &c.* Property involves the idea of a right; all rights, therefore, relating to property, the inhabitants were to be protected in—rights such as they were at the date of the treaty, and under the laws then in force in the country. According to these laws, there was no right to the premises in question, either legal or equitable, in the ancestor under whom the present petitioners claim to be protected.

But it is insisted that the present claim, and all others which, like it, are founded upon the first decree of the lieutenant governor, were confirmed by the treaty of St. Ildefonso, by which Louisiana was retroceded by Spain to France; that the proclamation to the inhabitants made by the Spanish commissioners appointed to deliver the possession of the country under that treaty, contains the evidence of that confirmation. It is also insisted that they are confirmed by the proclamation itself.

It would not be presumed that it was an object to the parties to this treaty to confirm indiscriminately all such claims. The King having authorized the governor general exclusively to make grants of his domain, may not have been apprised that this officer had required the agency of the lieutenant governor in connexion with that duty; but if he had been so advised, he could not have been informed of the number or extent of the grants which the inhabitants might have intended to solicit of the governor general, and which had been so far put in a train of preparation for that purpose as to have passed through the hands of the lieutenant governor; inasmuch as no memorial of the claims so prepared had been preserved by this officer during the latter period of the government, which embraced the larger grants—the registry of the claims in the *Livre Terrien*, upon which he had acted, having been discontinued, or nearly so, after the year 1795, the registry of but a very few appearing of a later date, according to the evidence upon this subject—the original papers in each case having been put into the possession of the party, as that upon which the title was to be solicited of the governor general. But if he had been informed of all the acts of the lieutenant governor which had relation to the disposition of the domain, it would not be presumed that he intended to confirm to those who, during any period of the Spanish government, may have intended to solicit land of the governor general, and who may or may not have proceeded so far in

the prosecution of that intention as to obtain possession of such lands by the order of the lieutenant governor, and who afterwards did not do anything upon them, or wholly abandoned them, as well as all intention to solicit them; for such persons would still remain in possession of the original orders of the lieutenant governor, and their claims be as much within the alleged confirmatory force of the treaty or proclamation as any other which had its origin with the lieutenant governor.

That the practice of noting in the *Livre Terrien* the decrees of the lieutenant governor had been discontinued, as mentioned; that no direct communication was ever made by the lieutenant governor to the governor general on the subject of those decrees, as appears by the evidence of the late lieutenant governor; that no means were provided which might serve as a check upon possible frauds or forgeries in relation to such decrees, would also induce the opinion that a greater degree of solemnity or efficacy, for the purpose of establishing a title as against the King, had not been attached to them than has been imputed to them by the court. The proclamation was made by commissioners appointed to deliver possession of the country under the treaty, not by commissioners appointed to confirm titles. It was no part of the object of the proclamation, more than it formed a part of the duty of the commissioners to make such confirmation. But as an authorized declaration of the effect of the treaty, or of the rights and obligations which that had secured, it is entitled to consideration. It does not represent the confirmations as an effect of the treaty, or as a thing which had been stipulated in it, but makes known that "his Majesty, in expressing the hopes he entertains for the welfare and tranquillity of the inhabitants of the colony, promises to himself, from the sincere amity 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 in order that all grants and property of whatever description derived from the governors of those provinces shall be confirmed to them, although not confirmed by his Majesty." The understanding from this proclamation would be, not that the treaty had confirmed them, but that the order for this purpose was to proceed from the French republic. The grounds upon which the King had promised to himself the issue of this order were the sincere amity and close alliance which united the two governments, not a treaty stipulation. Other matters mentioned in the proclamation relating to the administration of justice being continued by the ordinary judges and the established tribunals, &c., concerning which he makes the same promise to himself, in favor of which it is not to be supposed that there could have been a stipulation, may be adverted to as a further illustration of the intention of the proclamation.

But if the proclamation could be so construed, as an exposition of the treaty, as to convey the idea that the grants it refers to had been confirmed, that reference is to the grants derived from the governors of the province, to grants derived from those who alone by the royal order of 1770 were authorized to make them, and is not to be understood to be a reference to acts of less dignity than grants, or than was necessary to confer property, performed by an officer inferior to the governor of the province, and upon whom his Majesty had not conferred the power of making grants. The order of the King to the commissioners, in pursuance of which the proclamation was made, excludes all ground of controversy upon this subject. After enumerating the several matters concerning which particular orders are made, it proceeds: "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, &c.—that all the grants or property of whatever denomination made by my governors may be confirmed, although not confirmed by myself." In addition to the reasons mentioned, upon which it is believed that the reference here made by the King is to the grants which had been made by the governors who had successively administered the government, and upon whom alone he had conferred the power of making grants, it may be added that the decrees of the lieutenant governor were not acts which were to be confirmed by the King, nor acts which were to be confirmed by the governors. The grants made by the governors are original acts, and do not assume to be but confirmations of a previous title, although in those grants the previous act of the lieutenant governor, as well as of the surveyor, is referred to.

That in fact and in practice, as it is believed, there was no such thing as a confirmation by the governors of any title which had been given by the lieutenant governor; but the confirmation which the King promises to himself would be made was to be of the grants made by the governors—for these were the only grants which, from the authority he had conferred, he can be supposed to have referred to—the only grants which in fact existed in the province, and the grants which, of course, would be referred to him for confirmation, if his confirmation was necessary to complete the title. Whether his confirmation was or was not necessary would appear to be immaterial in regard to its effect upon the decision of the questions which have been considered, and immaterial as it regards its effect upon the interests of those who claim under such titles, they having been confirmed by acts of Congress. But that the King's confirmation of the grants made by his governors was, in his opinion, requisite to perfect the titles is a necessary inference from the terms of his order, and is material to show that he had not considered the royal regulation of 1754 in force in Louisiana whilst the power to grant resided in the governors, as by that regulation the power of confirmation had been conferred upon the governors or the audiencias, the one or the other, according to the country over which it extended. That it had not been the practice of the governors to confirm the acts of the lieutenant governors, as contemplated by the 12th article of that regulation; that the governors made the original grants, and not confirmations, contrary to what is contemplated in that article; that the lieutenant governors did not make grants, as the sub-delegates had done under the royal regulation—all concur to show the understanding of the government of Spain, from the throne down to the lieutenant governor, that the royal regulation had not been extended to Louisiana prior to the decree of 1798—an understanding which prevailed from the commencement of the government of Spain there to the final transfer of the country to France, as evinced by the instruction of O'Riley, the royal order of 1770, the order for the delivery of possession to France, and the practice adverted to, which obtained during the intervening period, to which might be added the circumstance that sales of lands, which is evinced by almost every article of the royal regulation to be its object, had not been directed in Louisiana prior to the regulations of Morales.

That confirmations should follow the grants as necessary to perfect titles is an opinion which the general system of laws relating to the disposition of the King's domain would appear strongly to support. This power of confirmation would reside with the King—with him from whom the power to grant had proceeded, as a matter of course, unless he had placed it elsewhere; when he did place it elsewhere, the power to grant and the power to confirm were reposed in different hands. Prior to the royal regulation of 1754 the grants made by the sub-delegates required the confirmation of the King. By that regulation the power of confirmation was conferred upon the audiencias or governors, the one or the other, according

to the circumstance of place. By the royal ordinance for the establishment of the intendants the power to grant was conferred upon the intendants, the power to confirm upon the *superior junta*. At an earlier period the power to confirm had been committed to the viceroys and presidents. When, therefore, a power to grant lands was conferred, the grants made in pursuance of such power, no other provision being made in relation to the confirmation of such grants, would not be binding as against the King until confirmed by him. This opinion derives strength from its analogy to the principle before referred to in relation to the laws made pursuant to an authority from the King, but which are not binding until they receive his approbation, except the contrary be expressed in the authority.

The imperfect promulgation of the law, which has been complained of, cannot, as it relates to the present case, affect the questions which have been decided. If ignorance of the law existed, however it might be a subject of regret that the opportunity of deriving the advantages which its terms would have afforded had been lost from such a cause, it would not be a ground of relief or of complaint, where, as in the present case, there had been neither labor nor money expended; or if the money expended for surveying fees, under a mistake of the law, could in any case be a ground of complaint, it would not in the present one, where the use of the timber is presumed to have been a full remuneration for this expenditure. The laws authorizing gratuitous grants require no obedience, prescribe no penalties which do not relate to the gratuity. They concern not him who does not wish to avail himself of the advantages they offer; and as to him who might have been disposed to avail himself of that advantage, had he known of their existence, they cannot be considered unjust. If this ignorance was a consequence of an imperfect publication, it can only be said that the monarch did not adopt means to extend sufficiently the information of the advantageous terms he proposed to his subjects to allow them to be acceded to universally. But if, from ignorance of the terms of the law, consequent upon its insufficient publication, or perhaps as arising from the want of a spirit of inquiry, labor had been expended in good faith with a view to the grant, but not sufficient to comply with the terms of the law, the claimant, under such circumstances, might merit the favor of the government. Whether in any such case he could claim the interposition of the court under the existing provisions of the act of Congress, it is not now necessary to determine.

With the aid of the new materials with which the court has been supplied by the researches of Mr. White, it has corrected with pleasure all that, upon more mature reflection, it believed to be errors in its former opinions, and reflects with satisfaction that those errors were not of a character to be prejudicial either to the claimants or to the United States. A decree must therefore go against the validity of the claim and the title of the petitioners.

LEDUC'S DEPOSITION.

Unconfirmed land claims.

ST. LOUIS, *February* 20, 1830.

MESSRS. CHARLESS & PASCHALL: In your valuable paper of the 16th instant, No. 413, is inserted a piece under the following title: "Legal opinion—court of the United States for the Missouri district—special court. Joseph Wherry and others, heirs of Mackey Wherry, *vs.* The United States. Peck, judge."

For the information of those who feel in anywise interested about the division of land claims in Missouri, and in order that a larger view of those cases may be laid before your readers, you will be pleased, in addition to said "legal opinion," to insert the testimony of M. P. Leduc, as reduced to writing during the trial above mentioned, a certified copy of which is hereto annexed.

MISSOURI DISTRICT, *ss:*

Be it remembered, that heretofore, to wit: at the January session in the year 1830, of the United States court for the Missouri district, under an act of Congress 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," Mary P. Leduc was offered as a witness on behalf of the petitioners, on the trial of the cause of the heirs of Mackey Wherry, deceased, *vs.* The United States; and the testimony of said Mary P. Leduc on said trial was recorded by the court in the words and figures following, to wit:

Mary P. Leduc, a witness offered on behalf of the petitioners, states that he was well acquainted with the handwriting of Antoine Soulard, late surveyor of Upper Louisiana, and also with the handwriting of Charles Dehault Delassus, late lieutenant governor of Upper Louisiana; and that the handwriting in the body of the concession offered in evidence in this case is the handwriting of the said Soulard, and that the signature thereto is that of the said Delassus; and that he is also well acquainted with the handwriting of Peter Provenchere; and that the petition which appears above the signature of Mackey Wherry, and addressed to the said lieutenant governor, in reply to which the said concession is made, is the handwriting of the said Provenchere. Said witness also states that he arrived here in the year 1799, and that he found said Mackey Wherry in this country.

Mary P. Leduc being further examined in the case, says that he acted as translator to the board of commissioners for the adjustment of land titles during all the time that the said board sat as such commissioners, with the exception of about six weeks; that the concessions which were presented to said board were in the handwriting, some of Zenon Trudeau, some of Louis Labeaume, some of David Delanney, some of Pierre Provenchere, some of Charles Dehault Delassus, some of Jacques Clamorgan, some of said witness, and some of Antoine Soulard; but the greatest part of those seen by witness were in the handwriting of said Soulard; there were some others in the handwriting of persons not now recollected. That said witness was very well acquainted with the handwriting of said Louis Labeaume, David Delanney, Pierre Provenchere, Charles Dehault Delassus, Jacques Clamorgan, and Antoine Soulard, having frequently seen them all write; that he never saw Zenon Trudeau write, but knows his signature, having often seen it signed to his official acts. The concessions to which witness refers are subsequent to the year 1796, and inclusive of a part of that year; believes that there were some concessions made anterior to the year 1796 which are not recorded in the Livre Terrien, but is not certain; is sure that there cannot be many; and if there were any that were not recorded in Livre Terrien, they were made in the time of Zenon Trudeau, subsequent to the year 1792, inclusive. That witness is familiar with the records in the office of the recorder of land titles, having assisted Mr. Bates, the recorder, in discharging the duties of that office for

many years, commencing with the year 1809, until the books and papers were delivered to the present recorder, about the year 1824. That witness himself transcribed the books of Livre Terrien, commencing in the year 1766, and ending in the year 1796 or 1797, except some few grants that had been already recorded; that he recorded them for Mr. Bates, the recorder. That witness was the private secretary of Lieutenant Governor Delassus as early as November, 1799, and continued to be so during the continuance of the Spanish government here; that during the same time Antoine Soulard was the surveyor of Upper Louisiana and after the change of government, continued to discharge the duties of said office down to the year 1806, under an appointment from General Wilkinson, as witness believes. That the Livre Terrien, of which witness has spoken, is the book in which the concessions were recorded *verbatim*, and signed by the lieutenant governors severally when they issued the same; and, as witness believes, who has compared a few of the concessions with those recorded in the books mentioned, that the concessions recorded are all recorded in full. That the Livre Terrien consists of books from No. 1 to No. 6, inclusive, and were formed of quires of paper sewed separately into a distinct book, each book being formed of about one quire; thinks the book of plats in the surveyor's office was formed pretty much in the same way; the books of the Livre Terrien were covered with pasteboard, and numbered on the back by said Soulard. Witness says that Lieutenant Governor Delassus continued to make concessions until the transfer of possession to the United States, in March, 1804; that he knows of but one concession made since that time, and that was made to Adam House for four hundred arpents, and was made to bear date before the transfer, and has been confirmed. That Mr. Delassus, after the change of government, continued in St. Louis about eight months, during which time applications were made to him for concessions, and sums of money offered to obtain them, and the applications rejected with indignation within the knowledge of witness. That said Delassus, after the time mentioned, left this for New Orleans, and that place for Pensacola, and from that place for Baton Rouge, where he exercised the office of governor; in which office he remained until that country was taken possession of by the Americans. That the said concession was made to Adam House in consequence of the recommendation of Zenon Trudeau, which recommendation and petition had been mislaid and not found until after the transfer, and is positive that none other was made after the transfer. Says that the said lieutenant governor continued to issue concessions after the notice of the intendant of the death of the assessor in the year 1802, and his order not to receive further petitions for lands down to the change of government, and down to this period continued to issue them about in the same proportion that he had issued them before the said notice. Cannot say what proportion of the concessions made after the said notice of the intendant were made to bear date anterior to the said notice, and in the years 1799, 1800, 1801, and 1802, but believes that about sixty were made to bear date during those years. Witness was absent from this place from May to December in the year 1803, and does not know that more concessions were issued towards the close of the Spanish government here than had been at any time before; that when petitions for lands were presented to the lieutenant governor he would file them, where they would generally remain for a considerable time, and they would then be given out to Mr. Soulard, or somebody else, to write the decrees of concession; and when he would sign them he would make them bear date at the times at which the petitions were presented, and would tell the applicants their best title was their axes and their hoes, and to go and cultivate. Says that the concessions in the sixth book of the Livre Terrien are principally surveys of town lots; that the fifth book of Livre Terrien contains concessions of a later date than the sixth, and includes, as witness believes, grants made during the period of Zenon Trudeau, that is to say, between the years of 1792 and 1797, inclusive, of which record appears to have been made; and that the concessions in said book are mostly in the handwriting of Clamorgan, and signed by the said Lieutenant Governor Trudeau. That said Clamorgan, Louis Labeaume, Charles Gratiòt, and Gabriel Cerre, who appear by the list of claims extracted from the Livre Terrien to have received large concessions, were men of very considerable wealth when witness arrived in this country, and all men with families, except Clamorgan; that Benito Vasquez, who by the said list appears also to have had a large concession, was a captain in the pay of the King, commanded this post in the absence of the lieutenant governor, and had a large family. Witness says that he is interested in the confirmation of a claim of a league square decreed against by this court at the present term, which was originally conceded to De Luzieres; that his interest is derived through Delassus, the late lieutenant governor;* that he is also interested in the confirmation of a claim of fifteen thousand arpents, conceded to him in his own name, of which a league square has been confirmed; that he had no family until the year 1802. States that Lieutenant Governor Trudeau when he left here went to Lower Louisiana, where he lived several years, and until he died. Witness further states, that on March 10, 1804, he was appointed by Captain Stoddard syndic of the town and vicinity of St. Louis, within four miles thereof; that on October 1, 1804, he was appointed by Governor Harrison judge of probate, recorder, and notary public of the city of St. Louis. On December 14, 1805, he was appointed translator of the board of commissioners. In the year 1807 he was appointed by Frederick Bates, acting governor of the Territory, ensign and adjutant of the 1st regiment of St. Louis, and quartermaster of the same; a justice of the peace and notary public in the same year; in 1810, by said Bates, to administer oaths of office. That commissions as justice of the peace, judge of probate, notary public, recorder and register of boatmen, were renewed by said Bates in the year 1812. That in the year 1812 he was appointed clerk of the court of common pleas. In 1815 he was appointed clerk of the county court. In February, 1815, was appointed clerk of the circuit court, which he resigned in 1818, and received from the judge presiding a note expressive of the great satisfaction with which the duties of said office had been discharged. That in the year 1818 the witness was elected a member of the assembly. In 1820, when Missouri became a State, he was also a member of the assembly. In 1822 he was again elected a member of the same body, and resigned. That in 1825 he was commissioned judge of probate for the county of St. Louis, by Frederick Bates, governor, with the advice and consent of the Senate. The court of probate being abolished, and the county court created, he was appointed the presiding justice of that court, and is now the presiding justice of said court.

Said witness further states that the distance between the Mississippi and the road to Prairie Catalan, mentioned in the said list extracted from the Livre Terrien, is about seven or eight arpents. Says that as translator to the board of commissioners it was his duty to read the concessions which were in the Spanish language, and the petitions which were in the French language, and that all the concessions which were presented to the board were read by him, and that he is satisfied that all those which were presented to the said board, and bore the signature of said Delassus and said Trudeau, did bear their

* Pledged in his hands to secure payment of money.

genuine signature. Said witness further states that he recollects of the receipt by the lieutenant governor of the letter of the intendant of the 1st of December, 1802, announcing the death of the assessor, and that no further memorials for lands might be received and transmitted, but cannot state the time at which it was received, but thinks, from the mode of communication at that time, that the said letter could not reach this place in less than seven or eight months after its date. Neither knows of nor has heard of any sales of land having been made in Upper Louisiana by the Spanish government.

Said witness further states that the Livre Terrien contains one hundred and seventy-six concessions for tracts of land, surveys of eighty-five common field lots for the town of St. Louis, one hundred and thirty-three concessions for town lots in St. Louis and Carondelet—perhaps a few elsewhere, and surveys of town lots in St. Ferdinand thirty-five, and in Marais des Liard thirteen. That town lots and common field lots were generally occupied without any concessions; and that he neither knows of nor has heard of any concession in any other town or village, a dependency of the post of St. Louis, except perhaps a very few in Ste. Genevieve, and a concession for Portage de Sioux. That tracts of land were frequently occupied and improved without any concession; that the said Livre Terrien shows a continuation of grants from the year 1766 to 1797, without the intermission of any one year. Said witness further states that he arrived in Upper Louisiana, at New Madrid, in February, 1793, which continued to be his place of residence, occasional absence excepted, until he removed to St. Louis. Says that the jurisdiction of the lieutenant governor of Upper Louisiana for the purpose of conceding lands comprehended the posts of St. Louis, Ste. Genevieve, Cape Girardeau, and St. Charles. That there were also other posts in the said districts, and petitions were frequently presented to the commandants of those several districts, or to the commandants of the posts within them, but most generally the application was made to the lieutenant governor himself; when to the former, they were transmitted with their recommendations to the lieutenant governor at St. Louis, who made the concessions; and that the post of New Madrid was a distinct post for the purpose of making concessions. Says that he was acquainted with most of the persons whose names appear on three several plats of tracts of land, of which Louis Labeaume, Jacques de St. Vrain, and Albert Tison appear to be the assignees of the said persons; said plats being marked into tracts of 800 arpents, and making in all fifty-one tracts of eight hundred arpents each. That about the year 1800, and before and since, said assignors were generally villagers, with the exception of about six, and that many of them cultivated in the common field lots; says that some of the excepted numbers were farmers; that since some of those villagers have removed to their common field lots, particularly those of St. Ferdinand. Witness knew of but one person by the name of Pierre Provenchere, nor but one of Mackey Wherry, nor but one of Antoine Soulard, nor but one of James Mackey; all of whom have deceased. Witness says that he has an interest in the confirmation of the claim of Charles Dehault Delassus for thirty thousand arpents, said interest comprehending one-third of the whole claim.* Said witness Leduc being further examined on behalf of the United States, says that he was absent from St. Louis for six or seven months prior to the month of December, 1803, and that on his return he first heard of the treaty of concession to the United States.

MISSOURI DISTRICT, *sct:*

I, Joseph Gamble, clerk of the United States court for the Missouri district, under an act of Congress 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," do certify that the foregoing is a true copy of the testimony of Mary P. Leduc on the trial of the cause of the heirs of Mackey Wherry *vs.* the United States, as the same remains of record in my office.

Given under my hand and private seal, there being no public seal provided, at St. Louis, the 20th day of February, 1830.

JOSEPH GAMBLE, *Clerk.*

21ST CONGRESS.] No. 875. [2D SESSION.

APPLICATION OF ILLINOIS FOR THE EXTENSION OF THE PRE-EMPTION LAW IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1831.

To the Congress of the United States of America:

The memorial of the general assembly of the State of Illinois respectfully represents: That but a small number of the citizens of Illinois who settled on land claimed by the United States within this State prior to May 29, 1830, and who occupied and cultivated the same in the year 1829, have been able to avail themselves of any benefit under the provisions of an act passed on the 29th May, 1830, entitled "An act to grant pre-emption rights to settlers on public lands," because the plats and surveys of most of the land lying in the State, not heretofore offered for sale, have not been filed in any land office in the State, and because by the construction given to the act of Congress citizens residing in those districts of the country wherein the land had not been offered for sale previous to the passage of the law are required to avail themselves of its provisions previous to the day appointed for the commencement of the sale of lands in the district, including those on which the right of pre-emption is claimed, and not permitted to claim their right, however just, after that day. And those residing on lands which had not been offered for sale previous to the passage of the law cannot avail themselves of its provisions for the

* As a reward for the faithful discharge of his office as private secretary.

want of the plats and surveys. It is confidently believed that Congress intended by the passage of the law referred to to confer some benefit upon a numerous and respectable class of citizens of Illinois, yet it will be seen by the foregoing statement of facts that the beneficent designs of the government have been defeated without the fault of those citizens. It is confidently believed that there are at least one thousand persons residing in the State intended to have been benefited by the provisions of the law, and who are as much entitled thereto as any other citizens, who cannot avail themselves thereof because the plats and surveys of the lands on which they reside have not been filed, and it is feared that those plats and surveys will not be filed before the law will expire. It is therefore respectfully recommended to your honorable body to extend the provisions of the act of May 29, 1830, to every settler on lands claimed by the government prior to the 1st of January, 1831, who cultivated the same in the year 1830, and continue the law in force for twelve months longer, to the end that all who are or may be entitled to the benefits of the law may have an opportunity of availing themselves of the provisions thereof after the plats and surveys of the lands on which they reside may be filed in the proper office. All which is respectfully submitted.

WM. LEE D. EWING, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

DECEMBER 23, 1830.

DECEMBER 27, 1830.

The foregoing is a true copy of the original on file in the office of the secretary of state.

A. P. FIELD, *Secretary of State.*

21ST CONGRESS.] No. 876. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 12, 1831.

Mr. STERIGERE, from the Committee on Private Land Claims, to whom was referred the petition of the heirs and legal representatives of Theophilus Collins, deceased, reported:

The petitioners state that said Theophilus Collins, deceased, in 1797, petitioned the Spanish government for a grant of twenty arpents in front, and the ordinary depth of forty arpents, on the Bayou Rapid, and was recommended by the Spanish commandant, which petition was never presented to the board of land commissioners, but casually discovered lately. They also state they have discovered another paper, or title to land, (not presented to the board of land commissioners,) viz: A petition and order of survey to their maternal grandfather, John Leonard, dated April 14, 1778, of twenty arpents in front and forty deep. Each of these claims is for 800 arpents—together, 1,600 arpents. They call on the justice, generosity, and magnanimity of Congress to confirm the above-mentioned claims.

The petitioners pretend to account for not bringing their claims before the board of commissioners for examination, by stating that, at the time the board sat, they were in an *orphanage* state, and unable to attend to their claims and rights. That their guardians were faithless to their trusts, and grossly neglected their interests, otherwise their claims would have been allowed, and in this manner attempt to make out an equitable claim. Now, this statement seems entirely gratuitous. It is not sustained by facts, but directly contradicted by the records of the land office. It appears that, at the very time they say their interests and rights were grossly neglected, five claims were presented to the board of commissioners in favor of the heirs and legal representatives of Theophilus Collins—three of which were confirmed to them in July, 1811, and the other two embraced in the report of the same commission of April 6, 1815, and confirmed in part, viz: to the extent the law allowed—they being each for a larger quantity than could be confirmed under the act of Congress.

The claim under John Leonard seems also to have received proper attention, for it appears that the commissioners confirmed four other claims in Opelousas to the legal representatives of John Leonard. There can be no doubt that these claims were not brought forward for the reason assigned, but because they were of no avail to the holders.

The petitioners have no shadow of legal claim to the tracts of land they ask to be confirmed. In the first-mentioned case, viz: that of Theophilus Collins, deceased, the only document is his petition. There is not the least evidence that the petition was ever presented to the governor, much less that the land was ever granted. The fact of its being found in the possession of Collins at his death is proof conclusive, for, if it had been presented, this paper would have been in the possession of the governor. It is absurd to talk about an intention to ask a petition for land, even if that were proven, as giving any legal or equitable claim to the land.

In the second case—that of John Leonard, deceased—this petition, and the direction of Galvez to the commandant to put the petitioner into possession, are the only documents produced; but it does not appear he was ever placed in possession, or that he took any subsequent steps to procure a title. This is not even alleged. The remarks in the above case apply equally to this. With regard to both, it should be remarked that there is in the General Land Office "an abstract of all the concessions and patented grants of land appertaining to the western district of the Territory of Orleans, recorded in the register kept by the French and Spanish governments for the province of Louisiana, from July 14, 1757, to June 30, 1803;" but neither of the above-mentioned claims are to be found in that abstract, which seems to the committee a conclusive fact against the said claims.

Supposing these papers genuine, and the facts as stated respecting the claims to be true, the petitioners have no claim under any principle of law, usage, or equity. The committee offer the following resolution:

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

21ST CONGRESS.] No. 877. [2D SESSION.

APPLICATION OF ALABAMA FOR FURTHER RELIEF TO PURCHASERS OF AND SETTLERS ON PUBLIC LANDS IN THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 18, 1831.

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

Your memorialists respectfully represent: That among the settlers in the State of Alabama were a large class of citizens who purchased lands of the United States at the public sales in the years 1818 and 1819 at the extravagant prices at which they then were selling, and settled upon and have continued to cultivate a portion of them ever since. Shortly after those sales took place, cotton, the staple commodity of the country, fell greatly in value, which produced a corresponding depreciation in the value of land. So great was the distress produced by this state of things that Congress, at its session of 1820, passed a law for the relief of purchasers of public lands, giving them the right to relinquish a part and apply the payments made thereon to other parts retained, and to pay the residue of the debt due the government at a discount of thirty-seven and a half per cent., or to take a further credit of six or eight years (without interest) according to the instalments paid. The class of purchasers to whom your memorialists allude, believing that the terms then proposed were the best that ever would be offered by the government, and being desirous of securing their homes, adopted the second alternative and paid the whole price of the land they retained, by relinquishment, or in money at the discount. Since that period, Congress has continued to extend the time of payment to those who took further credit, until the last session of Congress, when a law passed giving to those who had paid three dollars and fifty cents an acre on their lands a patent without further payment, which embraced all lands the original price of which was fourteen dollars and upwards an acre, and for all lands below that price one dollar and twenty-five cents, or less, in addition to the sum already paid. Other classes of purchasers, who had paid one-twentieth or one-fourth of the purchase money, and suffered the land purchased to revert to the United States, have also been relieved by a law of Congress authorizing scrip to issue for the amount paid by them and forfeited to the government. Thus, as it is shown to your honorable body, this class of purchasers of land in this State are left wholly without relief. Nothing is more common than to see two settlers in the same neighborhood occupying lands of equal value, and which cost the same price at the sale, one of whom has paid the government twenty dollars per acre and the other only five, and so in proportion to the various prices at which the land sold. It is the duty of all good governments, and particularly of ours, which is based upon the just principles of equal rights and equal privileges, to hold out every incentive to good faith and punctuality among its citizens; but in the case before us punctuality and good faith, instead of being rewarded as a virtue, has, by the operations of these laws, actually been punished as a vice. Your memorialists cannot believe that this discrepancy in your laws and great injustice in their operation could have been intended by Congress, but that it is the result of accidental circumstances and from inadvertence. A view of all the laws to which we have referred will show that the statements made are incontrovertibly true. Your memorialists therefore pray that a law may be passed placing this class of purchasers upon an equal footing with others who have received such ample and generous relief; and, that the treasury may not be burdened by having to refund this money, your memorialists will be satisfied for this class of purchasers to be put upon the same footing with those who permitted the lands they had purchased to revert to the government, by granting them scrip receivable in payment for other lands which may hereafter be sold by the government. And your memorialists would further represent to your honorable body that much of the public lands of this State, on which individuals are settled, have once been surveyed, but no return of which has been made to the land office; that by the construction given to the act of Congress of 29th of May last, granting pre-emption rights to settlers on public lands, by the Commissioner of the General Land Office, the above class of citizens are deprived of the benefits contemplated by said act, and which your memorialists are constrained to believe was intended to extend equally to them. To remedy this evil, your memorialists would respectfully request your honorable body to pass a law extending the benefits above asked for; and, as in duty bound, your memorialists will ever pray, &c.

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their utmost endeavors to carry into effect the measures referred to in the foregoing memorial, and that the governor be requested to furnish our delegation in Congress with copies of the same.

JAMES PENN, *Speaker of the House of Representatives.*
SAMUEL B. MOORE, *President of the Senate.*

Approved December 31, 1830.

GABRIEL MOORE.

21ST CONGRESS.] No. 878. [2D SESSION.

APPLICATION OF INDIANA FOR THE ESTABLISHMENT OF A LAND OFFICE IN THE NORTHERN PART OF THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1831.

A JOINT RESOLUTION of the general assembly of the State of Indiana on the subject of a land office to be established in the northern part of said State.

Whereas many citizens in the northern part of this State, and emigrants thereto, labor under many and great disadvantages for want of a land office in their neighborhood; and whereas there is a part of the lands in the northern part of the State which are believed not to be attached to or included within

any land district, whereby the first settlers of said district have been deprived of the benefit of the law of Congress granting pre-emption rights to actual settlers of unsold lands: Therefore—

Resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives be requested, to use all reasonable exertions to procure the establishment of a land office at the county seat of St. Joseph county, at or near the south bend of the St. Joseph river of Lake Michigan, or at such other point in the northern part of this State as to Congress shall seem reasonable.

And be it further resolved, That his excellency the governor be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in Congress.

ISAAC HOWK, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved December 29, 1830.

J. BROWN RAY.

21st Congress.] No. 879. [2d Session.

APPLICATION OF INDIANA FOR GRANTS OF LAND TO ESTABLISH ASYLUMS FOR THE DEAF AND DUMB, LUNATICS, AND OTHER OBJECTS OF CHARITY IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1831.

MEMORIAL to the Congress of the United States on the subject of asylums, and for lands to construct them.

The general assembly of the State of Indiana, as your memorialists, desires to lay before your honorable body her views in regard to a subject not less addressed to the interest and humanity of all the States in the confederacy as a common benefaction than emphatically regarded by the constitution of this State as specifically demanding the interposition of her legislature. Though Indiana is bound by her charter to provide farms for asylums for the poor, infirm, and unfortunate within the pales of her jurisdiction, she would, *without* such injunction, rejoice at every successful effort, at home or abroad, tending to alleviate the distresses of this class of mankind. Under these convictions, she would respectfully submit to the Congress of the United States her requests that an act may be passed granting one section of land for each county in the State, to be selected by her, which, or its proceeds, shall be applied to erect asylums and provide farms, to receive and support all persons found to be objects of charity; and also granting two sections, to be located in like manner, to be applied to the benefit of the deaf and dumb within her entire boundaries; and also granting one section, in like manner, to erect and sustain a State lunatic asylum.

In making *this* appeal, the State of Indiana repudiates the idea of selfishness, and wishes to be understood as deserving only to take upon herself the responsibility of an agent empowered to minister consolation to all whom casualty or misadventure may render dependent on benevolent protection. This general assembly wishes not to stop at the limits of the request now made, but to express a hope that all the western States, having unsold lands within their jurisdiction, may apply for and succeed in obtaining similar grants to those applied for in this memorial. When this shall take place, the humane institutions they will foster may be considered as much the common property of the whole Union, and must be so in effect, as when they formed a part of the yet claimed general domain. The annual discharges of population from the old States to those recently formed must, in the nature of things, furnish many objects calling for the exertion of the trust estate confided to our own case in such a manner as to display a union of philanthropy. Indeed, when it is considered that the unacclimated are necessarily more exposed to casualties of every description and more liable to fall victims to the assaults of the seasons than the native or old settler, the request herein made may justly be viewed as tending only to induce a provision for ameliorating the condition of the distressed of the whole American family whose necessities require aid.

It is conclusive that the amount of lands asked for by the memorial cannot be more appropriately applied than to the objects referred to, and all the sympathies of our nature advocate the gift.

Resolved, That our senators in Congress be instructed, and our representatives requested, to obtain the objects of this memorial.

Resolved, That the governor forward copies of the same to each of our senators and representatives.

ISAAC HOWK, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved December 31, 1830.

J. BROWN RAY.

21st Congress.] No. 880. [2d Session.

APPLICATION OF MISSISSIPPI FOR AN AMENDMENT TO THE PRE-EMPTION LAWS.

COMMUNICATED TO THE SENATE JANUARY 24, 1831.

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 it seems from the provisions of an act which passed your honorable body on the 29th day of May, 1829, entitled "An act to grant pre-emption rights to the settlers on the public lands," that it was the manifest

intention of Congress to provide liberal and humane, but, at the same time, most just relief to the meritorious and industrious citizens of our country, whose enterprise and adventure, in exploring the public domains of the Union had led them as pioneers into the unsettled wilds of our vacant country, whereby the value of the public domain was not only developed, but greatly appreciated; yet the present general assembly are satisfied that the phraseology of said act does not provide ample relief for all the cases coming within the spirit of the relief intended, but that many cases of the meritorious character intended to be provided for by said act, under the construction given to said act by the officers of the general government, have been excluded from the beneficial operations of the same.

Your memorialists would further beg leave to present for the consideration of your honorable body the following cases as being fully entitled to the benefits of the aforementioned act, and which, by the officers of the land office in this State, have been declared not to be embraced or included in the provisions of the same, namely, where more than two persons have settled on the same quarter section of land, the said act be so amended as to entitle not only the first two actual settlers to the provisions of the said act, but that the third or fourth, or both, be allowed to locate a quarter section somewhere else in the same land district, on some unimproved and unappropriated land; and also that the aforesaid act be further amended, so as not to require the surveying of the land as a prior condition to proof of pre-emption right, according to the provisions of the aforesaid act.

Your memorialists would respectfully represent to your honorable body that the provisions of the said act, according to its prevailing construction, exclude many persons who, it is believed by your memorialists, were intended by Congress to be entitled to the benefit of the same; and that an amendment by your honorable body, embracing the cases above enumerated, and also to make some provision whereby the heirs or representatives of such persons as resided on and cultivated public domain in the year 1829, but who died prior to the passage of the law of last session of Congress, may obtain the benefits intended by said law, would be the means of affording to many poor and industrious persons a home for themselves and families. The premises considered, your memorialists pray your honorable body to pass a law amending the aforesaid act, so as to provide for the cases above enumerated; and your memorialists, as in duty bound, will ever pray.

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 use their best exertions to procure the passage of an act of Congress providing for the evils enumerated in the above memorial.

And be it further resolved, That the governor of this State be, and he is hereby, required to transmit a copy of the foregoing memorial and resolution to each of our senators and representative in Congress.

M. F. DE GRAFFENRIED, *Speaker of the House of Representatives.*
A. M. SCOTT, *Lieutenant Governor and President of the Senate.*

Approved December 16, 1830.

GERARD C. BRANDON.

21ST CONGRESS.] No. 881. [2D SESSION.

RELATIVE TO LOCATIONS OF GRANTS OF LAND TO INDIANA FOR A ROAD FROM LAKE MICHIGAN TO THE OHIO RIVER.

COMMUNICATED TO THE SENATE JANUARY 25, 1831.

TREASURY DEPARTMENT, *General Land Office, January* 22, 1831.

SIR: In obedience to the resolution of the Senate of the United States bearing date the 14th instant, in the words following, to wit: "*Resolved*, That the Commissioner of the General Land Office be directed to communicate to the Senate copies of all the proceedings on file in his office relative to the location of lands in Indiana by the commissioners appointed on the part of the State of Indiana and the commissioner or agent appointed by the authority of the United States under the act entitled 'An act to authorize the State of Indiana to locate and make a road therein named;' also copies of all letters addressed to him relating to the subject of the location of the land in question, together with the decision of the late Acting Commissioner of the General Land Office on the subject," I herewith transmit copies of all the proceedings on file in this office relative to the location of the lands alluded to, with copies of all letters addressed to this office on the subject of the location of the land in question, together with the decision of the late Acting Commissioner of the General Land Office on the subject, as required by the resolution. Papers marked A, B, C, D, E, F, G, H, and I.

I have the honor to be, sir, with great consideration, your most obedient servant,

ELIJAH HAYWARD.

Hon. JOHN C. CALHOUN, *President of the United States Senate.*

A.

LOGANSPORT, *Indiana, September* 14, 1830.

DEAR SIR: We send enclosed herewith a memorandum of the lands we have selected for the use of the Michigan road.

Very respectfully, &c.,

WILLIAM POLK,
SAMUEL HANNAH,
ABRAM McCLELLAN,
Commissioners of the Michigan Road.

The COMMISSIONER *of the General Land Office.*

The undersigned commissioners, appointed by an act of the general assembly of the State of Indiana approved January 13, 1830, which act was passed pursuant to the provisions of a treaty between the United States and the Pottawatomie tribe of Indians of the 16th of October, 1826, and of an act of Congress passed 2d of March, 1827, authorizing the general assemby of said State to locate and make a road from Lake Michigan to the Ohio river, and to apply the strip and sections of land by the aforesaid treaty ceded to the United States to making said road, have, by the authority vested in them by the general assembly of said State, selected the following sections and fractions of land for the use of said road:

In the district of lands offered for sale at Fort Wayne, Indiana, the sections and fractional sections numbered as follows, viz:

1st. Sections numbered 14, 17, 18, 19, 20, 21, 22, 23, 26, 28, 29, 30, and 36, in township numbered 38 north, of range number 2 east, of the second principal meridian line.

2d. Sections numbered 13, 14, 22, 24, 25, 26, 27; the northeast, southeast, and northwest quarters of section number 1; and the north half of section number 36, in township numbered 37 north, of range No. 2 east, of the second principal meridian line.

3d. The southwest, northeast, and northwest quarters of section number 18; and sections 10, 11, 12, 30, and 31, in township number 37 north, of range number 3 east, of the second principal meridian line.

4th. The northeast, southeast, and southwest quarters of section number 10; and sections number 3, 9, 12, 13, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, in township number 37 north, of range number 4 east, of the second principal meridian line.

5th. Sections and fractional sections number 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 26, 27, 28, 29, 32, 33, and 34, in township number 28 north, of range 5 east, of the second principal meridian line.

6th. Fractional sections number 35 and 36, in township number 29 north, of range number 5 east, of the second principal meridian line.

7th. Sections numbered 5, 6, 7, and 18, in township number 28 north, of range number 6 east, of the second principal meridian line

8th. Sections and fractional sections numbered 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, and 34, in township number 29 north, of range number 6 east, of the second principal meridian line.

And in the district of lands offered for sale at Crawfordsville, Indiana, the sections numbered as follows, viz:

1st. Sections numbered 2, 3, 4, 10, 11, 20, and 30, in township number 37 north, of range number 1 west, of the second principal meridian line.

2d. Sections numbered 14, 15, 21, 22; the north half of section number 23; section number 25; the southeast quarter of section number 26; section number 28; the southeast, southwest, and northwest quarters of section number 34; and the south half of section 35, in township number 38 north, of range number 1 west, of the second principal meridian line.

3d. Sections numbered 15, 20, 22, 23, 24, 30, and 31, in township number 38 north, of range number 1 east, of the second principal meridian line.

4th. Sections numbered 5, 18, 29, and 32, in township number 37 north, of range number 1 east, of the second principal meridian line.

5th. Sections numbered 2, 3, 4, 5, 6, 10, 13, 17, 18; the south half of section number 19; and sections number 24, 25, and 28, in township number 37 north, of range number 2 west, of the second principal meridian line.

6th. Section numbered 36, in township number 38 north, of range number 2 west, of the second principal meridian line.

7th. Sections numbered 1, 2, 3, 4, 5, 6, 13, 14; and the west half of section number 24, in township number 37 north, of range number 3 west, of the second principal meridian line.

8th. Sections numbered 31, 32, 33, 34, 35, and 36, in township number 38 north, of range number 4 west, of the second principal meridian line.

Given under our hands this 14th day of September, A. D. 1830.

ABRAM McCLELLAN,
WILLIAM POLK,
SAMUEL HANNAH,
Commissioners of the Michigan Road.

Agreeably to instructions from the Department of War of the United States, I accompanied the commissioners of the State of Indiana and fully approve the selections of the above sections of land for the purpose above expressed.

JOHN TIPTON, *Indian Agent.*

SEPTEMBER 14, 1830.

B.

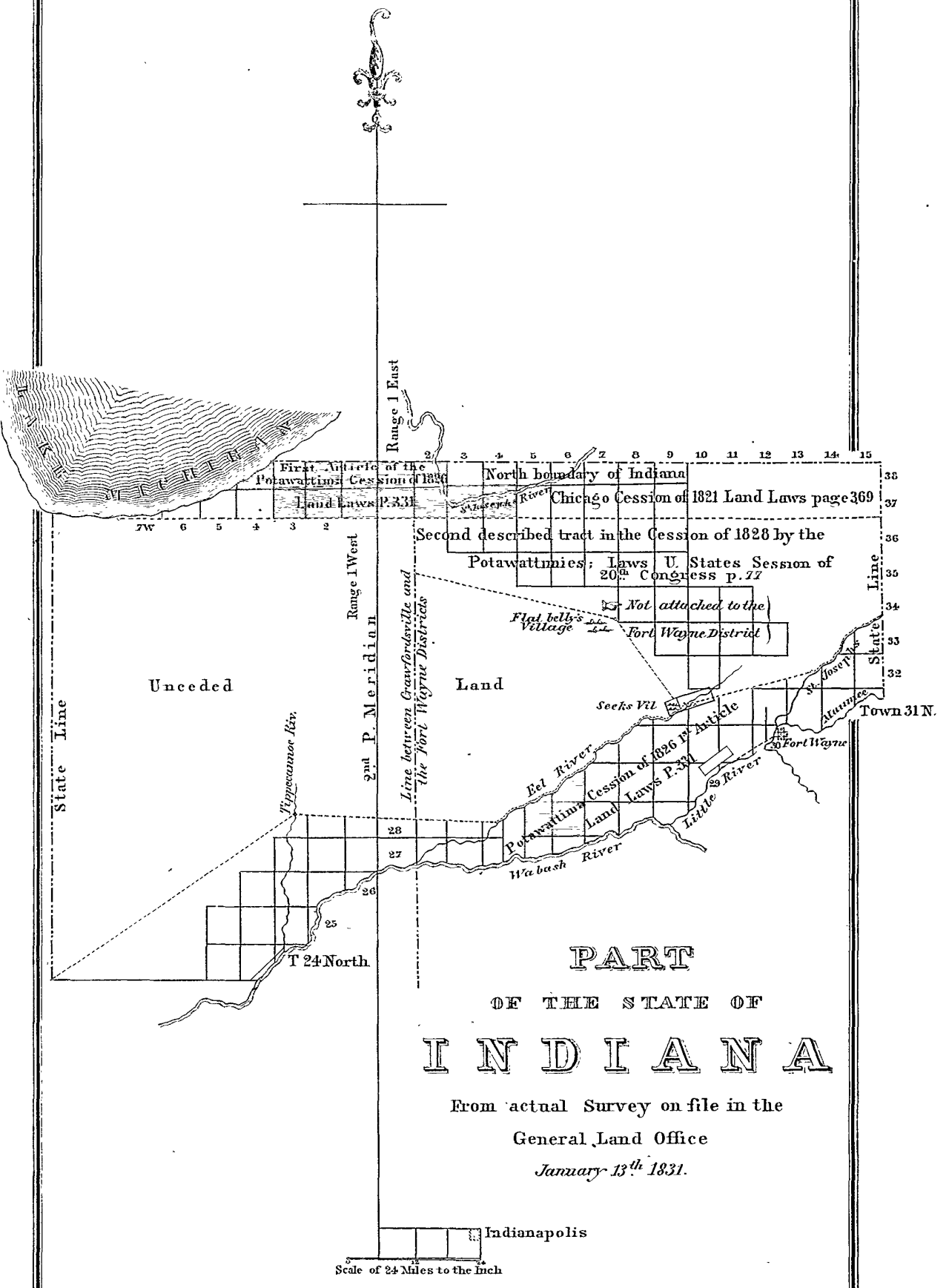
TREASURY DEPARTMENT, *October* 9, 1830.

SIR: Approving the view taken of the subject of the selection of lands for the use of the Michigan road in your letter of the 5th instant, I return the papers therewith enclosed.

Respectfully, &c.,

S. D. INGHAM, *Secretary of the Treasury.*

The COMMISSIONER *of the General Land Office.*


Range 1 East
Range 1 West
2nd P. Meridian
Line between Crawfordsville and the Fort Wayne Districts
First Article of the Potawattimi Cession of 1826
Land Laws P. 331
North boundary of Indiana
Chicago Cession of 1821 Land Laws page 369
St Joseph's River
Second described tract in the Cession of 1828 by the Potawattimies: Laws U. States Session of 20th Congress p. 77
Not attached to the Fort Wayne District
Flat belly's Village
Seeks Vil
Unceded
Land
State Line
Tippecanoe Riv.
Eel River
Potawattimi Cession of 1826 1st Article
Land Laws P. 331
Wabash River
Little
River
St. Joseph's
Miami
Fort Wayne
Town 31 N.
T 24 North
PART
OF THE STATE OF
INDIANA
From actual Survey on file in the
General Land Office
January 13th 1831.
Indianapolis
Scale of 24 Miles to the Inch

GENERAL LAND OFFICE, *October* 5, 1830.

SIR: I have the honor to enclose a sketch exhibiting the several Indian cessions in the northern part of the State of Indiana.

By the first article of the Pottawatomie treaty of the 16th October, 1826, (Land Laws, p. 331,) the tracts colored *blue* on that sketch were ceded to the United States.

By the second article of the same treaty the Indians "cede to the United States a strip of land commencing at Lake Michigan and running thence to the Wabash river, one hundred feet wide, for a road; and also one section of good land contiguous to the said road for each mile of the same; and also for each mile of a road from the termination thereof, through Indianapolis, to the Ohio river, for the purpose of making a road aforesaid from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river." By the same article it was also provided that the general assembly of Indiana should have the right to locate the road, apply the said sections, or the proceeds thereof, to the making of the same or any part thereof, and that the grant should be at their sole disposal; but by the ratification of this treaty this provision was rejected, although not so noted in the Land Laws.—(See Appendix to Laws of United States, 2d session 19th Congress, p. 52.) By the act of Congress approved on the 2d of March, 1827, (Land Laws, p. 932,) the general assemby of Indiana were authorized to locate and make the road above specified, and apply the strip of land and sections ceded for that purpose, or the proceeds thereof, to the making of the same, and the grant was placed at their sole disposal.

It does appear to this office that the second article was intended to make a cession of lands separate and distinct from those designated in the first article of the same treaty; that the quantity thus ceded is a strip of one hundred feet wide for the length that the road may run through the lands belonging to the Indians, and one section of land for each mile of the road from Lake Michigan, through Indianapolis, to the Ohio river.

Before this quantity can be ascertained, it appears to me that the road must be actually laid out, so as to ascertain its course and length, and the number of sections ceded by the treaty and vested in the State by the act of 1827, that when the road is so laid out the section of land for each mile it may run through the Indian country must be located, agreeably to the words of the treaty, "contiguous to the road," and that the residue of the lands thus ceded must be taken out of the lands belonging to the Indians, and not out of the lands ceded to the United States for another purpose, by the first article of that treaty, or by any other treaty.

It is not known to this office that the road has been laid out and surveyed, and the subject is now brought before the Secretary for his decision in consequence of the receipt of the enclosed communication from the commissioners appointed by the State of Indiana to select the lands granted for the road. I have designated on the sketch by shading the townships in which they propose to make the selections, by which it will be perceived that they do not lay in a direct line from the lake to Indianapolis; that part of the selections are in the tracts ceded by the 1st article of the treaty, and that the residue are embraced by the Chicago cession of 1821.

The list has not been critically compared with the plats in the office, but it is known that there will be objection to the approval of some of the selections, in addition to the general one, which is, that they may include lands liable to entry under the pre-emption law of the 29th of May last.

With great respect,

JOHN M. MOORE, *Acting Commissioner.*

Hon. S. D. INGHAM, *Secretary of the Treasury.*

C.

GENERAL LAND OFFICE, *October* 11, 1830.

GENTLEMEN: Your letter of the 14th ultimo, covering a list of the lands selected by you for the road between Lake Michigan and the Ohio river, through Indianapolis, referred to in the second article of the Pottawatomie treaty of the 16th of October, 1826, and the act of Congress of the 2d of March, 1827, was duly received, and submitted to the consideration of the Secretary of the Treasury on the 5th instant, by a letter, of which the paper marked A, herewith enclosed, is a copy; and you will perceive on reference to the answer of the Secretary, dated the 9th instant, of which the paper marked B is a copy, that he approves of the views of this office upon the subject.

From these papers you will perceive that the second article of the treaty is considered as making a separate and distinct cession of lands for the purpose of making the road; that the quantity thus ceded is equal to a strip of one hundred feet wide for the length of the road through the Indian country, and one section of land for every mile of the road, as *actually laid out*, between the lake and the Ohio river, through Indianapolis; that the selection of one section of every mile through the Indian country must be "contiguous to the road;" that the remainder of the quantity to which the State may be entitled must be taken out of the *Indian lands;* and that none of the lands ceded to the United States by the first article of that treaty, or by any other treaty, are liable to be located for the use of that road. The selections, therefore, cannot be approved; and the land officers at Fort Wayne and Crawfordsville have been instructed to offer the tracts at the public sales in November next.

I am, very respectfully, &c.,

JOHN M. MOORE, *Acting Commissioner.*

WILLIAM POLK, SAMUEL HANNAH, and ABRAM MCCLELLAN, Esqs.,
Commissioners of the Michigan Road, Logansport, Indiana.

D.

GENERAL LAND OFFICE, *October* 11, 1830.

GENTLEMEN: The road commissioners of the State of Indiana having forwarded to this office a list of certain tracts situate within the townships to be sold at your office during the next month, which they have selected for the Michigan and Ohio road, I have to inform you that it has been decided that the

lands ceded by the second article of the Pottawatomie treaty of 1826, for making that road, form an entirely separate and distinct cession; and that no lands ceded to the United States by the first article of that treaty, or by any other treaty, are liable to be entered under the provisions of that article, or of the act of Congress of the 2d of March, 1827.—(Land Laws, p. 932.) The selections are therefore rejected, and you are advised of the fact in order that you may not withhold them from the public sales in case the commissioners should have furnished you with a list of them and requested their suspension from the sales.

I am, very respectfully, &c.,

J. M. MOORE, *Acting Commissioner.*

The REGISTERS and RECEIVERS *of the land office at Fort Wayne and Crawfordsville, Indiana.*

E.

INDIAN AGENCY, *Eel River, November* 8, 1830.

DEAR SIR: I regret that I am compelled, by a sense of my duty to the United States and to the Indians for whom I am agent, to trouble you with a letter at this time; but having been informed that the land department had directed the land officers at Fort Wayne and Crawfordsville to sell certain sections of land that were selected by commissioners of the State of Indiana, under the provisions of a treaty with the Pottawatomie Indians of October 16, 1826, and of an act of Congress of 1827, to be applied by said State to the construction of a road from Lake Michigan to the Ohio river, and have directed other lands to be taken out of that still owned by the Indians, I feel bound to state to you, and through you to the President, that at the time of negotiating this treaty these Indians did not understand that their land, not embraced within the bounds of the tract then ceded, would be required to construct this road, except where the road passed through the country retained by them, and that they understood the sections required to construct the road through the ceded land would be taken therefrom precisely in the manner in which the commissioners have selected it. This was also my understanding of this treaty at the time it was made. Should the United States cause these lands to be sold, and the State of Indiana be authorized to take the best lands now owned by these Indians, it will greatly disappoint and distress them. A large tract of country was purchased from these same Indians in September, 1828. This contemplated road passes through this purchase also, and this last-mentioned purchase greatly diminishes the quantity of land still belonging to the Indians. A portion of this last-mentioned purchase had not been surveyed by the United States, and the State commissioners have surveyed one township, and have selected it. This township is not now offered for sale, and as it has been generally understood that certain sections of land within the townships now offered belong to the State, few, if any, of them will be sold. I would therefore earnestly, but respectfully, request that this matter be examined, and, if practicable, that the State should retain the land thus selected, and not be driven to the necessity of distressing these Indians, many of whom would now consent to sell this country and remove west. Two or at most four years may find Indiana clear of these Pottawatomies, provided a tender course is pursued towards them. I can therefore but express a hope that this will be done.

I am, dear sir, with great respect, &c.,

JOHN TIPTON, *Indian Agent.*

HON. E. HAYWARD, *Commissioner of the General Land Office.*

F.

To Andrew Jackson, President of the United States:

The undersigned, citizens of the State of Indiana, some of whom are undertakers on the Michigan road, would respectfully represent: That they have reason to fear delay and great injury will be occasioned by instructions from the Acting Commissioner of the General Land Office to the land offices at Crawfordsville and Fort Wayne, dated the 11th of October last, and directing those officers to sell certain sections of lands lying within townships now offered for sale, which sections have been selected by commissioners of the State of Indiana, to be applied to the construction of a road from Lake Michigan to the Ohio river, agreeably to the provisions of a treaty between commissioners of the United States and the Pottawatomie Indians of October 16, 1826, and of an act of Congress of March 2, 1827.

Your memorialists admit that the treaty will bear the construction given to it by the Acting Commissioner, but they are assured that these Indians did not so understand it at the time it was negotiated, nor at any time since have they expected that land would be taken from the country retained by them to construct a road beyond their boundary line, but that the land to construct the road through the ceded lands would be taken therefrom. This also appears to be the construction given to the treaty and act of Congress by the State commissioners who have made these selections. These Indians sold a large tract of country to the United States in September, 1828, which greatly diminishes the quantity of good land still retained by them, and we have reason to believe that most or all of the land owned by them within this State could now be purchased, if a treaty were authorized to be held with them, before the State of Indiana is compelled to enter upon and locate their choicest lands for this road, which would greatly distress them, and there is a strong probability that the remaining lands would cost the United States as much or more after as before the selection of those lands.

We understand that the whole number of sections selected within the townships now offered for sale is less than one hundred; and we have heard that at the Crawfordsville sales but few of those sections were sold; and we have reason to expect a similar result at the Fort Wayne sales.

At the last session of the general assembly of Indiana an act was passed appointing a superintendent, who was authorized to sell out contracts for the construction of this road, the undertakers to receive a certificate of the amount due to them for work performed on the road. These certificates or scrip are redeemable after these lands are selected and sold by the State; and as the selections are now made, and

will be reported to the legislature in next month, if the lands are sold by the United States, and these contractors compelled to wait another year for their money, the consequences to them will be ruinous.

We therefore earnestly request that the above-mentioned instructions from the acting commissioner may be rescinded, so far as respects the lands remaining unsold, and that a treaty would be authorized with the Pottawatomie Indians as early within the next year as practicable. Should this course be adopted, we entertain no doubt that this land question will be settled advantageously and to the entire satisfaction of all concerned.

HORACE BASSETT *and* 106 *others.*

G.

INDIANAPOLIS, *Indiana, July* 8, 1830.

SIR: Being required by an act of the last general assembly of the State of Indiana "to open a correspondence and negotiation with the proper authorities of the general government, and ascertain as nearly as possible *when* and *how* the lands donated by treaty and an act of Congress to the State of Indiana to open a road are to be surveyed, and whether they are to be surveyed by the State of Indiana or the general government, and to urge the immediate survey of the same by the general government, and take all such other steps and measures necessary to cause the same to be surveyed and made ready for market on or before the first Monday of December, 1830," I did, in obedience to said laws, address you a letter on the 10th of February, 1830, calling your attention to the aforementioned subject, and requesting a compliance on the part of the United States government with the wishes of the legislature of the State of Indiana relative to the said survey; but, after waiting with impatience for several months for a reply, I am constrained to inform you that none has come to hand.

Supposing that the mail may have miscarried my first communication on its way to Washington city, I have deemed it most proper to address you again.

You will perceive by the above quotation from the act itself, that it is the desire of the State of Indiana that the lands which were granted by the treaty of 1826, by the Pottawatomie tribe of Indians, to make a road from Lake Michigan to the Ohio river, may be surveyed by the authority of the general government. The route of said road has been established, and the State is anxious to procure a survey of the said lands by the United States as soon as practicable, in order that our next legislature may offer them for sale. The facility, despatch, and accuracy with which the United States may survey these lands lead us to hope that the State will be relieved from the burden and trouble of the task. A board of commissioners, whose duty it is to proceed immediately, upon the notification of the governor, to the selection of these lands, is now awaiting the determination of the United States government on this matter. We are now the more solicitous for a speedy adjustment of the subject since the country is already offered for sale by the United States, out of which selections of land will doubtless be made to a great extent by this State, under the authority of said treaty; for it is of much consequence to the State of Indiana that the whole of the aforesaid lands should be surveyed and selected prior to the United States sales ordered the ensuing fall. Should the country which is now offered for sale be actually sold before our treaty lands are surveyed and selected, it may occasion much difficulty between the conflicting claims of the United States, or their purchasers, and those of the State to the same lands. After surveying the lands in question, if the United States government wishes to have any agency in their selection, she can do so by forthwith sending a commissioner or agent to act in concert with the commissioners of Indiana now ready to commence operations; but for the want of the decision of the United States government, whether she will send a surveyor to survey the said lands, or whether they must be surveyed by the State, an early reply will be expected. I may add here, as a reason for the solicitude herein expressed, that contracts will be made in a few days for improving said road, upon the faith that the lands in question will be surveyed this summer, and selected and prepared for sale by the first Monday of December next.

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

J. BROWN RAY.

Hon. SECRETARY OF WAR.

H.

INDIANAPOLIS, *Indiana, November* 1, 1830.

SIR: Circumstances make it necessary for me to ask you to inform me whether or not you received two letters from me any time within the past year relative to the surveying and selection of lands in this State, granted by treaty to make a road from Lake Michigan to the Ohio river, and when they were received.

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

J. BROWN RAY.

Hon. JOHN H. EATON, *Secretary of War.*

I.

HOUSE OF REPRESENTATIVES, *December* 28, 1830.

SIR: I take the liberty of enclosing you a letter from a highly respectable gentleman of Indiana. The subject of which it treats is one of considerable interest to many of the citizens of Indiana, and more particularly so to those who have taken contracts on the Michigan road.

I shall be much pleased to have your views on this subject.

I have the honor to be, &c.,

R. BOON.

COMMISSIONER *of the General Land Office.*

AURORA, *December* 11, 1830.

SIR: As you are now connected with the administration of the national government, I take the liberty to address you on the subject of the Michigan road lands. This is a subject on which I have heretofore taken much interest, and should much regret that any measure should be adopted that would impede the progress of the work or affect the interest of the contractors. I have just returned from the Wabash country, and was shown the directions of the Treasury Department to the land office at Crawfordsville. It appears to me that the decision of the acting land commissioner is founded in an error, arising from a supposition that the State of Indiana claims the land under the article of the Indian treaty ceding the lands. The State claims the land by virtue of the act of Congress, and not by that treaty, as the article alluded to was rejected by the Senate. Congress could not have intended to donate to the State of Indiana lands of which the government had not the title. The State commissioners selected the land in good faith, in view of the act of Congress, and at the expense of the State. In this view of the subject, should the proper department reverse its order for selling the selected land, all difficulties would be removed, as well as all cause of censure or complaint. The State of Indiana and the road contractors would be reconciled. This I am confident could work no injury to the revenue. The government undoubtedly anticipate a purchase of all the remaining Indian lands, and even all the road lands to be taken from what is now recognized as Indian lands; the balance, I apprehend, would cost the government as much and perhaps more than the whole. The Indians would be irritated and disappointed, and those who are disposed to prevent the views of the government with respect to that class of people within our territories from being carried into effect would take advantage of it.

These suggestions are not made with any unfriendly feelings towards the administration or either department, but from a wish that all possible difficulties might be avoided.

I have lately had an opportunity to learn the present situation of the Indians in this State. They are now prepared to sell all their land, and remove west. I sincerely hope the favorable moment will not be lost. I have written my views on the subject to Colonel Piper. Whoever wishes well to the State of Indiana and the Indians will aid the government in their views of a removal of that degraded people.

Please to accept this as written in the spirit of friendship, from, dear sir, your obedient servant,

HORACE BASSETT.

Hon. R. BOON.

21ST CONGRESS.] No. 882. [2D SESSION.

APPLICATION OF INDIANA FOR FURTHER RELIEF TO THE PURCHASERS OF PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 25, 1831.

A JOINT RESOLUTION of the general assembly relative to the purchasers of public lands.

Whereas the liberal policy of the general government extending relief to purchasers of the public lands in this and the western and southwestern States has met with the approbation of the several communities interested in such relief, and has probably been attended with no loss to the national treasury:

Believing that a continuance of the same beneficent indulgence is called for by humanity and tenderness towards large numbers of our unfortunate citizens: Therefore—

Resolved by the general assembly of the State of Indiana, That our senators and representatives in Congress be requested to use their exertions to continue for years longer the act of Congress entitled "An act for the relief of the purchasers of public lands, and for the suppression of fraudulent practices at the sale of public lands of the United States," approved March 31, 1830.

Resolved, further, That our representatives and senators endeavor to procure the passage of a law authorizing every person indebted to the general government for the purchase of land under the credit system, to relinquish such part of his purchase as will enable the debtor to close his accounts with the United States, and that such debtor be allowed thirty-seven and a half per cent. discount on the original purchase money for the land retained, and be allowed a full credit on the balance due for the amount paid at the time of purchase.

Resolved, That the governor be requested forthwith to cause copies of the preceding resolution to be immediately forwarded to each of our senators and representatives in Congress.

ISAAC HOWK, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved December 31, 1830.

J. BROWN RAY.

21st Congress.] No 883. [2d Session.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE SENATE JANUARY 26, 1831.

Mr. Poindexter, from the Committee on Private Land Claims, to whom were referred the petition and accompanying documents of Joseph Vidal, reported:

The petitioner claims three tracts of land, situated in the State of Mississippi, by virtue of orders or warrants of survey, bearing date while the Spanish government existed, in what was called the district of Natchez—one in the name of Margaretta Thompson, for one thousand arpents; one in the name of Jacintha Gallagher, for one thousand arpents; and one in the name of Thomas Thompson, for eight hundred arpents. The petitioner states that at the time the board of commissioners appointed to adjust land titles was in session he and his family were in Europe, which prevented the exhibition of the proofs necessary to authorize a confirmation of his claims; wherefore he now prays the passage of an act for that purpose.

It appears, from a certified copy of the record kept by the board of commissioners, that on the 26th day of March, 1806, Margaretta Thompson claimed one thousand arpents, situated on the waters of the Bayou Pierre, in Claiborne county, by virtue of a Spanish patent dated the 2d day of December, 1797, founded on a warrant or order of survey dated the 15th day of January, 1795.

The representatives of Jacintha Vidal claimed one thousand arpents on the same waters, by virtue of a Spanish patent to Jacintha Gallagher, dated the 2d day of December, 1797, founded on a warrant or order of survey dated the 25th of March, 1794.

About the same time Thomas Thompson claimed eight hundred arpents, situated on the same waters, and produced in support of his claim a Spanish patent dated the 2d day of December, 1797, founded on a warrant or order of survey dated the — day of March, 1795.

The board disallowed these claims for the want of sufficient evidence and on suspicion of their being antedated.

Such documents are on file as are mentioned in minutes from the record of the board of commissioners.

George Overaker swears that he knew Thomas Thompson in the district of Natchez in the year 1793; knows that he resided there until the year 1802 or 1803, when he died; does not doubt he was a resident there on the 27th day of October, 1795. He swears the same in regard to Jacintha Gallagher, except that she died in 1801. He also swears that he knew Margaretta Gallagher, and believes she resided in that district from 1795 until 1801.

Lewis Evans swears that what George Overaker has stated is true, except that Thomas Thompson died in 1804.

John Minor swears that in 1790 or 1791 he was acquainted with Thomas Thompson and Jacintha and Margaretta Gallagher in the district of Natchez, where they continued to live until about the year 1800.

The Hon. T. H. Williams, late of the Senate, who was a member of the board of commissioners, states that the petitioner was in Spain at the time the board was in session, and did not, it is believed, return to the Mississippi Territory until after its dissolution.

Mr. Williams further states that an opinion having prevailed that the Spanish government had issued a number of antedated titles to lands in the Mississippi Territory, Congress by the third section of the act passed the 27th of March, 1804, (see L. L., p. 259,) authorized the commissioners to lay the claimants under a rule to produce other evidence than the grant itself in support of their titles. It must be remembered that, by the act of the 3d of March, 1803, (see L. L., p. 254,) every person on that day occupying a tract of land without title was allowed a right of pre-emption. These squatters, as they are called, frequently settled on lands granted by the Spanish government, and must of course feel interested in defeating them. Vidal's claims were impeached, and it is probable they were persons settled on the lands he claimed. The commissioners in such cases laid the parties under a rule to prove the time the surveys were made. If they refused to comply with this order, (and most of them did refuse or neglect to do so,) the commissioners were "not satisfied" that the grants were genuine.

The first act for adjusting titles to lands in the Mississippi Territory was passed the 3d of March, 1803, (see L. L., p. 254.) The first section was intended to confirm titles to lands inhabited and cultivated on the 27th of October, 1795, and for which the claimant held British or Spanish warrants or orders of survey bearing date prior to that period. The board was not furnished with proof of habitation and cultivation on that day.

By the fourth section of an act passed the 31st of March, 1808, (see L. L., p. 264,) the registers of the land offices east and west of Pearl river were required to report to the Secretary of the Treasury all the claims of certain persons to lands in the Mississippi Territory, founded on British or Spanish warrants or orders of survey granted prior to the 27th of November, 1795, not confirmed by former laws. The reports made in pursuance of this provision were laid before Congress; and on the 30th June, 1812, an act was passed (see L. L., p. 268) confirming to every person, or the legal representative of every person, claiming lands in the Mississippi Territory by virtue of a British or Spanish warrant or order of survey granted prior to the 27th of October, 1795, and who were on that day resident in that district of country. By this act proof of habitation and cultivation of the land claimed is not deemed indispensable; and no person, whatever might have been the extent of his claim, was confirmed in his title to a greater quantity of land than 640 acres.

The proof that the persons under whom the petitioner claims were residents in the district of Natchez on the 27th day of November, 1795, is deemed by the committee satisfactory; nor have they reason to doubt the genuineness of the warrants or orders of survey.

The charge of antedating appears not to be well founded. If a fraud of this kind had been attempted, it is a little extraordinary that an earlier day had not been assumed, particularly in regard to the patents. These bear date subsequent to the treaty, though about the time the surrender of the country took place. It is not contended that the instruments called patents possess complete validity; yet to say the Spanish officers who granted them were actuated by criminal motives would be to intimate a total want of circum-

spection on their part It would have been just as easy for them to have used a date when their jurisdiction could not be questioned as any other.

Joseph Vidal furnishes no proof of his having any claim to the lands in question. It has been stated he was the husband of Jacintha Vidal, and that he is her legal representative.

A bill is herewith reported for the relief of the legal representatives of the persons in whose right the petitioner claims.

21st Congress.] No. 884. [2d Session.

APPLICATION OF ALABAMA FOR A GRADUATION OF THE PRICE OF PUBLIC LANDS AND FOR FURTHER RELIEF TO PURCHASERS OF AND SETTLERS THEREON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 26, 1831.

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

The memorial of the general assembly of the State of Alabama respectfully showeth: That by the operations of the act of May 29, 1830, entitled an act to grant pre-emption rights to the settlers on public lands, many of the meritorious citizens who had settled on the public lands in this State have been excluded from participating in its benefits. By the second section of this act only two persons who had settled on the same quarter section of land are entitled to the right of pre-emption, and no provision made for other persons who may have settled on the same. A number of cases have occurred where persons have settled on public lands long anterior to the year 1829, and when they had not been surveyed, so that it was impossible to determine whether more than two would be embraced in the same quarter section. Those persons, equally meritorious with any other description of settlers, have been compelled to give up their improvements without any equivalent, and are entirely excluded from all participation in the munificence and liberality designed by the general government, while others, who happened to cultivate in the year 1829, are not so excluded.

Your memorialists, therefore, believe that in justice these individuals ought to be provided for; they humbly desire and request that Congress will pass an act allowing them the right to enter other lands in lieu of those on which they had settled. Your memorialists would further represent that a large and respectable portion of the inhabitants upon the public lands, and particularly those who were on valuable lands, sold out their claims when said lands were advertised for sale for fear they would be unable to purchase and settle upon lands less valuable previous to the passage of the act granting pre-emption privileges, and now both seller and buyer of such claims are barred from the advantages of said act. Cases of this kind your memorialists believe to be extremely hard when they feel assured that it was the intention of the general government to aid and assist all the honest citizens of this State in the acquisition of homes who had located themselves upon the public lands. Your memorialists further represent that in many instances persons who had made settlements before the year 1829 had rented or leased portions of their improvements to recent emigrants or settlers, with a motive to afford them facilities to make permanent locations in the country, and by the construction given by the Commissioner of the General Land Office the pre-emption right is given to the lessee. Your memorialists further represent that it is frequently the case that persons have settled on fractional quarter sections when such fractional quarter sections do not contain much more than half the quantity of a full quarter section. It is also not uncommon for persons to settle on fractions which do not contain near one hundred and sixty acres. Those persons seem not to be provided for. Your memorialists would further represent that where persons had happened to rent out their improvements in the first of the year 1830, by such renting they were not in the actual possession at the passage of the aforesaid act. They have been denied by the register the privilege of pre-emption right. This construction and practice of the officers of the land office your memorialists believe to be contrary to the meaning of the act of Congress. Your memorialists would further represent that there still remains in this State a quantity of lands which will not be disposed of by any of the sales which have been ordered during the present year, and also a considerable quantity which have not yet been surveyed, on which numerous settlements have been made by enterprising and industrious citizens, who it is desired may be protected from the avarice and schemes of a horde of speculators who still infest the country by being permitted to enter their homes at the price fixed by the general government. Your memorialists further represent, for the consideration of your honorable body, that there are many valuable and worthy citizens of Alabama who have relinquished their homes on account of their not being able to pay the government the price now required by law; and unless some relief be granted them their homes will be forfeited by the act of last Congress. They would therefore respectfully ask your honorable body to permit such of those who have relinquished as much as two quarter sections or less to re-enter the same amount, or a less quantity, in any legal subdivision, (provided, in all cases, such persons have retained possession of the same,) at seventy-five cents per acre. Your memorialists would further represent that at the sales of public lands upon which relief has been extended to the purchasers of high priced lands, the poor lands invariably sold at a price as much above the true value thereof as the most valuable lands in the country. The wealthy portion of our citizens generally purchased the rich lands, and those who purchased at the price of fourteen dollars and upwards per acre have been allowed a patent for the sum already paid, while those who purchased at a less price have yet to pay the government a large amount of money before they can become freeholders; many of them are entirely unable to do so, when in fact they have paid as much for their lands, agreeably to the quality of soil and intrinsic value, as those who purchased at fourteen dollars and upwards per acre; and further, your memorialists cannot see why the particular number "*fourteen*" should be the standard for fixing the price at which patents shall be granted in preference to any other number.

Your memorialists can with safety represent to your honorable body that it is frequently the case that lands have been sold from five to ten dollars per acre, and have since been forfeited, which would not now sell for the minimum price if put up at auction. Under circumstances of this kind your memorialists would humbly request of your honorable body that all holders of certificates should have patents granted them. Your memorialists would further represent, for the consideration of your honorable body, the propriety of graduating the price of public lands which have heretofore been offered, as follows: Say, all lands which have been offered and would not sell for the minimum price twelve months thereafter should be subject to entry at seventy-five cents per acre, two years thereafter at fifty cents per acre, and so in proportion to time, as the wisdom of your honorable body may suggest. And your memorialists would further suggest to your honorable body the expediency of permitting the inhabitants of Alabama to enter the public lands which have heretofore been offered for sale and not sold at the minimum price, by subdividing quarter sections into tracts of forty acres. This last proposition your memorialists believe to be of vital importance to a large portion of citizens in this State. Your memorialists cannot close this application to your honorable body for relief without renewing the request that all persons that have paid the purchase money for lands bought by them and paid for without the deduction of 37½ per cent. on the sum paid, may be allowed the amount overpaid in scrip, which shall be receivable in any of the land offices in this State. And your memorialists would further represent that in this State there are a large number of individuals wholly unable to purchase over forty acres of land at the minimum price, the necessary consequence of which is that such individuals are settled on the poorest kind of land, which, not affording sufficient inducements for any one to purchase, give to them temporary homes. The continuance of this class of individuals in such situation is in opposition to the future prosperity of the country, and must, doubtless, be contrary to that liberal policy which should influence all governments. Your memorialists would therefore suggest to your honorable body the policy of granting to such individuals the right to enter forty acres of any land once offered for sale and now liable to entry without any other expense than the office fees. Your memorialists further pray that the act of Congress passed March 31, 1830, entitled "An act to grant relief to purchasers of public lands, so far as relates to granting scrip on forfeited land stock," may be extended to a longer period, owing to the large number of citizens living in remote sections of the country from the land office being unable to avail themselves of the relief granted by the before recited act. Your memorialists respectfully submit the several foregoing items of relief to the wisdom of your honorable body, and humbly trust that their merits will be thoroughly investigated, and, as in duty bound, they will ever pray.

Resolved, That our senators in Congress be instructed and our representatives requested to use their greatest exertions to procure the passage of a law embracing the several provisions contemplated in the foregoing memorial; and that his excellency the governor be requested to transmit to the President of the Senate of the United States, and to the Speaker of the House of Representatives, and to each of our senators and representatives in Congress, a copy of this memorial.

JAMES PENN, *Speaker of the House of Representatives.*
SAMUEL B. MOORE, *President of the Senate.*

Approved January 6, 1831.

GABRIEL MOORE.

21ST CONGRESS.] No 885. [2D SESSION.

APPLICATION OF ILLINOIS FOR THE ESTABLISHMENT OF A NEW LAND OFFICE IN THE NORTHERN PART OF THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 31, 1831.

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

The memorial of the legislature of the State of Illinois represents: That the country on the Vermilion river in said State is rapidly populating from almost every State in the Union, and great sales of lands have been recently made in that section, in consequence of which a considerable revenue has accrued to government.

The land office at Palestine is situate on the line dividing townships six and seven, thirty-six miles from the base line, the south boundary of said land district, and the lands are now in market as high as the line dividing townships twenty-one and twenty-two, ninety miles on a straight line north of the said land office; and the land is surveyed and run off into sections, ready for sale, as high as the line dividing townships twenty-seven and twenty-eight, one hundred and twenty-eight miles from the present office.

The distance purchasers have to travel from the north to buy land is considered an unreasonable requisition by government, and a subject of serious complaint in that section. When the grievance shall be duly considered, and the fact generally known that so large sums of money have been paid and will continue to be paid for the lands in this section of our State, it is not to be presumed that the same state of things can in justice be continued; and the good citizens of the State and others interested ask government to establish a new land office at or near Danville, in Vermilion county, dividing the Palestine district, or at such other place as may be considered right, to accommodate the northern section of the State.

It must be conceded that should the arrangement take place government would facilitate and greatly increase the sale of those lands; and the additional expenses considered cannot be set up as a sufficient objection.

The subject is respectfully submitted to the consideration of Congress.

WM. LEE D. EWING, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

JANUARY 1, 1831.

I certify the foregoing to be a true copy of the original on file in the office of the secretary of state.

A. P. FIELD, *Secretary of State.*

VANDALIA, *January* 3, 1831.

21st Congress.] No. 886. [2d Session.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 1, 1831.

Mr. Draper, from the Committee on Private Land Claims, to whom was referred the petition of the widow and heirs of Pedro Guedry, and of Francis Daigre, reported:

That the petitioner Mary Landry, widow of Pedro Guedry, states that in the year 1792 Pedro Guedry, her husband, obtained a complete Spanish title by grant from the Baron de Carondelet, consisting of six arpents and twenty fathoms front on the Mississippi river, by forty arpents in depth, at the distance of about four miles above the mouth of the Manchac; that her husband and herself have occupied the same since 1792 until the present time, and that she was ignorant of the laws requiring the title to be recorded in the land office at St. Helena district court-house; and prays that she may be permitted to enter her claim for four arpents and a half in front and forty arpents in depth, with the register and receiver of the land office at St. Helena court-house, to revive the claim of the petitioner to the said land. The petition of Francis Daigre claims the residue of the said land by purchase; he has not, however, exhibited a regular chain of transfers; but inasmuch as the petitioner Mary Landry only claims four and one-half arpents in front of the said land, and the petitioner Francis Daigre having proved by affidavits his right to the remainder, (the Spanish grant having been produced and continued possession proved,) the committee are of opinion that the prayer of the petitioners is reasonable; and as they claim parts of the same tract of land, they have reported a bill for their joint relief.

21st Congress.] No. 887. [2d Session.

ADVERSE TO CLAIM OF A REVOLUTIONARY OFFICER FOR LAND, A WARRANT FOR WHICH HAD BEEN ISSUED AND LOCATED BY ANOTHER PERSON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 1, 1831.

Mr. Sterigere, from the Committee on Private Land Claims, to whom was referred the petition of B. J. V. Valkenburgh, reported:

That it appears from the statement of the petitioner and the records of the land office, that the petitioner, as an officer and soldier of the revolution, was entitled to two hundred acres of bounty land. It appears from the land office that a warrant, No. 2255, was issued for said two hundred acres of land, and located for the holder, Joseph Hardy, by Jones Stanbury, agreeably to the act of 1796.

The petitioner declares that he never authorized the location of Mr. Joseph Hardy or Mr. Stanbury, and prays for relief. It is utterly impossible at this distance of time to ascertain whether Mr. Hardy or Stanbury properly obtained possession of the above-mentioned warrant. It appears altogether improbable that they could have obtained possession of the warrant without the consent or transfer of the petitioner or his agents. Nor is it probable that the Secretary of the Treasury would have permitted an illegal location of this land. The committee think the petitioner must seek his remedy against Mr. Hardy, Mr. Stanbury, or the holders of this land he claims, in the courts of law. He can have no claim on the government, as it appears the warrant was legally located by the holder. Several applications have been made for relief in like cases, none of which have been granted.

The committee think the prayer of the petitioner ought not to be granted.

21st Congress.] No 888. [2d Session.

ON AUTHORIZING THE STATE OF ILLINOIS TO SELL THE SALINE RESERVATIONS IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 2, 1831.

Mr. Irvin, from the Committee on Public Lands, to whom was referred the memorial of the legislature of the State of Illinois, praying permission to sell the lands reserved for the salt springs on the Vermilion river, reported:

That on the 26th day of March, 1804, an act was passed by Congress for the survey and disposal of the public lands in the Territory of Indiana. By the sixth section of that act the several salt springs in

that Territory, together with as many contiguous sections to each as should be deemed necessary by the President of the United States, were reserved for the future disposal of the United States.

By an act of Congress of the 3d of February, 1809, the Territory of Indiana was divided. That part which lay west of the Wabash river, and a line drawn from said river and Port Vincennes due north to the territorial line between the United States and Canada, constituted the Territory of Illinois.

On the 29th April, 1816, an act was passed by Congress authorizing the survey of two millions of acres of land in the Territories of Illinois and Missouri for the purpose of satisfying the bounties of land promised to the non-commissioned officers and soldiers of the late army of the United States. A provision was inserted in the first section of that act reserving to the United States the salt springs and lead mines within the district surveyed, and such quantities of land adjacent thereto as might be reserved for the use of the same by the President of the United States.

By an act of Congress of the 18th of April, 1818, the people of the Territory of Illinois were permitted to form a constitution and State government. The second proposition of the sixth section of that act is in the following words, to wit:

"Second. That all salt springs within such State, and the land reserved for the use of the same, shall be granted to the said State for the use of the said State, and the same to be used under such terms and conditions and regulations as the legislature of the 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."

On the 22d day of April, 1814, Mr. Meigs, the Commissioner of the General Land Office, directed Leonard White, Willis Hargrave, and P. Tramill to select such lands as might be deemed necessary for the use of the Ohio saline forever. These individuals made their report to the General Land Office on the 2d July, 1814, from which it appears that they set apart for the Ohio saline, in Illinois, about 97,000 acres of land. This reservation was submitted to the Secretary of the Treasury, but there is no evidence that it received his approbation, and it does not appear ever to have been submitted to the President of the United States for his sanction, in conformity with the provisions of the act of March 26, 1804. The lands selected, however, by the directions of the Commissioner of the General Land Office, given on the 28th day of August, 1814, were reserved from sale, and never have been exposed to sale by the United States.

On the 24th day of May, 1828, an act was passed by Congress authorizing the legislature of the State of Illinois to sell thirty thousand acres of the land selected in manner aforesaid, and to apply the proceeds of the sale to such objects as the legislature by law might thereafter direct. The authority to sell was unlimited as respects the price.

From the letter of Mr. Graham, late Commissioner of the General Land Office, it appears that on the 1st day of June, 1820, the register of the land office at Palestine, in Illinois, was directed to make a selection of lands for the use of the salines on Vermilion river, within that State. He made the selection, and on the 21st day of April, 1821, made his report to the Commissioner of the General Land Office, but as the lands were not then surveyed, he made a subsequent report, designating the lands reserved by sections, which last report was approved by the President of the United States on the 29th March, 1825. By this act of the President thirty-eight sections, equal to twenty-four thousand three hundred and twenty acres, were set apart and reserved for the use of the salines on the Vermilion river.

The grant of those salt springs, with the lands reserved for the use of the same by the President of the United States, with some other concessions, was made to the State of Illinois upon these conditions: that the convention of that State should provide, by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the 1st day of January, 1819, should remain exempt from any tax laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale; and further, that the bounty lands given for services during the late war should also remain free from taxation for three years from the date of the patents.

When Illinois was admitted as a State into the Union no lands had been reserved by the President of the United States for the use of the salt springs within that State, in conformity to the provisions of the acts of March 26, 1804, and April 29, 1816, and, by a strict construction of the act of admission, subsequent reservations might not be embraced by its terms. If the committee were to give this strict construction to the act, the consequence would be that the State of Illinois was deprived of the power to tax the public lands within its limits, while it is denied, in part, the consideration for which it deprived itself of that important privilege.

An honest fulfilment of the compact between the United States and the State of Illinois requires that there should be reserved for each salt spring within that State, by the President of the United States, a sufficient quantity of land for the use of the same.

The lands reserved by the President of the United States, on the 29th of March, 1825, for the use of the salt springs on the Vermilion river, in the opinion of the committee, belong to the State of Illinois; and a bill is herewith reported authorizing that State to make sale of the same.

21st Congress.] No. 889. [2d Session.

RELATIVE TO SELECTIONS OF LAND BY INDIANA FOR A ROAD FROM LAKE MICHIGAN TO THE OHIO RIVER.

COMMUNICATED TO THE SENATE FEBRUARY 3, 1831.

To the Senate of the United States:

I respectfully submit to the Senate, in answer to their legislative resolution of the 20th ultimo, in relation to the sales of land at the Crawfordsville land office in November last, reports from the Secretary of the Treasury and the Commissioner of the General Land Office. Concurring with the Secretary of the Treasury in the views he has taken of the treaties and act of Congress touching the subject, I cannot

discover that the President is invested with any power under the Constitution or laws to withhold a patent from a purchaser who has given a fair and valuable consideration for land, and thereby acquired a vested right to the same; nor do I perceive that the sole legislative resolution of the Senate can confer such a power, or suspend the right of the citizens to enter the lands that have been offered for sale in said district and remain unsold, so long as the law authorizing the same remains unrepealed. I beg leave, therefore, to present the subject to the reconsideration of the Senate.

ANDREW JACKSON.

FEBRUARY 3, 1831.

TREASURY DEPARTMENT, *February* 1, 1831.

SIR: A resolution of the Senate, adopted on the 20th of January last, having been referred by the President to the Secretary of the Treasury, whereby the President "is requested to withhold all patents for lands sold at the Crawfordsville land offices in the month of November last, in which the State of Indiana may be concerned, under the provisions of an act entitled 'An act to authorize the State of Indiana to locate and make a road therein named,' the said patents to be withheld until the general assembly of Indiana can be heard on the subject, and the further action of Congress on the same subject, should it be desired or become necessary," I have the honor to lay before the President the correspondence between the Commissioner of the General Land Office and the officer acting in behalf of the State of Indiana in relation to this subject; to which I beg leave to prefix a brief statement of the facts in the case. [For correspondence referred to, see No. 881.]

Certain lands in Indiana were ceded to the United States by the Pottawatomie Indians by a treaty signed at Chicago in 1821.

Other lands in the same State were also ceded by the same tribe by the first article of a treaty dated October 16, 1826.

By the second article of the last-mentioned treaty, a further cession was made of one hundred feet in width for a road from Lake Michigan to the Wabash, and also of one section for each mile of said road from its commencement on Lake Michigan, passing through Indianapolis, to the Ohio river, which sections were to be laid off contiguous thereto.

By the act of Congress of March 2, 1827, the State of Indiana was authorized to locate said road, and the land ceded by the second section of the said treaty of 1826 was vested in the State for that purpose.

The route for the road from Lake Michigan to the Wabash may be so located as to pass a short distance through the lands ceded by the first article of the treaty, or it may be so located (as is believed, in a direct line) as entirely to avoid these and pass through other lands belonging to the Pottawatomies. The continuation of the road from the Wabash through Indianapolis to the Ohio, is through lands previously ceded to the United States in various treaties, a portion of which is surveyed and sold. The governor of the State of Indiana claims the right of selecting the sections for each mile of the road from lands belonging to the United States in the cession of 1821, above referred to, and also in the cession made by the first article of the treaty of 1826. The Treasury Department has acted under the persuasion that neither of these cessions were vested in Indiana by the act of 1827, and that the cession in the second section refers to land still in possession of the Pottawatomies, which must be selected contiguous to said road after it is located. A part of the lands ceded by the first article have been attached to the Crawfordsville district and sold; and these are supposed to be the lands referred to in the resolution of the Senate, on which the President is required to withhold the patents. The purchasers have paid the price and obtained their certificates, which are held to be an inchoate title, liable to be transferred with all the solemnities of right which belong to a patent. These rights being thus vested, it is respectfully submitted for the consideration of the President whether it is competent to the executive power to withhold the patents.

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

S. D. INGHAM, *Secretary of the Treasury.*

The PRESIDENT *of the United States.*

21ST CONGRESS.] No. 890. [2D SESSION.

RELATIVE TO LOCATIONS OF GRANTS OF LAND TO INDIANA FOR A ROAD FROM LAKE MICHIGAN TO THE OHIO RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 3, 1831.

WASHINGTON, *February* 3, 1831.

I transmit to the House of Representatives a report from the Treasury Department, in compliance with the resolution of the House of the 3d ultimo, calling for the correspondence in relation to locating a cession of lands made, or intended to be made, by the Pottawatomie tribe of Indians for the benefit of the State of Indiana, &c.

ANDREW JACKSON.

The SPEAKER *of the House of Representatives of the United States.*

TREASURY DEPARTMENT, *February* 2, 1831.

SIR: A resolution of the House of Representatives, adopted on the 3d of January last, having been referred by the President to the Secretary of the Treasury, whereby the President "is requested to lay before the House any and all correspondence (so far as the same may be done without prejudice to the public interest) by and with either of the departments in relation to locating a cession of lands made, or intended to be made, by the Pottawatomie tribe of Indians, for the benefit of the State of Indiana, by a treaty concluded with them the 16th of October, 1826, to be applied towards making a road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river, and to inform this House whether any decision has been made by the Executive in relation to what lands are subject to the above cession, and if so, where the locations are proposed to be made," I have the honor to lay before the President a communication from the Commissioner of the General Land Office containing all the correspondence in possession of this department on the subject.—(For this correspondence see antecedent No. 881.)

The facts in this case, as I have before had the honor to state to you, are these:

Certain lands in Indiana were ceded to the United States by the Pottawatomie Indians by a treaty signed at Chicago in 1821.

Other lands in the same State were also ceded, by the same tribe, by the 1st article of a treaty dated 16th October, 1826.

By the 2d article of the last-mentioned treaty a further cession was made of 100 feet in width, for a road from Lake Michigan to the Wabash, and also of one section for each mile of said road from its commencement on Lake Michigan, passing through Indianapolis, to the Ohio river; which sections were to be laid off contiguous thereto.

By the act of Congress of the 2d of March, 1827, the State of Indiana was authorized to locate said road, and the land ceded by the 2d section of the said treaty of 1826 was vested in the State for that purpose.

The route for the road from Lake Michigan to the Wabash may be so located as to pass a short distance through the lands ceded by the first article of the treaty; or it may be so located (as is believed in a direct line) as entirely to avoid these, and pass through other lands belonging to the Pottawatomies. The continuation of the road from the Wabash, through Indianapolis, to the Ohio is through lands previously ceded to the United States in various treaties, a portion of which is surveyed and sold. The governor of the State of Indiana claims the right of selecting the sections for each mile of the road from lands belonging to the United States in the cession of 1821, above referred to, and also in the cession made by the first article of the treaty of 1826. The Treasury Department has acted under the persuasion that neither of those cessions were vested in Indiana by the act of 1827, and that the cession in the 2d section refers to lands still in possession of the Pottawatomies, which must be selected contiguous to said road after it is located.

It is deemed proper to add that a part of the lands ceded by the first article have been attached to the Crawfordsville district and sold.

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

S. D. INGHAM, *Secretary of the Treasury.*

The PRESIDENT *of the United States.*

21ST CONGRESS.] No. 891. [2D SESSION.

APPLICATION OF OHIO FOR A GRANT OF LAND FOR A ROAD FROM THE OHIO RIVER TO LAKE ERIE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 7, 1831.

MEMORIAL AND RESOLUTIONS.

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

The memorial of the general assembly of the State of Ohio respectfully represents: That this general assembly having caused a free turnpike road to be laid out and established from the Ohio river, at Wellsville, in Columbiana county, by way of New Lisbon and Salem, in the same county, and Ravenna, in Portage county, to Lake Erie, at Cleveland, in Cuyahoga county, in this State, a distance of about ninety miles; and believing that the said road may be deemed of sufficient importance, in a national point of view, to warrant a claim upon the justice and liberality of the general government, an appropriation of a part of the public lands lying in this State, for the purpose of completing said road and keeping the same in repair, is respectfully solicited. Although the Ohio canal, when completed, may afford the means, and in a great degree remove the difficulty, of transporting military and other public stores from the interior to our northern frontiers, yet it must be apparent that the water communication by the Ohio river and canal will, from its extent, and the delays and embarrassments incident to such means of transportation, be found of a character too tardy for efficient military operations; and looking to the possible necessity for such operations in this quarter, it is deemed worthy of the consideration of the general government, whether it ought not to grant the aid necessary for the completion and preservation of a road which, (at a moment when expedition in the removal of arms and public stores in this direction may be of the first importance,) it is believed, will afford the utmost facilities for operations of the great national concern, and promote the general prosperity of the country.

Resolved, That our senators and representatives in Congress be requested to use their endeavors to procure the passage of a law granting to the State of Ohio a donation of land agreeable to the prayer of the above memorial.

Resolved, That his excellency the governor of this State be requested to forward to each of our senators and representatives in Congress a copy of the foregoing memorial.

JAMES M. BELL, *Speaker of the House of Representatives.*
SAMUEL R. MILLER, *Speaker of the Senate.*

JANUARY 17, 1831.

21ST CONGRESS.] No. 892 [2D SESSION.

ON THE APPLICATION OF A CHEROKEE INDIAN WOMAN TO SELL A RESERVATION OF LAND WHICH WAS MADE TO HER HUSBAND, WHO WAS ADJUDGED TO BE A RUNAWAY SLAVE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 8, 1831.

Mr. WICKLIFFE, from the Committee on Public Lands, to whom was referred the memorial of Sally Johnson, reported:

That the petitioner states in her petition that she is a citizen of the Cherokee nation of Indians, resides in Jackson county, Alabama; that she was *considered* the wife of Peter Johnson, who was afterwards, by a course of judicial investigation, adjudged to be a runaway slave, and as such reclaimed by his master; that the said Peter, while she was *considered* his wife, had, as the head of a Cherokee family, in the treaty between the United States and said Cherokee nation, reserved to him by said treaty 640 acres of land, which was afterwards surveyed for him, upon which the petitioner states she then resided, and on which she now resides. She asks Congress to confirm the reservation to her and her children, and that she be permitted to sell the *fee simple* estate.

The committee are of opinion that it would be impolitic and unwise in Congress to authorize a sale of any or all of the various reservations to Indians by virtue of the various treaties which have been made between the United States and the several Indian tribes. It would open the door to speculation, and excite the cupidity of avarice, and those ignorant reservees would fall a prey to their more wary neighbors. They see no reason for departing from this rule in the present instance, nor do they express any opinion as to the nature of the intent now vested in the petitioner and her children by her supposed husband. Whether the reservation would not inure to the benefit of the persons in remainder as well when the tenant for life is rendered by law incapable of taking or holding the particular estate, as when he takes and holds until his death, is a question which may arise if the United States shall ever assert title to this reservation adverse to the children who were in being at the date of the reservation.

The committee recommend the adoption of the following resolution:

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

21ST CONGRESS.] No. 893. [2D SESSION.

ON THE CLAIM OF A CANADIAN REFUGEE TO BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 8, 1831.

The Committee on Private Land Claims, to whom was referred the petition of William Hoffman, reported:

That the petitioner was a citizen of the United States anterior to the late war between the United States and Great Britain; that at the declaration of the war he was a resident of Upper Canada; that during the war he left Canada and enlisted in the service of the United States in the corps of Canadian volunteers, in May, 1814, and served as a soldier faithfully during the war, when he was honorably discharged; that he was entitled to bounty land under the act of March 5, 1816, entitled "An act granting bounty in land and extra pay to certain Canadian volunteers;" that he presented his claim to the War Department, accompanied by all the evidence required by said act, in the year 1816; that the decision on his claim was delayed by the department, without any fault or cause of delay on the part of the petitioner, until September 25, 1817, (after the act of March 3, 1817, was passed, reducing the quantity of bounty land to private soldiers to 160 acres,) when a warrant was issued in his name for 160 acres. He has never received any more bounty land. As the petitioner presented his claim, and all the evidences required by the act of March 5, 1816, to the department before the passage of the act of March 3, 1817, recited, it is the opinion of the officer having the charge of the bounty land office, as well as of this committee, that the petitioner was legally entitled to the quantity of land given by the act of March 5, 1816. As the petitioner employed an agent to get his warrant, he was not aware that a warrant had been issued for only 160 acres until after March 3, 1818, when the law expired. Since when the department has had no authority to act in this matter, or, under the circumstances of his case, he would have no difficulty in obtaining a warrant for another 160 acres. An act of Congress will be necessary to authorize the Secretary of War to issue a warrant for the additional quantity of 160 acres. The committee think he has a legal and equitable right to the quantity of land prayed for, and report a bill for his relief.

21ST CONGRESS.] No. 894. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 8, 1831.

Mr. DRAPER, from the Committee on Private Land Claims, to whom was referred the petition of Dominique Richard, of Louisiana, reported:

That the petitioner claims a tract of land in the parish of Saint Landry, which Baptiste Dismaret, by a request addressed to Monsieur de Moro, colonel, inspector, and governor of Louisiana, which request was dated March 1, 1788; that the said Baptiste Dismaret entered into and took possession of the said land and retained possession thereof until the year 1794, since which time no person has claimed the same land adversely to the claim of Dismaret; that the said Baptiste Dismaret lately died, and that the petitioner purchased at public sale the land from the heirs and legal representatives of the said Dismaret. The petitioner has offered no evidence of his claim by purchase from the heirs of Dismaret, nor has he offered any evidence to prove a possession of the land either by Dismaret or his heirs. The committee, therefore, recommend that the claim of the petitioner be rejected.

21ST CONGRESS.] No. 895. [2D SESSION.

IN FAVOR OF THE ESTABLISHMENT OF THE OFFICE OF SURVEYOR GENERAL OF PUBLIC LANDS IN LOUISIANA.

COMMUNICATED TO THE SENATE FEBRUARY 8, 1831.

GENERAL LAND OFFICE, *February 7*, 1831.

SIR: Your letter of the 3d instant was duly received, requiring my opinion in reference to the propriety of detaching from the surveying department "south of Tennessee" the lands of the State of Louisiana, and requesting information whether the creation of such office would add to the expenses of this department, and also whether it would facilitate the settling and quieting of land claims in Louisiana and Mississippi.

In reply to those several points, I have the honor to inform the committee that the creation of the office of surveyor general of Louisiana is a measure which is called for by every consideration of propriety and expediency.

The office of "surveyor south of Tennessee" has become involved in such complication under the existing system, and duties and responsibilities have become so divided between the surveyor south of Tennessee and his three principal deputies, that, with the confusion and loss of experience resulting from the numerous changes which have taken place during the last seven years in all those offices, I am of the decided opinion that the surveyor's office south of Tennessee is now in such a state that, if a remedy be not speedily applied, the confusion will become inexplicable, and cause great injury to the citizens both of Mississippi and Louisiana. The only remedy is to reorganize and simplify the whole system by the abolition of the offices of principal deputy surveyors, and the creation of a separate and distinct surveyorship, to take jurisdiction over the surveys in Louisiana.

The abolition of the offices of three principal deputy surveyors will save $1,500 a year in salaries; and the abolition of the fees for examining and recording surveys will prove a saving at least to the amount of salaries necessary to be appropriated for draughtsmen and clerks in the office of the surveyor general of Louisiana.

The expenses of this office would not be increased by this measure, which, on the contrary, would afford most essential aid and facilities to this office by the great improvement it would introduce in the execution of the Louisiana surveys, and the numerous impediments it would remove to the performance of the duties which would then remain to the surveyor south of Tennessee.

I would further state that the salutary effects of the proposed new organization of the surveying department would be felt throughout the State of Louisiana, and at the same time be of great benefit to Mississippi, even if the operation of the law were restricted to a period of five years. Time has not admitted of furnishing the committee with a mass of proofs which might be collected in reference to this subject, and which would demonstrate the evils of the existing system. I have, however, deemed it proper to submit herewith a letter from the register of the land office at Opelousas, Louisiana, dated 22d December last, in reference to some of the evils which have grown out of the existing system; and, with this communication, I have taken leave to submit for your consideration a bill containing those provisions which the experience of this officer indicates to be the only legislative remedies that are likely to prove effectual.

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

ELIJAH HAYWARD.

Hon. POWHATAN ELLIS, *Public Land Committee, United States Senate.*

21st Congress.] No. 896. [2d Session.

QUANTITY OF PUBLIC LAND SURVEYED AND SOLD, AND THE AMOUNT OF MONEY DERIVED THEREFROM.

COMMUNICATED TO THE SENATE FEBRUARY 9, 1828.

General Land Office, *February* 8, 1831.

Sir: In obedience to a resolution of the Senate of the United States, dated the 19th ultimo, in the words following, viz: "*Resolved*, That the Commissioner of the General Land Office be directed to report to the Senate the quantity of public lands surveyed which have not been brought into market; also the quantity surveyed in each State and Territory since the year 1826, and the amount received from the sales in each of the several States and Territories in which sales have been made," I have the honor to transmit herewith the three statements, marked A, B, and C, which afford the information requested.

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

ELIJAH HAYWARD, *Commissioner.*

Hon. John C. Calhoun, *President of the Senate.*

A.

Estimated quantity of surveyed public lands (including private claims) surveys of which have been received at the General Land Office January 1, 1831, *which have not been offered at public sale.*

	Acres.
Ohio	None.
Indiana	659,000
Illinois	4,531,000
Michigan	1,840,000
Missouri	6,007,000
Arkansas	3,518,000
Louisiana	1,518,000
Mississippi	1,150,000
Alabama	2,645,000
Florida	1,311,000
Total	23,179,000

ELIJAH HAYWARD.

General Land Office, *February* 8, 1831.

B.

Statement of the quantity of public land which has been surveyed, surveys of which have been received at the General Land Office, since the year 1826.

	Acres.
Ohio	None.
Indiana	1,660,660.49
Illinois	None.
Michigan	2,286,347.39
Missouri	346,420.32
Arkansas	1,106,957.18
Louisiana	2,952,716.62
Mississippi	2,097,583.24
Alabama	492,960.71
Florida	2,959,220.92

ELIJAH HAYWARD.

General Land Office, *February* 8, 1831.

21st Congress.] No. 897. [2d Session.

ON THE APPLICATION OF MICHIGAN FOR A GRANT OF LAND TO ENCOURAGE THE PRODUCTION OF SILK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 11, 1831.

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

The memorial of the legislative council of the Territory of Michigan respectfully represents: That your memorialists regard the more general cultivation of silk in the United States as an object of great importance, and deserving the encouragement of the national government. Whether the object be

regarded as opening a fair prospect for the encouragement of domestic industry, or as laying the foundation for the production of a rich commodity for national commerce, it is equally entitled to public and private patronage.

In whatever country the culture and manufacture of silk has been successfully carried on the general government has lent its fostering aid to the business, both in its commencement and in its further progress. And there is full evidence of the fact that no nation has ever directed its industry to an object which has so amply paid the laborer for his toil, and the nation for its patronage, as that of the production and manufacture of silk.

It is ascertained by actual experiment that the United States throughout nearly their whole territory are admirably well adapted to the silk culture. A species of the mulberry tree is one of the natural productions of the American forests; and the white mulberry tree has been found to flourish in whatever part of the country it has been planted.

The insects instrumental in producing silk do not, in this climate, require a certain temperature of the atmosphere to be kept up in the houses where they are, by artificial aid, as they do in European countries. In the United States they are produced, and finish their work, in two-thirds of the time required to accomplish the same in other countries. And what is still more remarkable, though in other countries they have had the experience of centuries to perfect their art, yet the production of the silk insect is much finer, and more valuable, and one-third more in quantity, in this country than any other.

These facts, and others regarding the subject of this memorial equally important, are known to your honorable bodies. They have been adverted to merely that they may be remembered.

The measures lately taken by Congress to encourage the cultivation of the mulberry tree, and the production of silk, has drawn the attention of your memorialists to the expediency of introducing that branch of industry into this Territory.

The peninsula of Michigan, on account of its locality, requires that its inhabitants should be engaged in some branch of industry, the products of which will warrant an inland transportation to a very distant market. So distant from this Territory are the great marts of commerce, that the common productions of the agriculturist poorly pay for the labor which they cost after deducting the costs of transportation.

The soil and climate of this Territory are undoubtedly adapted to the culture of silk. The red mulberry tree is indigenous to the soil; and the climate is more mild than that of any of the New England States, or than many parts of the eastern continent where the silk culture flourishes.

The peninsula of Michigan is yet mostly uncultivated. It is now rapidly filling up with an industrious and hardy people, a people mostly who have for years been serving as pioneers to the army of emigrants which has been moving west. No enterprise of industry is too difficult for this people to accomplish; nor need it be feared that any art will retrogade under their superintendence. But they have not capital to vest in an undertaking which does not promise an immediate return of profit. The many wants incident to the first settlement of a new country tax heavily the small incomes of the inhabitants.

Your memorialists, therefore, are induced to ask of your honorable bodies a grant to this Territory of four townships of land within the peninsula of Michigan; which land shall be under the care of the governor and council of this Territory, and appropriated alone to the purposes necessary to promote the cultivation of the mulberry tree and the production of silk.

Lands have been granted in the States of Indiana and Alabama by Congress for the encouragement of particular branches of agriculture. But precedent need not be named to authorize the required grant of land. Were the grant asked for to form itself a precedent for a like grant to all the new States and Territories, your memorialists think it would not be dangerous. The object of the donations would promise full returns to the nation for her liberality. Like donations for like purposes to the different new communities would more closely connect their interests with the interests of the Atlantic States, and bind, as with *silken cords*, the extremities of the Union to the main body.

Resolved, That the governor of the Territory be requested to transmit copies of the foregoing memorial to the President of the United States, to the Speaker of the House of Representatives, the President of the Senate, and the delegate in Congress from this Territory.

A. EDWARDS, *President of the Legislative Council.*

Adopted January 26, 1831. A true copy.

E. A. BRUSH, *Secretary.*

21ST CONGRESS.] No. 898. [2D SESSION.

IN FAVOR OF ALLOWING BOUNTY LAND TO THE OWNER OF A SLAVE WHO WAS A SOLDIER IN THE ARMY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 12, 1831.

Mr. STERIGERE, from the Committee on Private Land Claims, to whom was referred the resolution of the House of December 31, 1830, directing the committee to inquire into the expediency of allowing Archibald Jackson the bounty land due to James Gammons for services in the late war, reported:

That they have had the subject under consideration. It appears that the said James Gammons enlisted as a private soldier in the eleventh regiment of infantry of the United States on June 18, 1812, for the period of five years, and continued in the service from the time of his enlistment till February 19, 1813, when "he died in the service of the United States." The act of Congress under which Gammons was enlisted allows to "the heirs and representatives of non-commissioned officers or soldiers who enlisted for five years, and who died in the service of the United States, three months' extra pay and one hundred and sixty acres of land." At the time of his enlistment and service Gammons was the slave of the said Archibald Jackson, who never consented to the enlistment, but permitted him to remain in the service.

Jackson, as the owner of Gammons, after his death claimed the extra and back pay, amounting to thirty-seven dollars and forty-two cents and the bounty land. The pay was allowed by the War Department and paid to Jackson, but the committee are informed that the department refuse to grant Jackson a warrant for the bounty land due to Gammons, because he was a slave at the time of his enlistment and service. A claim similar to that of Jackson for pay was allowed to the owner of the slave by the department in 1823, but the committee are informed no bounty land was allowed in that case.

It appears to the committee that the services rendered by Gammons were as valuable as those of any other soldier. He performed the same services and duty, and the United States are just as much bound to pay for those services as if rendered by another. And the only question is, who are legally entitled to the pay and bounty land due to Gammons? If Jackson had a legal right to the back and extra pay due to Gammons, (and the committee think he had,) the committee cannot conceive any reason why the bounty land should not, also, be allowed to Jackson. The right to both accrued under the same law, both were due for the same service, and the claim to both rests on the same principles. The owner of the slave is entitled to all his property, and, so far as property is concerned, is the legal representative of the slave. Hence Archibald Jackson, as the legal representative of Gammons, by the words of the law is entitled to the bounty land due to Gammons, as well as the pay due him. The committee, therefore, report a bill directing the Secretary of War to issue a warrant to said Archibald Jackson for said bounty land.

21st Congress.] No. 899. [2d Session.

ADVERSE TO THE CORRECTION OF A DEFICIENCY IN QUANTITY OF LAND CALLED FOR IN WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 12, 1831.

Mr. Sterigere, from the Committee on Private Land Claims, to whom was referred the petition of John Bever, reported:

That the petitioner states that, as assignee of Isaac Craig, he is the owner of fractional sections numbers 6 and 12, township 5, in range 1, said to contain 618.50 acres, which was sold by the United States, at the sales in Pittsburg, in the year 1796, by the governor of the northwestern territory, for which a patent issued, dated February 22, 1799, for which he paid $2,041 05, which land was sold under the act of May 18, 1796; that he bought at the land office, Steubenville, the fractional lots or sections numbered 17 and 18, in the same township, at two dollars per acre, for which a patent issued August 9, 1806; that the quantity paid for was 839.45 acres; that at the time he purchased these sections he supposed there was no deficiency in the quantity; that he has since ascertained there is a considerable "*lackage.*" He asks a remuneration for deficiency in his fractional sections.

The petitioner has submitted to the committee a draught and calculation of said sections, by which it appears there is a deficiency in quantity of about ninety-six acres.

The committee think the prayer of the petitioner ought not to be granted; such stale claims ought not to be countenanced. But there are other sufficient reasons for rejecting it. By the act of Congress of February 11, 1805, it is declared that the quantity expressed in the returns of survey shall be held and considered the *exact quantity.* If these purchases were not made after the said act, the purchasers have acquiesced so long, they may be regarded as bound by its provisions. But, independent of this act, it was for the purchasers to see to the quantity, &c., and to have the returns corrected before the patent issued, if it would even then be allowed. It would not do for the government to consider itself liable to make up deficiencies in lands sold. In practice there would be no reciprocity, for none would inform the government when there was any excess, while every one would come forward who has less than the quantity expressed in the surveys or patents. It would be setting a bad precedent to allow this claim. If the principle is ever established that the purchaser may call on the government for remuneration when his patent may happen to call for too much, it would unavoidably create endless and numberless disputes and litigation about the quantity, and consequently thousands of applications to Congress for relief. The committee think the petitioner has no legal or equitable claim under these circumstances for relief, and offer the following resolution:

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

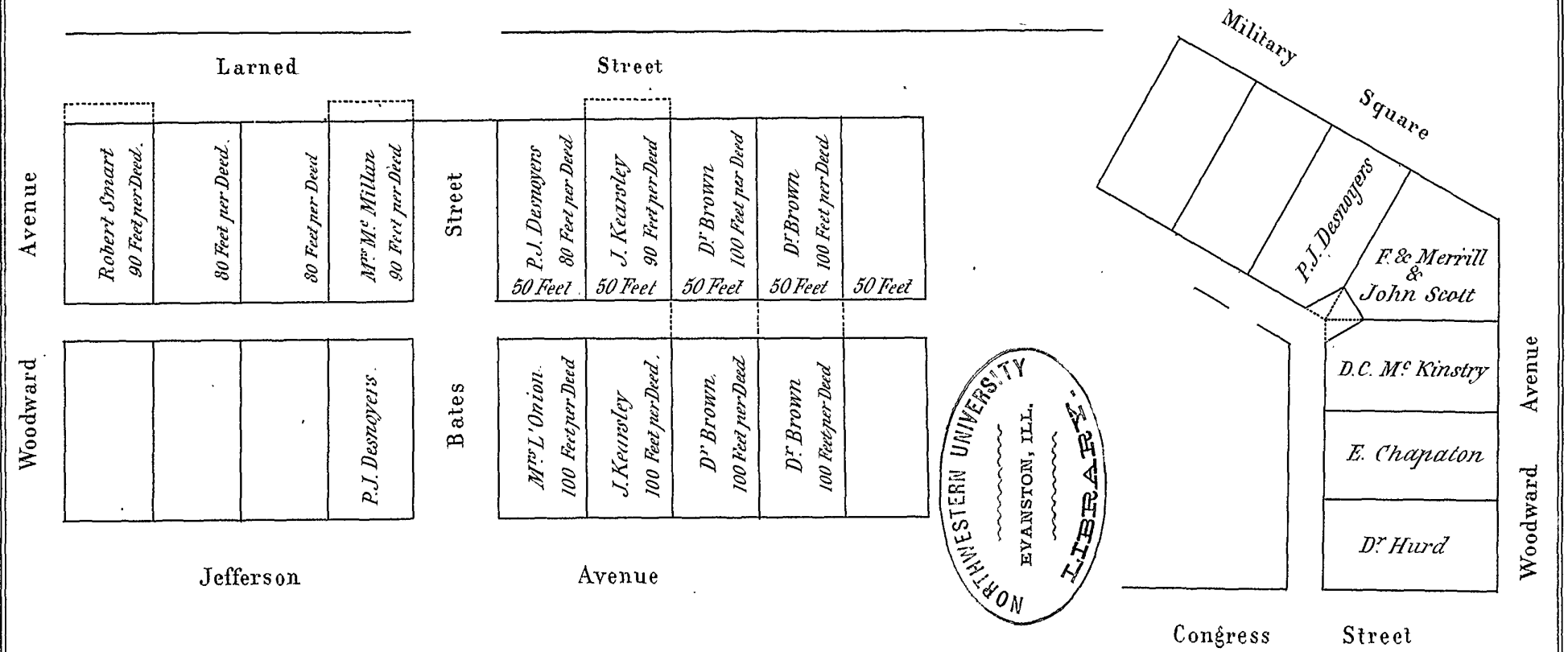
21st Congress.] No. 900. [2d Session.

ON THE ESTABLISHMENT OF THE PLAN OF THE CITY OF DETROIT, IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 12, 1831.

Mr. Strong, from the Committee on the Territories, to whom was referred, on January 24, 1831, the memorial of John R. Williams and others, citizens of Detroit, in the Michigan Territory, reported:

The old town of Detroit was destroyed by fire in 1805. In April, 1806, Congress passed a law appropriating ten thousand acres of land in and adjacent to the old town, and authorized the governor and judges of the Territory of Michigan to lay out a new town or city, to adjust the land titles, and dispose



The points where private claims conflict with the Plan of the City are indicated by dotted lines.

Bowen & Co. Lith Philada.

of the lands and funds. They were also required to report their proceedings. It does not appear to the committee that this has been fully done.

In May, 1830, an act was passed requiring them to transmit to the Secretary of State a plan of the town of Detroit. This has been complied with. This plan is called a "Plat of the city of Detroit, as laid out by the governor and judges," and is dated January 8, 1831, and certified by John Farmer, by whom it appears to have been made. It is believed not to differ essentially from the "Plan of Detroit by John Mullett, engraved and published by J. O. Lewis, 1830," except in the addition of several water lots in front of those on Mullett's plan. It is to this addition that the principal complaint is made. The memorialists allege that this addition to and extension of the city into the river destroys the value of their water lots, which they purchased in good faith and with the understanding that no lots were to be laid out in front of them. The committee, therefore, think it advisable to approve of "Farmer's plat of the city of Detroit," with the exception of the addition thereto, as mentioned above, saving to all persons all rights previously acquired.

It is due, however, to the governor and judges to say that they disclaim, in their communication to the Secretary of State, all authority or intention to do any act which shall prejudice these lot holders.

The powers which the governor and judges have by the act of 1806 the committee think ought to be taken from them and given to the city. The citizens of Detroit are certainly competent to manage their own affairs. It is fair to presume that they understand their own interests as well as anybody else can, and that they, like the inhabitants of other towns or cities, ought to have the control over them. But as the governor and judges have not as yet rendered a full account of their acts and proceedings, the committee have thought it due to them not at present to recommend the repeal of the act of 1806, and thus leave them accountable to the citizens of Detroit. The committee, however, have no doubt that so much of the act of 1806 as gives power to the governor and judges to lay out the town or city of Detroit ought to be repealed, and the power given to the city corporation; and that the governor and judges ought to be required to transmit to Congress a full and detailed statement of all their acts and proceedings, and of the state of the funds growing out of the trust reposed in them by the act of 1806.

The committee report a bill in conformity with these suggestions.

PLAN OF DETROIT.

Letter from the Secretary of State, accompanied by a plan of the town of Detroit

DEPARTMENT OF STATE, *Washington, January* 24, 1831.

The Secretary of State, in obedience to the act of Congress of May 28, 1830, entitled "An act relative to the plan of Detroit, in Michigan Territory," requiring the governor and judges of the Territory of Michigan, or any three of them, to make a report of the plan of laying out the said town, under and by virtue of an act 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," and further directing that one copy of the said plan shall be "transmitted to the Secretary of State of the United States, to be by him laid before Congress," has the honor herewith to lay before the House of Representatives the "Plat of the city of Detroit, as laid down by the governor and judges," agreeably to the direction of the act first referred to and lately received from them at this department, together with copies of the explanatory papers which have been also received from the said governor and judges.

Respectfully submitted.

M. VAN BUREN.

DETROIT, *January* 8, 1831.

SIR: Agreeably to the provisions of the act of Congress entitled "An act relative to the plan of Detroit, in Michigan Territory," passed May 28, 1830, we have the honor to forward the accompanying plan and the observations in explanation thereof.

Very respectfully, sir, we have the honor to be your obedient servants,

LEWIS CASS, *Governor of Michigan Territory.*
WM. WOODBRIDGE, *one of the Judges of Michigan Territory.*
SOLOMON SIBLEY, *Judge.*
HENRY CHIPMAN, *Judge.*

Hon. MARTIN VAN BUREN, *Secretary of State.*

The governor and judges of the Territory of Michigan, in depositing the accompanying plan of the city of Detroit agreeably to the act of Congress of May 28, 1830, deem it necessary to annex thereto the following observations:

On the destruction of the old town of Detroit, in 1805, an act of Congress was passed authorizing the governor and judges of the Territory to lay out a new town, to adjust the titles, and grant deeds for the lots. In conformity with this authority, a portion of the town was in 1806 laid out, and deeds granted; but the original plan under which this was done is not and never has been in possession of the present board. The papers relating to this subject fell into the possession of the enemy during the late war, and were dispersed, and many of them lost, and great inconvenience has been the consequence. After the plan was first adopted and deeds granted, changes were made, both in the number and form of the lots and in the streets, but we have not the means of ascertaining these changes. In 1807 a plan of that part of the town included in sections 1, 2, 3, 4, 6, 7, and 8, was permanently established, and certified by the then governor and judges. We are not aware that any changes have been subsequently made in

these sections, but as neither of the undersigned was then a member of the board, we cannot speak from our personal knowledge of the subject. In section 3, water lots 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, and 119, and in section 4, water lots 188, 189, 190, 191, 192, 193, 194, and 195, have been subsequently laid out to accommodate the shipping interest of the community, and to enable them to extend wharves to the deep waters of the river.

The military reservations were not placed at the disposal of the governor and judges, and they are not, therefore, subdivided into lots upon this plan. They have since, with the exception of three tracts, been granted to the corporation of the town, and by them laid out upon a different plan, and many of the lots sold. We have reason to suppose that many deeds were granted before the alleys were laid out in sections numbered 1, 2, 3, 4, 6, 7, and 8, as they are now exhibited upon the plan in our possession, and upon that herewith deposited. Many of the lots, as deeded, cover portions of the alleys, and where this fact is known the dotted lines represent the alleys themselves, and the black lines the lots as granted; other dotted lines show the boundaries of certain lots, alleys, and streets, according to the plan adopted in 1807, and certified by the then governor and judges, but which being claimed according to the plan of the old town under their former titles by the proprietors, have been granted to them without reference to the lines of the present city. It will also be observed that three tracts, principally covered with water in section 3, were granted in 1811 in conformity with the lines of the old town, two of which extend further towards the deep water than is shown by the plan previously adopted.

It is impossible, for the reasons stated, that we can be certain of the entire accuracy of this plan. It has been compiled by a surveyor from the best materials in our possession, but it cannot be considered as conclusive evidence in determining the right of parties. The difficulty is confined to sections 1, 2, 3, 4, 6, 7, and 8; all the others, which have been laid out and established since the war, are believed to be correct. The incipient measures in settling the titles of lots in the old town, in adjusting conflicting claims, and in giving deeds for donations, were taken and principally carried into effect before the war. These extend only to sections 1, 2, 3, 4, 6, 7, and 8; and if interfering claims should hereafter arise in this portion of the town, they must necessarily be decided by reference to the state of things at the time the rights of the parties accrued.

It may be proper to add that claims have been advanced to lots 112, 113, 115, 116, 117, 118, and 9, in section 3, as appurtenants to property previously purchased, and that the subdivision upon this plan is not intended to prejudice or affect these claims in the slightest degree.

LEWIS CASS, *Governor of Michigan Territory.*
WM. WOODBRIDGE, *one of the Judges of Michigan Territory.*
SOLOMON SIBLEY, *Judge.*
HENRY CHIPMAN, *Judge of Michigan Territory.*

DETROIT, *January* 8, 1831.

DETROIT, *January* 11, 1831.

SIR: We have the honor to request that the accompanying explanatory remarks may be received as a part of the report transmitted to you by us on the 8th instant, in the execution of the act of Congress of May 28, 1830, requiring a plan of Detroit to be forwarded to the office of the Secretary of State.

Very respectfully, sir, we have the honor to be your obedient servants,

LEWIS CASS, *Governor of Michigan Territory.*
WM. WOODBRIDGE, *one of the Judges of Michigan Territory.*
HENRY CHIPMAN, *Judge.*

DETROIT, *January* 11, 1831.

The governor and judges of the Territory of Michigan, in the execution of the act of Congress of May 28, 1830, concerning a plan of the city of Detroit, beg leave to submit, in addition to the explanatory observations accompanying the said plan transmitted the 8th instant, that in transcribing the list of water lots which had been claimed by individuals as appurtenant to property purchased previously to the marking of such lots upon any plan, the lots of this description in section 4 were accidentally omitted. The governor and judges therefore state that the lots marked upon the said plan, and numbered 188, 189, 190, 191, 192, 193, 194, and 195, in section 4, are claimed by individuals as appurtenant to lots purchased before the above numbered lots were laid out, and that, in laying out the same, the rights of the said individuals were not intended to be, nor can they be in the slightest degree impaired or affected. These lots in this section were laid out upon the application of the owners of some of the adjacent property, who wished for a moderate compensation to quiet any doubt in their titles by procuring deeds from this board. And it was thought better to mark all the lots in section 4, between the tracts previously purchased and the channel, that each of the proprietors might procure a deed in the same way if he thought proper; and if he did not, but determined to rely upon his previous claim, this board then disclaimed all right to do anything which should affect his title in the slightest degree, and judged it improper, under the circumstances of the purchase, to transfer their claim, if they had any, to another person.

The undersigned would also remark that lot 114 was accidentally omitted in the list contained in the last paragraph of their explanatory observations before alluded to.

LEWIS CASS, *Governor of Michigan Territory.*
WM. WOODBRIDGE, *one of the Judges of the Territory of Michigan.*
HENRY CHIPMAN, *Judge.*

MEMORIAL OF CITIZENS OF DETROIT.

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

The memorial of the undersigned, citizens of the United States, and inhabitants of the city of Detroit, respectfully showeth: That the governor and judges of the Territory of Michigan were authorized by an act of Congress, passed in the year 1806, to lay out a town, &c., &c., and to report their proceedings; and by an act passed during the last session of Congress they are required to transmit to the Secretary of State a plan of said town or city for the approval of Congress.

Your memorialists, feeling a deep interest in the prosperity of the city of Detroit, and particularly in whatever relates to the security of titles to lots within the same, consider it therefore their right and their duty to interpose their claims and their interest to counteract the improper, unjust, and tyrannical acts of the said governor and judges in the premises.

Although our language and remarks may seem bold, yet they are nevertheless founded in truth, as a recapitulation of facts and the result of experience will show.

First. The plan has been altered several times; for example, two or three plans were made by Mr. Thomas Smith at various periods; one plan was drafted by Aaron Greeley, one by Abijah Hull, one by John Mullett, and the last, probably the most exceptionable, was recently drafted by John Farmer.

In each of the foregoing plans there is good reason to believe that alterations were made from the original by altering the numbers of the lots, occasioning thereby great confusion and uncertainty in the titles to the said lots; by altering some of the streets, by selling and giving deeds for streets and parts of streets, rendering their width unequal at several points by projecting at right angles in some parts of the same street; by deeding away several of the alleys, and by giving in numerous instances two, and probaby in some cases three deeds for the same lot; and in the last instance by laying out lots in deep water in the channel of the river Detroit in front of the lots that were sold as the external or outward and front tier of lots, at public auction in the year 1816, which outward or front tier of lots, sold at the period aforesaid, have been docked out and filled up at great expense by private individuals, and buildings erected thereon for the accommodation of commerce. That a plat of the city was exhibited by an order and resolution of the said governor and judges, together with a resolution for the sale of "all the water lots," for several days previous to the public sale in November, 1816; and that the return now on record on their journal is for the sale of all the water lots; and that the lots thus sold by them were purchased by individuals, as the titles witness, agreeably to the plan of the city then exhibited. That your memorialists cannot but consider as an act of injustice, tyranny, and oppression, after such a lapse of time, and after they have respectively expended large sums of money in filling up docks and making ground, and erecting buildings thereon, and in the payment of taxes on said property, to lay out lots beyond and in front of their improvements in deep water, thereby tempting the cupidity of speculators to purchase in front of the improvements of your memorialists, to cut them off from the benefit of navigation, and other their *bona fide* privileges; or at least involve them in the necessity of expending large sums of money in litigation before the Supreme Court of the United States to secure their absolute, proper, legal, and vested rights to the lots and property in question.

And it is respectfully asked what security will the public or individuals ever have so long as the governor and judges of the Territory of Michigan shall have the management of "the Detroit fund," so called by them; that *even* after the present and recent alteration, that so soon as individuals shall fill up again, or make additional improvements over the navigable waters, that they will not again and again lay out and sell more lots, until they shall even extend beyond the national boundary, in the middle of the river Detroit? Moreover, your memorialists have paid a large amount in taxes on said property, and have otherwise contributed liberally to the improvement of the city of Detroit and the Territory in general.

Your memorialists are fully apprehensive that the seeds and sources of litigation have already been abundantly sowed by the acts of the said governor and judges within the city of Detroit; and that posterity, as well as the present generation, will have abundant cause to appreciate their services and agency in procuring that execrable result.

The ostensible reason which we understand is assigned for such extraordinary conduct is that the said governor and judges want money to pay the debts of the Detroit fund. And why do they want money? Because they have expended several thousand dollars in making alterations, new surveys, new plans, and a variety of other expenditures not authorized by the act of Congress.

It is also alleged that the amount of money or certificates issued by them several years since, and bearing interest, is still considerable; that in case the fund should fall short it is believed that they, by their acts, have made themselves *individually liable* to redeem said certificates.

Your memorialists are therefore induced to suggest to your honorable body whether it would not be proper to institute an inquiry into the acts and doings of the said governor and judges, and their management of the said fund, especially when it is considered that a period of twenty-five years has elapsed since the trust was confided to them, and that they have never reported or made public their proceedings in the premises. It would therefore seem to be high time that your honorable body should interpose to protect and save the rights of your memorialists and of this community.

Sincerely impressed with the wisdom and justice of the national administration, your memorialists respectfully solicit that such early and prompt attention may be given to the premises as their importance to the interests of this community would justify.

And your memorialists, as in duty bound, will, &c.

JAMES CAMPAU.
O. COON.
D. FRENCH.
PETER DESNOYERS.
HENRY SANDERSON.
PETER J. DESNOYERS.
ANTOINE DEQUINDRE.
THEO. WILLIAMS.
JOHN R. WILLIAMS.
JOHN DEWELL.
JOHN ROBERTS.
B. CAMPAU.
WILLIAM BROWN.

DETROIT, *January* 1, 1831.

PETITION OF THE CORPORATE AUTHORITIES OF DETROIT RELATIVE TO THE PLAN OF THAT PLACE.

To the honorable the Senate and House of Representatives of the United States:

The undersigned, mayor, recorder, and aldermen of the city of Detroit, in behalf of the freemen of said city, beg leave respectfully to represent to your honorable body, that by an act of Congress approved 21st April, 1806, the governor and judges of Michigan Territory were authorized and empowered "to lay out a town, including the whole of the old town of Detroit, and ten thousand acres adjacent, excepting such parts as the President of the United States shall direct to be reserved for the use of the military department; and shall hear, examine, and finally adjust all claims to lots therein, and give deeds for the same, &c., &c.; and the said governor and judges are required to make a report to Congress, in writing, of their proceedings under this act."

Under the provisions of this act your petitioners believe that the governor and judges, for the time being, have granted many lots of ground in said city, agreeably to various and different plans, whereby much confusion has arisen, and probable insecurity of title to lots. Your petitioners, so far as they have been able to investigate this matter, are of opinion that a plan of said city was made and adopted by the then governor and judges in April, 1807, which should have governed all subsequent grants of lots, and established all streets, lanes, and alleys within said city; but your petitioners have discovered, in attempting to open and improve said streets, lanes, and alleys, that in many instances the grounds covered by them, agreeably to said plan, have been included within the lots subsequently deeded to individuals by the governor and judges, thus rendering it impracticable, in most instances, to open the streets, &c., agreeably to said plan, and consequently excluding many individuals from all access to the rear of their lots, contrary to the original design of said plan. Owing to this variance of plans, the present inhabitants are not only subjected to great inconvenience, such as many of them could not have anticipated at the time when lots were granted to them under the act of Congress, but the corporate authorities find it impossible to sustain that police essential to the health and convenience of the city. The same street is in some places sixty feet wide, in others fifty, and again but forty. Alleys intended by the aforesaid plan to run through a block of lots are, in most instances, interrupted by grants of lots extending so far in depth as to cover them. In short, so many alterations and such variety of plans have been pursued by different boards of governors and judges during the twenty-three years which have elapsed since the passage of the act aforesaid, that your petitioners know of no other method by which the freemen of this city can determine what is the plan of Detroit, or their titles to lots therein, except by praying that a law may be passed, requiring the governor and judges to report, within some limited time, a plan of this city; which plan shall have been recorded previously to its transmission, and shall be thereafter unalterable, unless disapproved by Congress.

J. KEARSLEY, *Mayor.*
JOSEPH W. TORREY, *Recorder.*
N. BROOKS,
R. GILLET,
H. V. DISBROW,
PETER DESNOYERS,
H. M. CAMPBELL,
B. CAMPAU,
THOMAS PALMER,
Aldermen.

DETROIT, *November* 30, 1829.

The Committee on Territories, to whom was referred the petition of the mayor, recorder, and aldermen of the city of Detroit, reported:

The petitioners ask for the passage of a law requiring the governor and judges of the Territory of Michigan to report, within a limited time, a plan of the city of Detroit, to be adopted as the plan of that city, unless disapproved by Congress. The committee beg leave to refer to the petition itself, and the letter of the mayor of Detroit, for a detailed statement of the facts and reasons upon which the application is founded; and believing in the propriety of legislating on this subject, at present, so far only as to require the governor and judges to report the plan upon which the town of Detroit was laid out under the act of 1806, submit the accompanying bill:

A BILL relative to the plan of Detroit, in Michigan Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor and judges of the Territory of Michigan, or any three of them, are hereby required to make a report of the plan of laying out the town of Detroit, under and by virtue of an act 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 21st April, 1806, one copy of which shall, on or before the first day of January next, be deposited and recorded in the office of the secretary of the Territory of Michigan, and another copy transmitted to the Secretary of State of the United States, to be by him laid before Congress.

To his excellency the governor and the honorable judges of the Territory of Michigan:

From the irregularities which have crept into the survey of the city, it becomes necessary to explain the several causes.

After the conflagration of the old town, in the year 1805, the city was laid off on a new model, and with as much care and accuracy as it was possible. The plan was taken to Boston and Washington, and

afterwards deposited in the legislative board of this Territory; but unfortunately the necessary precaution was not taken, and the plan fell into the hands of Mr. Hull, surveyor, who drew from it several other plans, different from the original, and also differing from each other, as well in the measurement as in the numbers of lots. Deeds were issued upon all those plans, and no regular record was kept, so it became impossible to know what lots were granted or ungranted.

Subsequently the original plan fell into the hands of Aaron Greely, surveyor, in whose house it was seen in a broken window, keeping out the weather, and in whose hands it disappeared. After this there was no guide, no index to the original locations, and the old boundaries were also pulled up; so that, after the close of the war in 1815, the confusion was so great that the new board, under the administration of Governor Cass, could not proceed to the granting of any more lots.

In 1816, all deeds and records that could be found were examined; and from the schedule of names thus collected, a new plan was constructed, but not without some degree of uncertainty, although it is presumed that, if it had been followed, it was the only medium by which the board might have evaded the greatest part of the difficulty that has presented.

In the compilement of the plan from collected materials, Hull's book of sections was kept in view; but as there was a standing resolve of the board that "the principle of the plan was not to be deviated from," some difference unavoidably occurred, to wit: 1st. In a corner lot No. —, section —, in the book of sections. 2d. Between the military square and the graveyard, where Mr. Hull violated the plan. 3d. In some of the water lots, where the surveyor, Greely, altered the numbers, courses, and the area of lots. 4th. Two names upon one lot signify two claimants; and where two numbers appear, they were intended to correspond with the title already issued, as well as with the plan; and as to two deeds having issued for the same lot, it is not surprising, when considered that no correct record was kept by the first board, and that the original plan was altered and at last disappeared. Such mistakes were not unexpected, and that continually some old claims would turn up that were not known when the last plan in 1816 was compiled: and latterly it was discovered that boundaries were put down by a short chain, which must have caused insurmountable difficulties, and therefore it would be well that every surveyor should first study the principle of the plan that the base was first laid down, which, upon mathematical principles, governs all subordinate bases, courses, distances, and the areas of lots; and by whatever chain the base was laid down, it is demonstrable that the same measurement must be continued throughout, or no angle will close, no lot will have its true situation and correspondent measurement.

Mr. S. begs leave to suggest to the board, that however injudicious matters were formerly conducted, as well to surveys as records, he cannot see any difficulty but what may be got over. That all locations made by the last plan of 1816 the *proprietors cannot resort to any other;* and that from casualties it was a medium constructed for the general good.

Mr. S. further states that Mr. Justice Woodward was authorized by the first board, under the administration of Governor Hull, to superintend the survey of the city, and that the original plan was drawn under his inspection. That that plan was rendered plain and practicable, and none of the mistakes which now appear could possibly have happened had it been preserved and strictly adhered to. The numbers began at a right angle, and then progressively round the section. But the by-corners, some inner streets, and the alteration of numbers were afterwards made, and have much disfigured the plan, and were always contrary to Mr. S.'s idea of propriety.

The principle of the plan was a continuation of an equilateral triangle, but the two hundred feet street alone altered its proportions; and after the several changes the plan has undergone, it is a quere now if the word "principle" is applicable to the plan.

To remedy the evils, Mr. S. would propose, where the numbers of the deed are different from the plan, to insert both; and that any section in which the numbers are confused, to be numbered anew, and the same number be inserted in the deed, as well as the old number.

THOMAS SMITH.

DETROIT, *May* 10, 1821.

To his excellency the governor and the honorable the judges of the Territory of Michigan:

Mr. Smith begs leave to state that the blue plan, which was laid before the board on the 18th instant, appears to be a copy of the original drawn by him in 1805. The plan was correctly laid down by the theodolite, and how it came to be altered is a matter that requires investigation.

It appears that Mr. Hull, the surveyor, made very material alterations, and which is seen by two of his plans now in the board. Secondly, Mr. Greely, another surveyor, also made deviations, and all these deviations were sanctioned, as appears by the book plan, and the titles issued.

In 1816, after the elapse of eleven years, Mr. S. was again requested to make a second plan, and to adjust the difficulties that then presented. But he found it impossible to conform to the many deviations, and at the same time to embrace the exact description of every title that had issued, and particularly as there was no index to many of the locations; yet a second plan was constructed by Mr. S. in the best manner the nature of the case would admit, called the plan of 1816.

Mr. S. is informed that other deviations have been made, and, therefore, in justice to himself, lest at a future day any incorrectness may be imputed to him, he prays the honorable board to be pleased to have the substance of this his declaration entered on record, as well as his former statements; and recommends (as the first plan of 1805, from the several changes, cannot now be referred to as a criterion) that the plan of 1816 be carried into effect, as it may avoid most of the difficulties that the several changes fancy might have occasioned.

Mr. S. further recommends to the consideration of the honorable board to have permanent monuments at the outward angles of every section, and not to extend the plan any further than the limits of the common, leaving the practicability and commodiousness of the scheme to future experience. That the sections be drawn and bound into a book, with the courses, distances, and the names of the grantees; and also another plan, of a convenient size, for a plate, accompanied by a book of reference, by which the original titles may be perpetuated beyond ordinary casualties.

All which Mr. Smith, very respectfully, submits.

MAY 24, 1821.

WASHINGTON CITY, *February* 3, 1831.

SIR: In settling the subject matter of the plan of the city of Detroit, so as to quiet the titles and establish the rights of the several proprietors of lots, I am aware that a tissue of difficulties seems to be presented at the first view of the subject, some of which may be irremediable to your honorable body, and must, perhaps, remain subject to judicial investigation and settlement. Cases of that description occur in most places, which it is very desirable to guard against and avert, whenever it may be practicable.

In executing the provisions and requisites of the act of Congress of 1806, in the laying out the town, granting titles to lots, and other matters, the history of those transactions affords a picture of capriciousness, instability, carelessness, and casualty, seldom, if ever, excelled in the local settlement and history of any town within the Union. How much of the evils which have and may flow from these sources of inattention and unsystematic conduct on the part of the governor and judges, time alone can fully develop and demonstrate.

Thus it would seem that there is some pretext, clothed at least with plausibility, to offer respecting the transactions antecedent to the war. How far that apology, which, in fact, is based in inattention and carelessness, should cover all the subsequent illegal acts and irregular proceedings of the said governor and judges, is for your honorable body to determine.

Commencing, then, with their proceedings in 1816: they procured their original surveyor, Mr. Thomas Smith, to make a new plan of the town from his own knowledge, and the best materials which he could obtain. In the mean time there was, and there is still extant, in the possession of the governor and judges, an original book plan of the several sections of the town, laid out before the war, dated in 1807, signed by William Hull, governor, and attested by the then secretary. It is presumed that Mr. Smith had also the benefit of this source of information to aid him in completing the plan of 1816. This plat was on a large scale, at least six feet square, and was the one exhibited at all the public sales which took place subsequently. It ought to have been carefully preserved. The last time I saw it was about a year since; it was then still in the possession of the secretary to the goveror and judges, but was much tattered, torn, and, in many parts, almost obliterated.

The governor and judges have repeatedly and reiteratedly been requested to cause that plan to be carefully preserved and engraved, with a view to perpetuate it beyond ordinary casualties.

The engraved copies that are now extant were, however, procured to be done by private subscription; the necessity of which was dictated by motives of protection to the private rights of individuals. The first plan was engraved under the care of the late Mr. Judd, then a surveyor of the Territory; he was believed, by all who knew him, to be well qualified in every particular to execute that trust; and, as far as my own observation has enabled me to judge, the plan which he caused to be engraved was in the main very correct, and liable to very few objections, and those principally relating to alleys that had, in some instances, been deeded away by the governor and judges.

After the grant was made by Congress to the corporation of the city of Detroit of the military reservation, (so called,) a project was started to alter the whole plan of the city, so as to establish it uniformly at right angles. To this project, which would have been in the origin a wise and acceptable one, great objections existed, which became more and more obvious and plain as the subject was examined into. After much individual effort, public meetings, and even legislative enactments by the legislative council, to authorize the corporation to alter the plan of the city, the project was, upon public reflection, abandoned as impracticable. It was, however, deemed a sort of compromise between the proprietors of lots in various parts of the city and the corporation, yielding to the municipality so far as to allow them to lay out the ground which they had acquired from the United States in their own way; which they accordingly laid out at right angles, so far as circumstances would enable them. The corporation, for several years past, have employed Mr. John Mullett, a gentleman both intelligent and well qualified, as the city surveyor. After the new grounds had been laid out, and a considerable proportion thereof purchased by individuals, the public became anxious and desirous to have another plat of the city, with the improvements and alterations made since that published by Mr. Judd. Mr. Mullett was therefore employed, by the unanimous consent of all parties, to prepare and execute that work. The result is the map published in 1830, engraved by J. O. Lewis; five hundred copies were subscribed for by the citizens of Detroit, at one dollar each. As far as my own observation and the information and remarks of others have enabled me to judge, I believe that map of the city to be as authentic and correct as any work of the kind can ordinarily be.

Upon examination of all the maps above and within mentioned, down to that published in 1830, you will perceive that the innovations made, and recently reported to Congress, by the governor and judges, do not appear. This, therefore, establishes the fact that the said governor and judges have taken upon themselves the latitude to make a plan essentially new in some of its parts, and therefore highly objectionable, inasmuch as the parts recently laid down by them interfere materially with private vested rights. Now, to confirm this new plan would evidently be a direct interference, tending to prejudice private rights, which, it is very desirable, should be avoided.

At the first view of the subject after I had the honor of appearing before your committee, from the strong and anxious desire which I entertained to have the matter finally put to rest, that we should have no further innovations nor alterations in the plan of our devoted city, my mind seized upon the first expedient as an alternative, to acquiesce in the opinion suggested of approving the late new plan, with a proviso reserving private rights. That course, in my opinion, would place us (the lot owners) in a worse situation than we would be without the action of Congress on the subject. It would evidently lead to the conclusion that Congress were disposed to sanction even the unauthorized acts of the governor and judges; and particularly the laying out of additional lots in front of those claimed by the proprietors. The reasons assigned by the governor and judges for this last proceeding are merely plausible, but without the color of necessity. There are, also, further objections to their new plat. It may contain many other errors and alterations which it will require time, experience, and careful examination to detect, whereas the plat engraved in 1830 has been in use, and in the hands of the community for which it is designed, for several months past. The corporation of the city (of which I have the honor to be the head) subscribed for twelve copies of this plat, and have since uniformly referred to it on all occasions, without having discovered any errors or objections to it. Under the various circumstances and changes that have been alluded to, it would be hopeless to expect that a plat, perfect in all its parts, and that would

meet and obviate all difficulties whatever, could be devised at present. Such a desideratum can only be attained with time, and the observance of great care in the detection and correction of errors and irregularities by the municipal authority of the place.

You will readily have observed, sir, that the difference existing between the governor and judges and the lot owners, particularly since their supplementary explanations, is not material. They have narrowed down their claim, to use their own language, to "a trifling consideration," &c. But the principal point at issue is the principle involved—whether they had a right to lay out more lots, after a lapse of fourteen years, in front of water lots, sold as front lots, bordering the navigable channel? On that subject I had the honor to submit sworn extracts of their resolutions. The testimony of many living witnesses can be adduced to the same effect.

The necessity of these presentments to your honorable committee has not originated with the proprietors. The course adopted by the governor and judges has, nevertheless, placed them under the necessity of self-defence, and the protection of your honorable body, to counteract what was and is still believed to be an unwarrantable violation of private rights.

The undersigned has therefore been induced to subject himself to the expenses and loss of time incident to a journey and sojourn in this capital, principally on account of the foregoing premises. The governor and judges are the agents of the government of the United States whilst acting under the laws of Congress; the wrongs done to individuals by their official acts present at least an equitable claim to the justice of the national government. It is, therefore, respectfully suggested that, to quiet all future controversies, which are always injurious to the prosperity and growth of commercial towns and ruinous to private individuals, the plan of the city of Detroit, published by John Mullet and engraved by J. O. Lewis in 1830, be approved by Congress, reserving to the respective owners of property all private rights which may conflict with said plan; and that the owners of water lots fronting and adjacent to the channel of the river Detroit shall and may be at liberty to dock out, in front of their respective lots, to the navigable channel of said river; and that the power heretofore given to the governor and judges of the Territory of Michigan by the acts of Congress passed in the years 1806 and 1830, &c., be revoked, and the said acts repealed; and the settlement of the Detroit fund (so called) be hereafter vested in the mayor, recorder, aldermen, and freemen of the city of Detroit, saving all private rights and claims that have and may accrue against the said fund. All of which is very respectfully submitted.

At the same time permit me, sir, to express, through you, to the members of your honorable committee the grateful sense of feeling which I entertain for the polite and indulgent treatment which I have experienced, for which I ask you, sir, and each member individually, to accept my sincere thanks.

JOHN R. WILLIAMS.

Hon. JAMES CLARK, *Chairman of the Committee on Territories, &c.*

21ST CONGRESS.] No. 901. [2D SESSION.

APPLICATION OF ILLINOIS FOR ADDITIONAL GRANT OF SALINE RESERVE, WITH POWER TO SELL THE SAME.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 14, 1831.

Resolved by the senate and house of representatives, That our senators in Congress be instructed, and our representatives requested, to use their best endeavors to have a law passed by Congress raising the restrictions and authorizing the legislature of the State of Illinois to cause to be selected, and an absolute sale thereof made, of twenty thousand acres (in addition to the grant of thirty thousand acres heretofore made) of the Ohio or Gallatin County Saline Reserve; the selection to be made so as not to interfere with or injure the manufactory of salt.

And also a law authorizing a sale and final disposition of the whole of the Saline Reserve on the Big Vermilion river, in Vermilion county.

We certify the foregoing to be a true copy of the resolution adopted by the general assembly of the State of Illinois at their present session.

JESSE B. THOMAS, JR., *Secretary to the Senate.*
DAVID PRICKETT, *Clerk of the House of Representatives.*

VANDALIA, *January* 22, 1831.

21ST CONGRESS.] No. 902. [2D SESSION.

APPLICATION OF INDIANA FOR A GRANT OF LAND FOR A ROAD FROM MADISON TO INDIANOPOLIS, IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 14, 1831.

A JOINT RESOLUTION relative to an appropriation of land to aid in the improvement of the State road leading from Madison to Indianapolis.

Whereas the State road leading from Madison, on the Ohio river, by way of Vernon, Columbus, and Franklin, to Indianapolis has become a mail route of very considerable importance, it being the most direct route from the seat of government of the State of Kentucky to the capital of this State, and—

Whereas a mail stage-coach, last summer and a part of last fall, ran on said State road, but was discontinued in consequence of the bad condition of the same, and—

Whereas the said State road will, in a few years, become one of the most important mail routes in the western country, and one of the principal avenues of communication between the interior of the State and the Ohio river, and—

Whereas the population on and adjacent to said road is so scattering that they are unable to repair the same without aid from some source or other, and—

Whereas there is a great quantity of unappropriated land of an inferior quality lying along and in the vicinity of said road, which has been in market from eleven to twenty years, a small part of which, if appropriated to the repairing said road, would have a tendency to enhance the value of the residue of said land, and be of great advantage to the public by facilitating the transportation of the mail, merchandise, and products of the country: Therefore

Resolved by the general assembly of the State of Indiana, That our senators be instructed, and our representatives requested, to use their best endeavors to obtain from Congress a donation of twenty-five sections of the said unappropriated land, to be laid out in the improvement of that part of said State road which lies between the north line of Jefferson county and Clifty creek, in Bartholomew county, under the direction and control of the legislature of this State.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing preamble to each of our senators and representatives in Congress.

ISAAC HOWK, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved December 29, 1830.

J BROWN RAY.

21st Congress.] No. 903. [2d Session.

STATEMENT OF ALL LANDS ACQUIRED BY, OR SECURED TO, THE UNITED STATES IN SATISFACTION OF DEBTS, THEIR LOCATION, THE SUMS ALLOWED FOR THEM, AND THEIR VALUE.

COMMUNICATED TO THE SENATE FEBRUARY 14, 1831.

Report from the Secretary of the Treasury, with a statement of all lands acquired by the United States in satisfaction of debts due them, showing where those lands lie, the sums allowed for them, and their probable value, made in compliance with a resolution of the Senate.

Treasury Department, *February* 14, 1831.

Sir: In compliance with a resolution of the Senate of the 20th of May, 1830, directing the Secretary of the Treasury to "report to the Senate at the next session of Congress a statement of all the lands which have been acquired by, or secured to, the United States in satisfaction of debts due to the United States, also where said lands are situated, the sums allowed for them, and their probable value," I have the honor to transmit a report from the Solicitor of the Treasury, which contains the information required, as far as the same is at present known to the department.

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

S. D. INGHAM, *Secretary of the Treasury.*

The Hon. President *of the Senate of the United States.*

Office of the Solicitor of the Treasury, *February* 11, 1831.

Sir: In compliance with the resolution of the Senate of the United States, passed on the 20th May, 1830, "that the Secretary of the Treasury report to the Senate at the next session of Congress a statement of all the lands which have been acquired by, or secured to, the United States in satisfaction of debts due to the United States, also where such lands are situated, the sums allowed for them, and their probable value," which you referred to this office, I have the honor to lay before you the annexed "statement of lands which have been acquired by, or secured to, the United States in satisfaction of debts due to the United States." The information contained in it has been principally collected from reports to this office, made in answer to a circular issued on the 10th of September last. That circular was addressed to the United States attorneys, marshals, and clerks of the several districts of the United States; to collectors of the customs, of internal duties and direct taxes, and such other persons as it was supposed might probably be trustees or have charge of the property in question. There is no doubt that some persons have been omitted who could give additional information. The statement, however, hereto annexed contains all the information which it has been practicable hitherto to obtain. From this it appears that the aggregate amount of property acquired by, or secured to, the United States in satisfaction of debts, as valued at the time it was set off or secured to them, is $406,418 03. The present value of the property, as estimated by the persons making report of it, is only $236,832 70, showing a probable loss of $169,585 33.

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

V. MAXCY, *Solicitor of the Treasury.*

Hon. Samuel D. Ingham, *Secretary of the Treasury.*

Statement of lands and other property which have been assigned, set off, or conveyed to the United States, in payment of debts, or conveyed to them in trust for their use, or vested in them by mortgage or other security, for the payment of debts due to the United States.

No.	Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value	Present value by estimation.	Remarks.
			State.	County.	Town.				
1	N. F. Fosdick(*a*)	2¼ acres of land	Maine..	Cumberland..	Portland	Collector of the customs.	$270 00	$200 00	Taken for default as collector of Portland.
2	John Deering ..	⅛ of an acre.....	....do....	....do.	Westbrook	....do.....	300 00	50 00	Taken for a duty bond.
3	W. Thomas....	5 or 6 acres	....do....	Lincoln.....	Waldoboro'.....	....do.....	Not known.	150 00	Taken for debt due from collector of the district.
4	Thos. Lenox...	1 acre of land, and a house thereon.	....do....	....do.	Palermo	... do.....	850 00	650 00	Taken for a duty bond.
5	John G. Brown.	40 acres	....do....	Waldo.....	Belfast	....do.....	509 93	250 00	Same as above.
6	John Cooper...	312½ acres.....	....do....	Washington .	Machias	....do.....	1,420 11	1,000 00	Taken from surety of collector, Delesdernier, of Passamaquoddy.
7	.....do.	200 acres.....	....do....	... do.	Plantation No. 12.	....do.....	250 00	100 00	Same as last above.
8	.....do.	600 acres.....	....do....	....do.	....do.....13.	....do.....	750 00	300 00	Same as last.
9	.....do.	402 acres.....	....do....	....do.	....do.....14.	....do.....	502 50	200 00	Do.
10	Jona. Bartlett..	Lot adjoining Fort Sullivan, two houses.	....do....	....do.	Eastport	....do.....	3,300 00	Not stated	For debt due from Passamaquoddy bank, for money deposited by collector.
11	.....do.	30 square rods of land, and building thereon.	....do....	....do.	....do.	....do.....	500 00	....do. ..	Same as last above.
12	.....do.	25 square rods of land, and building thereon.	....do....	....do.	....do.	....do.	214 70	....do. ..	Same as above.
13	.....do.	Lot of land, and storehouse thereon.	....do....	....do.	....do.	....do.....	1,800 00	....do. ..	Do.
	I. Snow, Z. Rogers, and D. Kimball. (*b*)	About 160 acres, and house thereon.	....do....	Penobscot ...	Biakesburg	....do.....	700 00	600 00	
	.....do...(*c*)..	One undivided tract of land, consisting of about 500 acres.	.. .do....	Washington .	.....	....do.....		250 00	
	S. L. Valentine(*d*)	One lot of 88 acres and 5-6 of 98 acres, house thereon.	....do....	Hancock	Castine	....do.....	1,700 00	1,700 00	
	Wm. Battie (*e*).	One lot of 103 acres ..	....do....	Waldo	Appleton	....do.....	550 00	750 00	
	Thos. Lenox & Jos. T. Wood.(*f*)	About 3 acres of land and a small wood building.	....do....	Lincoln	.....	....do.....	Not stated.	Not stated.	

(*a*) Ether Shepley, the United States attorney, from whose statement, dated October 7, 1830, this property is entered, says Nos. 1 and 2 may as well be sold for cash; Nos. 3, 4, 5, 6, 7, 8, and 9 on a credit of six or twelve months; and Nos. 11 and 12 on a credit of six months. No. 10, he says, should be kept as an addition to the lands adjoining Fort Sullivan, and should be included in that lot. No. 13, he says, should be retained for a custom-house and store, and recommends the necessary repairs and alterations to be made for these purposes. The collector at Portland, John Chandler, in his letter dated October 13, 1830, says lot No. 1 is the one-sixth part of a lot of land of 17½ acres, held by the United States in common with others. He recommends that a division should be made of the property so that it may be known how much belongs to the United States, and the boundaries thereof; advises it to be kept for the purpose of building a marine hospital thereon. Lot No. 2, he thinks, would not bring more than $90; is doubtful whether it is best to sell it for what it will now bring; but, if sold, the sale should be for cash. John Mussey, clerk of the United States court, letter dated November 13, 1830, says, respecting Nos. 10, 11, 12, and 13, "if this property is to be sold it should be on a credit, payments semi-annual." The United States attorney, Ether Shepley, says these lands are all in the care of the collectors of the customs of the districts in which they are situate. Lots Nos. 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12, ordered by the Solicitor of the Treasury to be sold on the terms recommended by the United States attorney.

(*b*) Deeded in trust to D. Lane, collector of customs, to secure a judgment against Israel Snow, &c., of Bangor, to be sold, Mr. Lane states, by direction of the Secretary of the Treasury, at any time after October 23, 1830. The collector, Mr. Lane, states, in his letter of October 1, 1830, the balance due, for which this property was deeded, is about $700. He recommends a sale of it on the best terms he can make, as to credit, provided it can be sold for sufficient to pay the debt. Ordered by the Solicitor to be sold by D. Lane, the collector at Belfast.

(*c*) Deeded in trust to D. Lane, to secure a judgment against Israel Snow, of Bangor, to be sold, Mr. Lane states, by direction of the Secretary of the Treasury, at any time after October 28, 1830.

(*d*) Deeded in trust to D. Lane, collector, by S. Valentine, who was a surety upon duty bonds to the amount of $1,700. Mr. Lane states he has since sold the property, together with a small vessel, for the amount of the debt, $600 of which has been paid. He thinks the balance will be paid sooner, under the present arrangement he has made with respect to the property, than it would be if sold again on a credit.

(*e*) Deeded in trust to D. Lane, collector, by W. Battie, as security of a debt of $550, assigned to the United States by Huston Bishop, in payment of duty bonds. Mr. Lane thinks it best not to sell this property at present, as he thinks the debt will be paid sooner, under an arrangement he has made with respect to the property, than if it was sold on a credit.

(*f*) Taken for a duty bond. Thomas McCrate, collector of customs, in his letter dated October 1, 1830, advises sale of this property on the first of December next. One-fourth of the purchase money to be paid in cash, the remainder on a credit of six and twelve months, without interest. Solicitor wrote to Mr. McCrate, November 4, 1830, to sell this property on the terms he proposes.

NOTE.—James W. Ripley, collector of the customs, in his letter of December 23, 1830, recommends the house on lot No. 13, in Eastport, to be kept for a custom-house, store, &c., and that the same be fitted up for that purpose. By direction of the Secretary of the Treasury, January 27, 1831, the Solicitor of the Treasury informed Mr. Ripley that the property would be kept for the purposes he recommends.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
Waterman Thomas (*a*)..	300 acres of land.....	Maine.....	Lincoln.....	Waldoboro'....	.....	Not stated.	$300 00
Louis Houdelette and James Houdelette.(*b*)	2 lots of land, containing about 300 acres.	....do.....	....do.....	Dresden.....	Not stated.....	$2,000 00	Not stated.
O. A. Ruggles (*c*).....	3 small parcels of land, containing about 96 acres.	....do.....	Washington ..	Machias.....	.....do.....	Not stated.	95 00
Not stated (*d*).....	1 lot of ground, house and store thereon.	New Hampshire	Rockingham...	Portsmouth. ..	.....do.....	....do.....	500 00
Edw. Roberts and Jacob Cutter.(*e*)	1 lot of ground, brick house, three stores, kitchen, &c.	... do.....	....do.....	....do.....	T. Upham, late collector of customs.	1,196 52	700 00
Ebenezer Dorr (*f*).....	Sundry pieces of land, containing about 91 acres.	Massachusetts..	Norfolk.....	Roxbury.....	Not stated.....	23,374 56	7,000 00
R. & T. Haskins (*g*).....	13,000 square feet of ground.	....do.....	Suffolk.....	Boston	Collector of customs	5,200 00	5,200 00
Abner Wood (*h*).....	2 lots of ground, on one a brick house of three stories.	....do.....	Essex.....	Newburyport ..	.....do.....	3,392 36	1,500 00
Ezra Hotchkiss, J. Harrison, and W. Lines. (*i*)	1 lot, front upon wharf 34 feet and 92 feet deep.	Connecticut...	New Haven....	City of New Haven.	.....do.....	2,100 00	450 00
M. T. Woolsey, (*j*) No. 1	1 lot of ground.....	New York.....	Jefferson.....	Hounsfield.....	.....	.....	.....
Do.....2	.....do	....do.....	....do.....	....do.....	.....	.....	.....
Do.....3	1 10-acre lot of ground.....	....do.....	....do.....	Near Sackett's Harbor.	.....	.....	.....

(*a*) Denny McCobb, collector of customs, in his letter dated November 12, 1830, states that this property was set off some years since to the United States, on execution against Thomas, formerly a collector of customs. The land is of inferior quality, in consequence of a fire having run over it and destroyed the timber. Has not been under the care of any agent. The probable value of the property may be $300. Advises a sale on a credit of one, two, and three years. Ordered by the Solicitor to be sold by Denny McCobb, according to his recommendation.

(*b*) Albert Smith, United States marshal, in his letter dated December 10, 1830, says these lands were taken in October, 1830, on executions in favor of the United States *vs.* Louis and James Houdelette, and were appraised, according to the laws of the State by three freeholders, at the sum of $2,000. It is said there are incumbrances upon this property, such as prior attachments in suits now pending in the State courts; the value of it cannot, therefore, be ascertained until they are settled; it will, however, fall far short of the appraisement. Is of opinion the land cannot be sold to advantage until the incumbrances are definitively ascertained. When that is done, he is of opinion they should be sold at public auction, on a credit of one and two years.

(*c*) The collector of the customs, S. A. Morse, in his letter dated November 23, 1830, says these lands were conveyed to the United States by Mr. Ruggles, to satisfy an execution against him for duty bonds. He describes the property thus: "One piece, unimproved, in East Machias, of about six acres, which may be worth $20; one piece in Machiasport of about forty acres, and may be worth $75; and one piece in Machias of fifty acres, which may be worth $5." They being conveyed, he states, by deed with other lands in the district of Passamaquoddy, in which the gross sum is named in the consideration, he cannot state the estimated value of each. Besides these lands he states there is a piece of about one acre situate in Machiasport, being the site of a fort built during the embargo and destroyed by the enemy in 1814, which cost the United States $169, and might now sell for $30. He states that the titles to the above property are clear; and he is of opinion they should be sold for cash. Ordered by the Solicitor of the Treasury to be sold by S. A. Morse, according to his recommendation.

(*d*) Pierson Cogswell, United States marshal, states in his letter of October 14, 1830, that this is a very small house and store, very much out of repair, and will probably sell for from $500 to $700. Is of the opinion it should be sold for what it will bring; will, agreeably to instructions from the Solicitor the 21st August last, offer it for sale on the 1st of November next.

(*e*) Conveyed in trust to Timothy Upham, late collector of customs, by Jacob Cutter, for the payment of $1,196 52, the balance due in 1819 on Edward Robert's bond for custom-house duties. Mr. Pickering, the present collector, in his letter dated November 22, 1830, says if this property was sold for cash it would probably sell for not more than $700 or $800. Buildings very much out of repair, and is without a tenant, and has been so ever since Mr. Upham went out of office. Is of the opinion it should not be sold at present, as property will in a few months probably rise in value in Portsmouth, in consequence of the colonial ports being opened, &c. Should, however, it be deemed for the interest of the government to sell now, he thinks it should be sold on a credit of twelve months

(*f*) Andrew Dunlap, the United States attorney, in his letter of October 5, 1830, states that these lands were levied upon June, 1829, to satisfy thirty executions against William Richie and Ebenezer Dorr, rendered upon certain custom-house bonds. One lot contains about seventy acres, one about seven acres, a piece of meadow land about six and one-half acres, a piece of salt marsh about four acres, and one other lot about three and one-half acres, upon which are the mansion-house, stables, &c. Since the levy Mr. Dorr has remained upon the property, agreeing to pay a reasonable rent for it. He recommends a sale of the property next spring, one-fourth to be paid in cash and the remainder on a credit of three years, payable in equal instalments. Thinks the property would not bring more than $7,000 or $8,000. David Henshaw, collector of the customs, ordered by the Solicitor of the Treasury to sell this property according to the terms recommended by Mr. Dunlap.

(*g*) The collector of the customs, David Henshaw, in his letter of October 8, 1830, states that a parcel of property was secured to the United States by mortgage, in 1817, by R. & T. Haskins, a portion of which was sold last spring, and towards liquidating their bonds. The balance, viz: 13,000 square feet, was, by authority of the Secretary of the Treasury, in January, 1830, offered for sale, at forty cents per square foot, (the limit;) only thirty cents was bid. He thinks it should be offered again for sale next spring, when it will probably bring thirty-five or forty cents the square foot. Sale ordered accordingly by the Solicitor of the Treasury.

(*h*) The collector, Samuel Phillips, in his letter dated September 23, 1830, states that this property was set off to the United States, by appraisers duly sworn, at the sum of $3,392 36, to satisfy a debt in part due from Abner Wood on custom-house bond, upon which judgment had been obtained. On one of the lots is a house three stories high, used as a custom-house, for the repairing of which Congress appropriated, at their session of 1827 and 1828, the sum of $300. The other lot is adjoining that on which the custom-house is, and he is of opinion should not be sold so long as the custom-house is used as such by the government, although the lot is at present of very little use. He estimates the whole property as being at present worth about $1,500.

(*i*) The United States marshal, James Mitchil, in his letter dated October 2, 1830, says this property was taken to secure a large debt ($1,933 89) in the year 1819, due by E. Hotchkiss, &c., on custom-house bonds, at the appraised value of $2,100. Had on it when taken a house, which has since been destroyed by fire. Thinks it would probably bring, if sold now, $450. He recommends a sale of it for cash; in which recommendation Asa Child, the United States attorney, Charles A. Ingersol, the clerk of the court, and William H. Ellis, the collector of the customs, concur. The Solicitor of the Treasury wrote to Mr. Ellis, the collector, November 11, 1830, to sell this property at public auction for cash; which sale, in his letter of December 27, he states has been effected by him, for the sum of $805 cash.

(*j*) These lots and parcels of land, &c., were mortgaged to the United States February 20, 1825, by Melancthon T. Woolsey, captain of the United States navy, to secure a debt due by him to the United States of $29,459 29, to be paid within one year from the date of the mortgage, with lawful interest; otherwise the property thus mortgaged might thereafter be sold by the United States, as appears from the mortgage, which was filed in the office of the Secretary of the Navy, and transmitted to the Solicitor of the Treasury by the Hon. John Branch, Secretary of the Navy, with a letter from him relative thereto, dated October 5, 1830. The Solicitor of the Treasury, on receiving the above-mentioned mortgage and finding it had never been recorded, wrote to Samuel Beardsley, esq., the United States attorney for the northern district of New York, and enclosed it to him, with a request that he would cause it to be forwarded to the proper office within his district to be recorded, and to give his opinion whether the property mortgaged could now be sold to advantage and on what terms. In Mr. Beardsley's answer, dated November 24, 1830, he says: "The mortgage not having been recorded and most of the lands embraced in it having been sold on judgments against Captain Woolsey, I am inclined to think that the United States will not be able to realise much upon it. On November 24, 1817, a judgment was rendered in the supreme court of New York in favor of the bank of Utica, against said Woolsey, for debt, $16,000, and cost $14 43; real amount to be paid was $8,485 47. The lien of this judgment on the real estate expired at the end of ten years, that is, in 1827; but a large part of the judgment remained unpaid. In February, 1828, I was employed by the bank to revive the judgment by *scire facias*, and collect the amount due. The judgment was accordingly revived, and the record on the *scire facias* signed, and the judgment docketed July 9, 1828. Upon these judgments executions were issued to the counties of Jefferson and St. Lawrence. The twelfth and thirteenth parcels of land embraced in the mortgage were sold January 30, 1829, and purchased by the bank; and on May 15, 1830, the time of redemption under the laws of the State having expired, a deed was given to the bank, and which deed was recorded the 17th of said May. On the execution to Jefferson, the seven first parcels mentioned in the mortgage were sold November 24, 1828, and purchased by the bank. The time of redemption having expired, deeds for these lots were executed May 3, 1830, and recorded same day. It appears to me that by these deeds the bank has obtained a title free and clear from the operation of the mortgage. Had the mortgage been recorded it might have been otherwise. I know nothing but what the mortgage may operate on the eighth, ninth, tenth, and eleventh parcels of land mentioned in it. I do not perceive, however, that it will be of any use to have it recorded in St. Lawrence county. You ask 'whether the property could now be sold to advantage, and on what terms?' The preceding part of this letter disposes of this inquiry in reference to most of the lands; but I apprehend that the United States cannot lawfully sell any part of these lands until the equity of redemption of the mortgager is regularly foreclosed. As to the value of the parcels of land not sold, as above stated, I have written to make inquiries on that subject, and will again address you upon it." In a subsequent letter received from Mr. Beardsley, dated December 30, 1830, on the subject of this property, he says: "In explanation of this letter, I beg leave to refer to that of the 24th ultimo. The 8th parcel of land therein mentioned, (a ten-acre lot,) I learn, is possessed by Captain Woolsey's agent, and that it is now worth $20 per acre. The ninth parcel (Snake and Gull islands) is said to be worth $100; a doubt, however, is suggested as to the title being in Captain Woolsey; probably, however, it is. The tenth parcel (a tract of 143¾ acres) was purchased by contract by Captain Woolsey, March 26, 1816, to be paid for in five years; at what price I have not ascertained. He made considerable payments, but never paid in full. Probably the interest of Captain Woolsey (if he had any at date of mortgage) was worth but little. The pews in the meeting-house at Sackett's harbor are embraced in the tenth parcel; they are worth but a mere trifle. The eleventh parcel, (20 acres, held by contract,) I learn that Elisha Camp now has a deed for this lot; that he bought Captain Woolsey's contract from his agent, Z. Platt; and then, on paying up the contract, received a deed. Thus it seems probable that the mortgage interest dwindles down to Snake and Gull islands, $100, and the ten-acre lot, $200. The mortgage has been recorded in Jefferson county. Please inform me what I shall do with it." The Solicitor of the Treasury, in his letter to Mr. Beardsley, January 4, 1831, directed him to sell all the property he can come at forthwith, in the best way his judgment may suggest; leaving it with himself also to judge of the necessity of foreclosing the mortgage, or otherwise, and to return the mortgage to him, unless he wishes to retain it in the event of a suit.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
M. T. Woolsey, No. 4	1 lot, 10 acres more or less, known by the name of Baker's 10-acre lot, situate in lot No. 22.	New York.....	Jefferson	Hounsfield.....	....	.....	.....
Do.....5	1 lot of ground.....	....do.....	....do.....	Sackett's Harbor.	.....	.....	.....
Do.....6	1 lot, 10 acres, designated 10-acre lot No. 3, in the original survey of the town of Sackett's Harbor.	....do.....	....do.....	....do.....	.....	.....	.....
Do 7	1 lot of ground.....	....do.....	....do.....	....do.....	.....	.....	$300 00
Do.....8	1 lot of ground, called a 10-acre lot, near Sackett's Harbor.	....do.....	....do.....	....do.	.....	.....	.....
Do.....9	2 islands in Lake Ontario; one called Gull island, 6¼ acres; the other called Snake island, containing 1 4-10 acres.	....do.....	....do.....	....	.....	....	.....
Do.....10	143 acres of land, being subdivision No. 6, and easterly part of lot No. 7, of a survey on the peninsula opposite Sackett's Harbor, made by E. Camp; also, 2 pews in the Presbyterian meeting-house, Sackett's Harbor.	....do....	....do.....	.....	.....	.....	.....
Do.....11	20 acres of land, situate in great lot No. 22, in town of Hounsfield.	....do.....	....do.....	Hounsfield.....	.....	.....	.....
Do.....12	120 acres of land, in the township of Potsdam, St. Lawrence county, excepting therefrom one acre deeded to inhabitants of upper settlement of Potsdam for a burial ground.	....do.....	St. Lawrence..	Potsdam.....	.....	....	.....
Do.....13	160 acres of land, part in Chesterfield and Hopkinton.	....do.....	....do.....	.....	.....	.....	.....
P. Townsend, late a contractor for cannon. (*a*)	16 acres of land, on which are an old forge and three small tenements.	....do.	Orange	In the vicinity of Newburg.	Col. George Bomford.	$5,000 00	3,000 00
R. Swartwout, N. agent, N. Y. (*b*)	Several tracts of marsh or meadow land.	New Jersey . ..	Bergen	Township of N. Barbadoes.	Not known.....	75,000 00	Not stated.
John Arnold (*c*).....	1 lot of 40¼ acres of land ..	....do.	Middlesex	Perth Amboy..	Collector of customs	472 50	472 50
A. Golding (*d*).....	1 lot of ground.....	....do.	....do.	....do.	.....do.....	200 00	200 00
A. Bloodgood (*e*).....	2-10 of an acre of ground .	....do.	....do.	....do.	.....do.....	236 67	236 67
Jacob Arnold (*f*)	1 lot of 85.27, and 1.11 acres of land.	....do...	....do.	Township of Piscataway.	.....do.....	583 06	583 06
L. Kearney (*g*)	1 lot of 31.19 acres of land..	....do.	....do.	Perth Amboy.	.....do.....	893 49	893 49
Jos. C. Arnold (*h*)	3 lots of land, 1 of 7.4, 1 of 175.4, and 1 of 20 acres and 10 rods.	....do.	....do.	....do.	.....do.....	4,398 34	4,398 34

(*a*) This property was conveyed in the year 1818, in trust, to Colonel George Bomford, of the Ordnance department, at its then appraised value, by Peter Townsend, liable for the judgment of the United States against him for $54,601 92. Col. Bomford, in his letter, dated November 4, 1830, says this property was conveyed to him, in trust, by Peter Townsend, as security for the faithful performance of his contract with the government for cannon, upon which the above judgment was recovered. At the time the conveyance was made the property was assessed at $5,000, at which price it has consequently since been held; but, though several purchasers have presented themselves subsequently, none have been willing to give that much for it, and it has not been sold. He says the property has been for some time past, in some measure, under the care of Gouverneur Kimble, esq., who resides in the neighborhood, and who has recently advised him there is an applicant for its purchase, and wishes to know the lowest price he is to accept for it. He is in hopes $3,000 may be obtained; but it is much deteriorated from the decay of the buildings, and still growing worse. The Solicitor of the Treasury wrote to Colonel Bomford November 10, 1830, and requested him to inform Mr. Kimble that he might sell the property for that sum, and to cause the money, after deducting expenses, to be deposited in the Branch Bank of the United States to the credit of the Treasurer of the United States, on account of the judgment against Mr. Townsend.

(*b*) This property was mortgaged to the United States by Mr. Swartwout, navy agent at New York, July 3, 1822, to secure a debt due by him to the United States of about $75,000. Garret D. Wall, the United States attorney, in his letter of December 7, 1830, says: "I see no good reason to suppose that any advantage will result to the Utates States from continuing to hold real property in this State, as there is no prospect of its rising in value." Ordered by the Solicitor to be sold.

(*c*) Mr. Wall, the United States attorney, says this property was mortgaged by Mr. Arnold, March 20, 1830, to secure the payment of a bond for $472 50, with interest thereon, to be paid in one and two years from date of mortgage.*

(*d*) Mr. Wall, the United States attorney, says this property was mortgaged, March 20, 1830, to secure the payment of a bond for $200, with interest thereon, to be paid in one and two years from date of mortgage.*

(*e*) Mr. Wall, the United States attorney, says this property was mortgaged by Abraham Bloodgood, March 20, 1830, to secure the payment of two bonds given by him, each for $118 33⅓, with interest, to be paid in one and two years from date of mortgage.*

(*f*) Mr. Wall, the United States attorney, says this property was mortgaged by Mr. Arnold, September 14, 1830, to secure the payment of a bond of that date for $583 06, payable one year thereafter, with interest.*

(*g*) Mr. Wall, the United States attorney, says this property was mortgaged by Mr. Kearney, March 20, 1830, to secure the payment of his three bonds, each for $297 83, payable January 1, 1831, 1832, and 1833, with interest.*

(*h*) Mr. Wall, the United States attorney, says this property was mortgaged by Mr. Arnold, March 20, 1830, to secure the payment of two bonds, each for $2,199 17, payable in one and two years, with interest from date of mortgage.*

* These mortgages were given by the purchasers of Robert Arnold's property at the sale made by the United States marshal, March 10, 1830, in virtue of a warrant of distress issued to him from the Treasury Department, for the payment of which they gave their bonds, as here stated. The bonds, the marshal, Zephaniah Drake, says were for two-thirds of the amount for which the property was purchased in all the cases except that of Jacob Arnold, which was for one-half.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
Robert Arnold (*a*)	2 lots in Perth Amboy, 1 of 1 acre, and 1 of 2.48 acres, and 1 lot of land in Woodbridge, 9.16 acres.	New Jersey	Middlesex	Perth Amboy & Woodbridge.	Collector of customs	$230 00	$230 00
Robert Arnold (*a*)	1 house and lot	do.	do.	Perth Amboy	do.	915 00	915 00
Robert Arnold (*a*)	A tract of land of 145 acres in Piscataway township.	do.	do.	Township of Piscataway.	do.	2,030 00	2,030 00
W. L. Young (*b*)	A house and lot in Arch street.	Pennsylvania.	Philadelphia	Philadelphia	do.	3,500 00	4,050 00
Union Bank of Pennsylvania. (*c*)	1 lot of ground and large brick house.	do.	Fayette	Uniontown	A. Brackenridge	5,000 00	5,000 00
Do.	1 lot of ground and wooden building.	do.	do.	do.	do.	1,967 68	2,000 00
Do.	1 lot of ground, 2½ acres	do.	do.	do.	do.	500 00	500 00
Keller and Foreman (*d*)	A lot of ground, subject to a ground rent of $30 67; has on it valuable improvements.	Maryland	Baltimore	City of Baltimore.	N. Williams	2,698 30	2,698 30
Jacob Graff (*e*)	3 lots of ground on Fell's Point, and some household furniture.	do.	do.	do.	do.	Not stated.	Not stated.
Thomas B. Hall (*f*)	About 520 acres of land	do.	Washington	Nr. Hagerstown	Thos. Kennedy	18,000 00	15,000 00
Ludwell Lee (*g*)	A tract of land of 4,140 acres	Virginia	Spottsylvania		Robert Stanard	10,000 00	7,900 00
Daniel Stone (*h*)	A house and lot of ground	do.	Norfolk	Bor. of Norfolk		1,322 00	1,322 00
Not stated (*i*)		do.				Not stated.	Not stated.
Horace Ely (*j*)	½ an acre of ground, with a new brick store thereon, 60 by 40 feet.	North Carolina.	Washington	Plymouth	Levi Fagan	3,543 67	4,000 00
Benjamin Smith (*k*)	Smith's or Bald Head isl'd, at the mouth of Cape Fear river; is barren and of no value except for a small quantity of live-oak timber which it produces.	do.	Near the mouth of Cape Fear river.		Gen. Jos. Swift		2,500 00

(*a*) This property was bid off to the United States at a sale of real property of Robert Arnold, late collector of the customs at Perth Amboy, made by the United States marshal on the 10th of March, 1830, in virtue of a warrant of distress issued to him by the Treasury Department. Zephaniah Drake, the United States marshal, says it was bid off to prevent a sacrifice, and is worth more than the sums here stated, at which it was bought. James Parker, the collector, in his letter of October 5, 1830, says, "it would be to the interest of the United States to sell the property, but a sale could not probably be made until next winter or spring. A private sale, it is believed, would be preferable to a sale at vendue, inasmuch as there is little or no demand for it. One-third should be required in cash, on giving possession, and the residue on a credit of one or two years."

(*b*) Deeded to William H. Crawford, late Secretary of the Treasury, by William L. Young and wife, for the benefit of the United States, to secure a debt due from Young for duty bonds taken in Baltimore, Maryland. John N. Barker, collector of customs, in his letter, dated September 20, 1830, says this property has been sold to a Mr. McAllister, of that city, for $4,050, less expenses, which he is ready to pay on receiving a legal title. On the 15th September, 1830, a letter was received from Nathaniel Williams, esq., enclosing one to the Hon. William H. Crawford, with a deed to be executed by him for this property, which was, on the day following, transmitted to him by the Solicitor of the Treasury. The Solicitor wrote again to Mr. Crawford, December 15, on the subject. Deed returned, and sent to N. Williams by Solicitor, January 17, 1831.

(*c*) Alexander Brackenridge, United States attorney, in his letter of October 9, 1830, says that the whole of the property was conveyed by deed to the United States in March and April, 1824, in part payment for a debt due from the Uniontown Bank, together with sundry judgments in Fayette county, for the residue of the debt, amounting to $5,022 26, a part of which has been paid. He considers the property (for which he has acted as agent and trustee of the United States) as probably worth the sums he has estimated them at; but as the care and management of it is troublesome and expensive, he advises that the agent be authorized to advertise and offer it for sale; and if two-thirds of its probable value is bid for it, to be paid one-fourth or one-third in hand, the residue in one, two, and three years, with interest, the payments to be secured by mortgage, to sell it. Ordered by the Solicitor to be sold on the terms recommended by the district attorney.

(*d*) Nathaniel Williams, United States attorney, in his letter dated September 21, 1830, says this property was conveyed to him, December 29, 1824, by Keller and Foreman, sureties of Finley and Vanlear, to secure a debt due by them to the United States of $2,698 30; since which they have paid $1,000, and promise to pay one-half of the balance due on January 1, 1831, and the remaining half in six months thereafter; which he believes they will certainly do. The debt, he states, is perfectly secure.

(*e*) This property, Mr. Williams says, was assigned to James H. McCulloch, collector of the customs at Baltimore, to secure Jacob Graff's duty bonds; that he has obtained a decree in Baltimore county court for the sale of the property. In his letter of September 21, 1830, he says Mr. John Glenn and himself are the trustees, and that they will advertise the sale of the property "this week."

(*f*) This property was sold by the United States marshal, under a warrant of distress issued from the Treasury Department, on account of a debt due by Thos. B. Hall, late collector of internal duties and direct taxes, and purchased by Thomas Kennedy, of Hagerstown, agent for the United States. Mr. Kennedy, in his letter of December 4, 1830, says this property has been lately sold by him for the sum of $15,000; of which $10,000 are to be paid soon, the residue to bear interest at the rate of 6 per cent. per annum until paid.

(*g*) Sold by the United States marshal to satisfy two judgments against Ludwell Lee, one for $8,000, and the other for $2,000, with interest from December 1, 1819, on bonds assigned by William C. Nicholas on account of a debt due the United States by Edmund Randolph, and purchased in behalf of the United States, October 11, 1830, for $3,950. Mr. Stanard says, in his letter of October 12, 1830, that he is of the opinion the property is worth double the sum for which it was bid in for the United States.

(*h*) The collector of the customs, O. Whittle, in his letter dated October 23, 1830, says this property was conveyed in trust by Daniel Stone, the surety of Fortesque Whittle, on a duty bond for $1,322 69, due December 8, 1819, to Alexander Tunstall, of Norfolk, by deed duly recorded, for the purpose of securing the suspension of an execution taken out against him in 1826. The suspension expired in May, 1827. He is of the opinion that the property would realize the amount due on it, over and above the personal responsibility of Mr. Stone, "which is good."

(*i*) The collector of the customs at Richmond, James Gibbon, in his letter of November 28, 1830, says "there is a piece of property at Bermuda hundred, in this district, which I believe was purchased by Colonel Heth, the then collector, for the use of his office, and paid for by the United States. The property is of little value. The house that was put on it for an office is in a dilapidated State." The deed for this property, he supposes, must have been deposited somewhere in the Treasury Department, so far back, perhaps, as in the time of Mr. Hamilton or Mr. Wolcott, former Secretaries of the Treasury. He recommends a sale of the property.

(*j*) This property was, by direction of the Solicitor of the Trea-ury, September 3, 1830, to the collector of the customs, Levi Fagan, bid in for the United States for $2,506, under a sale of the property of Mr. Ely, to satisfy several executions against him for duty bonds to the amount of $3,543 67, exclusive of interest. Mr. Fagan states, in his letter dated October 8, 1830, that in ordinary times this property would rent annually for about $300, exclusive of a safe room well adapted for a custom-house. It stands in the centre of a business part of the town, is well built, and will no doubt remain good for many years. Mr. Ely, he says, intends petitioning government for time to redeem it, or to allow him a better price for it. If it is sold, he recommends a credit of one, two, or three years to be given for the purchase money. Mr. Fagan estimates the property to be worth $4,000.

(*k*) Joseph Owen, the collector of the customs, in his letter dated October 14, 1830, says "these lands were conveyed by John F. Bergwin to General Joseph Swift, by deed, dated September 5, 1820, to satisfy two judgments obtained at the spring term of the circuit court for the district of North Carolina against Benjamin Smith, one for $3,251, with interest from November 28, 1803, the other for $3,251 07, with interest from November 28, 1803. These facts are collected from the deed of trust, as I have no knowledge of them; and the origin of the debt due by Smith is not known here. It is believed that indulgence was granted to Smith by the United States. General Joseph Swift (residence not known) was the United States agent for these lands. Since he left North Carolina, there has been no agent appointed by the United States, or by him. Benjamin Smith has been dead six years. John F. Bergwin removed to Newbern, North Carolina, ten or twelve years ago, and none of the parties to the deed of trust are now living in this section of the State. These lands have been generally sold for the debts of Smith; but the United States attorney for North Carolina has instituted suit for them. It is supposed they will be recovered for the United States; and if so, it would be advisable to sell them. The sale should be on a liberal credit—two or three years at least—to realize the prices at which they are estimated.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
Benjamin Smith (*a*).....	About 3,000 acres of land on Mallary's creek and its waters; generally poor; a small part of it valuable swamp land.	North Carolina.	Brunswick	.....	Gen. Jos Swift	.....	$2,500 00
Do.....	3,840 acres of land, called Blue Banks; generally very poor land.	....do.....	....do.....	.....	.....do.....	.....	1,500 00
Peter Wilson (*b*).....	Lots numbered 116 and 117 and the southern half of lot No. 351, in Well's addition to the town of Steubenville.	Ohio	Jefferson	Steubenville...	John Patterson	$1,590 00	1,590 00
Peter G. Voorhies (*c*) ...	Sundry tracts of land, lots of ground in the town of Frankfort, &c.	Kentucky	.....	.....	George M. Bibb and others.	Not stated.	Not stated.
W. P. Anderson and Jas. Campbell. (*d*)	640 acres of land.....	Tennessee.....	Lincoln	.....	J. Collingsworth...	1,300 00	2,000 00
Andrew Erwin (*e*)	1,500 acres of first quality land.	....do.....	Bedford	.....	T. H. Fletcher	5,100 00	10,000 00
Richard Mitchell (*f*)....	Half an acre of land, and weather-boarded log house.	....do.....	Green	Greenville.....	J. A. McKinney ...	250 00	400 00
Do.....	1 lot of ground, some old and one small new houses.	....do.....	....do.....	....do	.....	50 00	.....
John Pooler (*g*).....	Sundry parcels of real property.	Georgia	Chatham	City of Savannah.	M. H. McAllister ..	1,692 24	2,000 00
(*h*)	A lot of ground 90 feet by 60.	....do.....	....do.....	....do.....	.....	Not stated.	Not stated.
(*i*)	....	Louisiana	New Orleans ..	City of N. Orleans	.....	.....	.....
Farmers and Mechanics' Bank of Indiana. (*j*)	Sundry mortgages given by individual debtors to the bank, and transferred by the bank to the United States.	Indiana	.....	.....	Samuel Judah, district attorney, & Milton Stapp.	.....	49,080 00

(*a*) See note (*h*) of the preceding page.

(*b*) John Patterson, the United States marshal, in his letter dated October 13, 1830, says: "On the 15th of May last, Samuel Herrick, then United States attorney, purchased this property, in behalf of the United States, for the sum of $1,590. The two first mentioned lots, with their improvements, have been rented out by him till the 1st of April next at the rate of $80 per annum. The half lot is unimproved and unproductive." He recommends a sale of the property, one-third to be paid in hand; for the residue a credit of one and two years, with interest, to be given. On these terms he thinks it would bring cost. The property was sold under an execution against Peter Wilson, late receiver of public moneys. Ordered by the Solicitor to be sold on the terms recommended by the marshal.

(*c*) John H. Hanna, clerk of the United States district court, in his letter dated October 14, 1830, enclosing a copy of the deed of trust from Peter Voorhies and wife, dated October 17, 1821, for these tracts of land and lots of ground in the town of Frankfort, also sundry notes of hand, and judgments mentioned therein, to George M. Bibb, Daniel Weisinger, and Alexander J. Mitchell, sureties of said Voorhies, to satisfy the debt due by him to the United States of $27,614 13, for which judgment was obtained in 1822, says: "George M. Bibb, esq , the surviving trustee, is the only person who can give correct information in regard to this property. That at the time Voorhies deeded the property, there was a lien of $1,000 on a farm near Frankfort, which farm was sold by consent of all parties; and that Mr. Bibb, then United States attorney, he understood, purchased it for the benefit of the trust; and when the rents should be sufficient to discharge the $1,000, with interest and such charges as might be incurred in keeping the property in repair, the purchase was to inure to the benefit of the trust. The other property embraced in the deed had been previously mortgaged for more than it was worth, or the title thereto in such difficulty as not to be worth investigating, except, perhaps, 1,000 acres on Salt river may be unincumbered. Judgments have not been obtained against the sureties. Suits still pending. They now believe that they cannot be made liable." The Solicitor of the Treasury wrote to Mr. Bibb, October 25, 1830, for information respecting the property, &c., &c.; no answer received. Mr. Voorhies was formerly United States district paymaster. The Solicitor wrote to Mr Bibb again, February 5, 1831.

(*d*) James Collingsworth, the United States attorney, in his letter of October 3, 1830, says this property was purchased by him for the United States the 30th of June last, for the sum of $1,300, on account of the debt due from Mr. Anderson as colonel of 24th infantry; that he has acted as the United States agent for the same. He was directed by the agent of the treasury, S. Pleasonton, February 24, 1830, to sell the property; but could not obtain the sum at which it was limited, $3,000. He thinks $2,000 might be had for it on a credit of one, two, and three years. Ordered by the Solicitor to be sold on the terms recommended by the United States attorney.

(*e*) James Collingsworth, the United States attorney, says this property was sold as the property of Andrew Erwin, on account of a judgment against him of $39,005 15, on account of duty bonds, and purchased by Thomas H. Fletcher, as agent for the United States, November 1, 1828, for the sum of $5,100: but is claimed by James Erwin, who is in possession of it, and against whom an action of ejectment is now pending in the circuit court of the United States for the western district of Tennessee; consequently, it cannot be sold or disposed of to advantage until the termination of the suit. He estimates the property to be worth from ten to fifteen thousand dollars.

(*f*) John A. McKinney, United States attorney, in his letter dated November 18, 1830, says these lots were purchased by him in behalf of the United States, in April, 1830, at a sale by the United States marshal of Richard Mitchell's property, to satisfy a judgment on account of the debt due from him to the United States as late collector of internal duties. The lot in Greenville was purchased for $250, and is estimated by him to be worth from $400 to $500. He is of the opinion it should be sold on a credit of six, twelve, and eighteen months; it is now under rent for $15 per annum. The lot in Rogersville was in like manner purchased by him for $50; the title to it is, however, considered doubtful. There is a suit pending in the chancery court at Rogersville, brought by John Blivins against Mitchell for the property, which is expected to terminate in May next. If it should be determined against Blivins, Mr. McKinney recommends the filing of a bill, on the part of the United States, against Mitchell, to have the title of the United States to the lot completed; and then, he thinks, it would sell for from five hundred to one thousand dollars. The property is under his care; and a mechanic who resides on it has agreed to pay a nominal rent for it.

(*g*) M. H. McAllister, the United States attorney, in his letter dated December 1, 1830, says this property was mortgaged to secure the payment of three bonds, each for $554 08, bearing interest from July 28, 1823, payable April 29, 1825, 1826, and 1827, which were given by Robert W. Pooler, Caroline M. Frazier, and Rebecca M. Pooler, to secure a debt due to the United States from John Pooler, deceased, late commissioner of loans and agent for paying invalid pensioners of $1,692 24. He does not describe the property, but estimates it to be worth about $2,000. He says that the very low price of real estate in the city of Savannah has delayed a foreclosure of the mortgage. The Solicitor of the Treasury wrote to Mr. McAllister, December 11, 1830, instructing him to bring suit on the bonds, unless payment be made by the parties on their being informed of that instruction.

(*h*) John Stevens, the collector of the customs at Savannah, says, in his letter dated October 5, 1830, this property was purchased by the United States, and had on it a custom-house and other buildings, which were destroyed by fire in the year 1820.

(*i*) The collector of the customs at New Orleans, Martin Gordon, in his letter dated November 24, 1830, says, "the government have a just and equitable claim to all the vacant lands situate between the city of New Orleans and the river Mississippi, and in front of the city, which is fully described in a plan which I have now the honor to transmit herewith. This claim comprehends five blocks in front of the city, all of irregular form, and marked number 1 to B on the plan. On the block number 2 is situate the custom-house. The balance is claimed as belonging to the city of New Orleans; and a suit is now pending in the district court of the United States on an injunction obtained by the municipality of this city against the sale of a part of this property." The property in question, he states, "if sold for one-third cash, and a credit of one and two years for the balance, would bring nearly six hundred thousand dollars, if not fully that amount." Further information has been called for by the Solicitor of the Treasury.

(*j*) The bank transferred to the United States, as collateral security for the payment of the debt due from it, sundry mortgages, notes of hand, and judgments, amounting in the whole to $49,080 59. No specific description of the property has been furnished. An agent is appointed to collect and pay over the proceeds. The district attorney, Samuel Judah, in his letter of October 4, 1830, expresses an opinion, from an examination made by him in the present year, that the debt due to the United States from the bank may be collected without loss to the government.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
Bank of Vincennes, the State Bank of Indiana. (a)	A tract of land, two arpents, in front of the Wabash, adjoining the town of Vincennes; 1 square of lots in Vincennes; lots Nos. 1 & 8 in Vincennes, (Harrison's addition;) 1 lot and small wooden building in Vincennes; 3 tracts of land, 1,020 acres, in Knox county; 3 tracts of land, 300 acres, in Gibson county; 4 tracts of land, 800 acres, in Ligo county, estimated to be worth $2 per acre; and sundry mortgages of lots in Connersville, Fairfield, and Brookville, estimated value $2,000.	Indiana			Samuel Judah		$12,340 00
Bank of Edwardsville. (b)	269 acres of land	Illinois	Clinton		Joseph Conway		
	320.....do	....do.	Bond				
	160. ....do	....do.	Clinton				
	160.....do	....do.	St. Clair				
	160 .....do	....do.	Fayette				
Wm. H. Robertson and W. Barnwell. (c)	1 house and lot of ground, 60 feet by 90.	Alabama	Mobile	Mobile	George W. Owen	$12,014 29	8,000 00
John B. Hogan (d)	7 lots of ground, with all the buildings thereon.	....do.	....do.	....do.	John Elliot		
John B. Hogan (e)	2 lots of ground, each 30 feet front by 150 deep, being part of the site of old Fort Charlotte.	....do.	....do.	....do.			
Gen. J. Brahan (f)	140 acres of land	....do.	....do.	....do.	Col. Le Roy Pope	Not stated.	Not stated.
G. F. Strother, late a receiver of public moneys. (g)	Sundry tracts or parcels of land, situate in the county and town of St. Louis.	Missouri	St. Louis		Geo. Shannon, U. S. attorney.		
George C. Sibley (h)	1 tract of land, 640 acres, on Wild Horse creek.	....do	....do		.....do	800 00	
	1 tract of land, 800 arpents	....do	Jefferson			1,600 00	
	1 tract of land, 640 acres	....do	Lafayette			3,200 00	
	1 tract of land, 160 acres	....do	Jackson			600 00	
	1 tract of land, 160 acres	....do	....do			680 00	

(a) In 1821 Jesse B. Thomas, an agent for the government, made an arrangement with the Bank of Vincennes, by virtue of which these tracts of land and lots of ground, with other securities, were conveyed to trustees for the benefit of the United States. It appears, however, from a detailed report made the 12th of August, 1830, by Samuel Judah, the United States attorney, in relation to this conveyance, that the title to some of the property has been contested. A suit is pending in the supreme court of Indiana in relation to it, which he is of the opinion will be decided in favor of the United States. He estimates the probable value of the tracts of land and lots of ground to be about $12,340; and in his letter of October 4, 1830, he says that it is clearly his opinion, from a personal examination of all the property, that it should be sold; the terms, one-fourth cash, the balance in three instalments, secured by mortgage.

(b) Joseph Conway, United States marshal, in his letter dated October 26, 1830, says, "these lands were bid off to the United States at marshal's sale, in the year 1828, at the court-house in the town of Edwardsville, by him, at the request of S. Breeze, then United States attorney, for the sum of $698 29, on account of the judgment of the United States against the president, directors, and company of the Bank of Edwardsville, for $53,442 86. Says that he understood, however, after he bid them in, that they had been previously sold for taxes, and were forfeited.

(c) This property was mortgaged to the United States June 17, 1830, by Robertson and Barnwell, to secure the payment of several duty bonds, amounting to $12,014 29, payable at various periods from the 21st June to the 26th October, 1830. Previously, however, to their all becoming due, the United States attorney for the southern district of Alabama, John Elliot, was instructed to give them an indulgence of one, two, and three years, upon their confessing judgment on the bonds as they became due, and securing the payments to the satisfaction of himself and the collector, George W. Owen. The attorney says the probable value of this property, if sold for cash, is from eight to ten thousand dollars.

(d) These lots were mortgaged by George Davis and his wife to John B. Hogan, which mortgage was turned over to the United States by Mr. Hogan as collateral security for the payment of a debt due by him to the United States as a paymaster. The principal and interest on the debt for which the mortgage was given, according to a decree of foreclosure had at the November term, 1829, of the circuit court of Mobile county, is $4,019 69. John Elliot, the United States attorney, says in his letter dated October 11, 1830, this property will be sold under the decree on or before the first Monday in December next, and may possibly bring that sum; but as the sale will be for cash, he is of the opinion it will not command more than two-thirds of it. The proceeds will be applied to the credit of the balance due on Hogan's debt, which is $11,822 79.

(e) These lots were mortgaged by Benjamin Vincent and his wife to John B. Hogan, to secure the payment of a debt of $4,500 due to him by said Vincent. This mortgage, Mr. Elliot says, was not legally assigned to the United States, but was turned over as collateral security by Hogan, under the express understanding that the United States were to have the benefit of it; and his predecessor received on the 15th March, 1828, in part payment thereof, the sum of $1,000. He did not, however, institute legal proceedings for the recovery of the amount yet due on it. The Hon. W. R. King represented to the Solicitor of the Treasury that this property would sell to better advantage on a credit than for cash; upon which the Solicitor instructed the attorney, John Elliot, January 3, 1831, that if he was of that opinion, to sell it on a credit of one, two, and three years, or for one-fourth cash, and the residue on one, two, and three years credit, with interest, the payments to be secured to his entire satisfaction.

(f) The United States attorney for the northern district of Alabama, Byrd Brandon, in his letter, dated October 2, 1830, says, General John Brahan, receiver of public moneys at Huntsville, executed two bonds for $40,981 60 each, dated the 23d October, 1819, payable at nine and eighteen months after date; to secure the payment of which, he at the same time executed a deed of trust to Obadiah Jones, Clement C. Clay, John W. Walker, Le Roy Pope, and John Reed, as trustees for the United States, for a considerable quantity of real and personal property. He is not able to state how much of this property has been converted into funds by Colonel Pope; but believes the land has all been disposed of except 140 acres, which he describes as being part of the northeast quarter of section 2, in township 4, range 1 west. What its probable value may be he does not state.

(g) These lands were mortgaged to the United States by Mr. Strother, June 22, 1826, for the purpose of securing a debt due from him to the United States, as receiver of public moneys, of $32,830 55. The debt has been reduced, by subsequent statements at the Treasury, to $20,631 86. In a letter received from R. A. Ewing, clerk of the United States court for the district of Missouri, dated the 10th October, 1830, in which he gives a full description of this property, he says a bill in chancery was filed in that office by the United States district attorney on the 28th January, 1829, to have this mortgage foreclosed.

(h) George C. Sibley was a surety on certain custom-house bonds; and at a sale of his property, made by the United States marshal to satisfy the debt, these five tracts of land were bid in to the United States, at the prices stated, by Beverly Allen, the former United States agent. The present agent, George Shannon, says, in his letter of the 29th November, 1830, that his information in relation to the property is so vague and uncertain that he can give no satisfactory opinion as to its present value. He does not, however, believe it will bring the sum given for it, $6,680. He thinks, from its local situation, that there is no prospect of its appreciating in value, and that it ought to be sold. Sale ordered accordingly by the Solicitor of the Treasury.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
T. Douglass, No. 1 (a)...	1 lot, 120 feet front by 130 feet deep.	Missouri	St. Louis.....	St. Louis.....	G. Shannon, U. S. attorney, and B. O. Fallan.	$2,600 00	$4,000 00
Jas. Kennerly, No. 2 (b)..	1 lot, 28 feet, English measure, by 150 feet deep, French measure.	....do	....do	....do	.....do	4,500 00	6,000 00
Jas. Kennerly, No. 2 (c)..	1 lot, 150 feet front by 30 feet deep.	....do	....do	....do	.....do	400 00	.....
Jas Kennerly, No. 3 (d) .	1 lot of ground, 28 feet front by 50 feet deep.	....do	....do	....do	.....do	345 00	2,000 00
Thos. McKnight, No. 4 (e)	1 lot, 38 feet front, 150 deep, on the bank of Missouri river.	....do	....do	....do	.....do	805 00	2,000 00
Thos. McKnight, No. 5 (f)	1 lot, 60 feet front by 150 feet deep.	....do	....do	....do	.....do	100 00	Not stated.
J. McKnight, dec., No. 6 (g)	1 lot, 60 feet front by 300 feet deep.	....do	....do	....do	.....do	71 00	Not stated.
Joseph Philipson, No. 7 (h)	First. Two equal undivided fourth parts of six lots of ground, Nos. 1, 2, 3, 4, 5, and 6, forming a square adjoining the city of St. Louis.	....do	....do	Near St. Louis.	.....do	1,552 00	
	Second. Undivided third part of four lots, Nos. 5, 6, 7, and 8, on the bank of Mississippi river, north of St. Louis.	....do	....do	....do	.....do	100 00	
	Third. Two lots, Nos. 33 and 34, each 60 feet front by 40 deep, in the city of St. Louis.	....do	....do	....do	.....do	205 00	Not sta'd.
	Fourth. Lot No. 3, 60 feet front by 170 feet deep, in St. Louis.	....do	....do	....do	.....do	51 00	
	Fifth. Four lots, each 60 feet front by 121 feet deep, Nos. 9, 10, 11, and 12, in St. Louis.	....do	....do	....do	.....do	85 00	
	Sixth. A tract of land, 3,000 arpents, in St. Louis city.	....do	....do	....do	.....do	10 00	
Thomas Brady, No. 8 (i)	Half of a lot, 40 by 75 feet, a dwelling-house thereon.	....do	....do	St. Louis.... .	.....do	200 00	600 00
A. L. Langham, No. 9 (k)	First. A tract of land, 104½ arpents, Big Prairie west of St. Louis.	....do	....do	....	.....do	625 00	
	Second. A tract of land, 74.35 acres, three miles northwest of St. Louis.	....do	....do	.....	.....do	400 00	
	Third. A tract of land, 80 arpents, in the prairie.	....do	....do	.....	.....do	700 00	3,000 00
	Fourth. A tract of land, 100 arpents, in the prairie.	....do	....do	.....	.....do	300 00	
	Fifth. A tract of land, 40 arpents, in the prairie.	... do	....do	.....	.....do	100 00	

(a) On this lot there are two tenements—one large brick house, rented for $20 per month; and one smaller dwelling, rented for $12 per month.
(b) On this lot there is a brick store and dwelling-house, now rented at $500 per annum.
(c) On this lot is a row of one-story brick buildings, called Jones's row. This property is valuable and productive; but the title of the United States is considered by the agent as worth nothing.
(d) This lot adjoins the one described above as renting for $500 per annum: both lots together constitute a lot of 200 feet deep by 28 feet wide. They are estimated to be worth $8,000; and it is believed that they will command a higher price if sold together than they would if sold separately.
(e) This lot has on it a stone warehouse; but being rather out of the way of business, it remains vacant.
(f) A stone dwelling-house and other improvements on this lot. It has never been in possession of the agent of the United States; and their claim to it under the purchase is supposed to be very doubtful. Mr. Shannon says this property is very valuable.
(g) This lot is said to be vacant; and the title supposed by Mr. Shannon to be not good.
(h) All the interest of the United States in the six lots first described, and all their interest in the four lots, Nos. 9, 10, 11, and 12, had been sold, says Mr. Shannon, by Colonel Strother and other agents appointed for that purpose, previous to the date of his late conveyance to the United States: which fact was not communicated by Col. Strother to the agents, nor was it known to them at the time he made the conveyance to the United States. The title to the tract of land containing 3,000 arpents is considered of no value. The property *secondly*, *thirdly*, and *fourthly* described, (being unimproved, and some of it of equivocal title,) Mr. Shannon says we (the agents) are unable to estimate satisfactorily to ourselves. We concur, however, in the opinion that it should be sold for what it will bring. Sale ordered accordingly by the Solicitor of the Treasury.
(i) This property under rent for $3 a month.
(k) These five tracts together constitute the Langham place, having upon it a frame dwelling-house, stable, two small out-houses, log kitchen, some fruit trees, and about sixty acres of it enclosed. The buildings are all in a state of dilapidation, and the fences so far decayed as to be nearly useless. The rent will not put it and keep it in tolerable repair. It is now rented for $100 per year. John Malanphy holds a mortgage on an arpent and a half wide by twenty arpents deep of it, inconveniently dividing the improved portion of the tract, to secure the payment of a debt more than double the land mortgaged. This portion of the tract may be considered as worse than of no value to the United States, as it will probably injure the sale of the residue. Excluding that portion covered by Malanphy's mortgage, the residue, Mr. Shannon says, may bring some $8 per acre.

NOTE.—The whole of this property, from No. 1 to 9, was purchased by George F. Strother, agent for the United States, at sheriff's sale, and was conveyed to him in trust for the United States, the first parcel in the year 1823, the eighth in the year 1824, and the others in the year 1827, under several executions in favor of the Bank of Missouri, for the benefit of the United States, against the parties whose names are opposite to each number; which property was, by nine deeds signed and acknowledged by Mr. Strother the 16th July, 1830, conveyed to the United States, and were placed in the hands of George Shannon, United States attorney, and Benjamin O. Fallan, to whom the agency heretofore confided to Mr. Strother was, by the Secretary of the Treasury, on the 29th May, 1830, transferred. In their report to the Solicitor of the Treasury, dated November 12, 1830, from which the above entries are made, they say, from various considerations, they are of opinion that the whole of the property should be sold at auction, under certain restrictions, for cash.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
A. Gallatin, No. 1 (*a*)...	1 lot of ground, with a dwelling-house and other improvements thereon, 50 feet front by 120 deep.	Missouri.....	St. Louis.....	City of St. Louis	Edward Bates	$1,500 00	$2,000 00
Do....No. 2.....	1 lot of ground, 114 feet front by 135 deep, unimproved.	....do	....do	....do	.....do		600 00
Do....No. 3.....	1 tract of land of 80 arpents.	....do	....do	....	.....do		1,000 00
James McCloskey (*b*)....	Certain lands not described.	Michigan	.....	.....	Not stated..... ..	3,398 68	Not stated.
Conant and McCloskey, administrators of Otis Fisher, deceased. (*c*)	Certain property set off to the United States at appraisal, not described.	....do	....	.....	.....do	2,461 86	600 00
President, directors, and company, of the late Franklin B'k of Alexandria. (*d*)	Sundry real and personal property.	Dist. of Col....	Alexandria, &c	.....	Thomas Swann....	Not stated.	Not stated.
N. Ingraham & Sons, navy agents, Charleston, S. Carolina. (*e*)	Lots Nos. 21, 22, 23, 24, and 25, in the eastern section of the city of Washington.	Dist. Columbia.	Washington ...	City of Washington.	Not stated	30 29	30 29
C. L. Kaulkman (*f*)....	Lot No. 1, in square No. 902, containing 4,594 square feet; and lot No. 7, in square No. 951, containing 3,929 square feet.	....do....	....do.	....do.	Tench Ringgold ...	468 21	468 21
John Kurtz (*g*)	House, and lot of ground 85 feet front by 120 feet deep.	....do....	....do.	Georgetown ...	Thos Turner, collector of customs.	1,733 08	3,000 00
John Jackson (*h*).....	1 house and lot of ground...	....do....	Alexandria	Alexandria	Geo. Brent, collector of customs.	Not known	.....
Wm. N. Mills (*i*)	.....do.....do.	....do....	....do....	....do.	.....do.	....do.	.....
Not stated (*k*).....	.....do.....do.	....do....	....do....	....do.	.....do.	150 00	.....
Adam Lynn (*l*)	1 house and 2 acres of ground	....do....	....do....	....do.	.....do.	660 00	300 00

(*a*) George Shannon, United States attorney, in his letter, dated November 29, 1830, says: "On the 7th day of February, 1823, judgment was obtained against Abraham Gallatin, one of the sureties of John W. Thomson, late collector of internal revenue; the other surety, William C. Carr, was not sued, but he assumed the payment of one-half of the judgment, (which was for $3,000, the penalty of the official bond,) and Gallatin and wife, by their deed, dated January 1, 1825, conveyed this property to Edward Bates, of St. Louis, in trust, to secure to the United States the payment of the other $1,500 of the said judgment. The tract of land of 80 arpents has been sold by Mr. Bates and Mr. Gallatin to Dr. John Young, who resides on it, for $1,000. The sum of $500 of the purchase money has been paid to Mr. Gallatin, and $250 to Mr. Bates; and Dr. Young says he is ready to pay the other $250 so soon as he can obtain a title to the land. This balance, with the two lots in the city of St. Louis, he considers amply sufficient to pay Mr. Gallatin's debt to the government."

(*b*) The only information obtained in relation to this property is from a statement made by John Winder, the clerk of the United States district court, Missouri, October 7, 1830, furnished by John Leib, United States marshal, viz: "Judgment in favor of the United States, October 10, 1822, *vs.* James McCloskey, for $3,398 68 January 31, 1824, execution *venditioni exponas* returned into court without service, by direction of the attorney for the United States, he having been authorized to stay proceedings on defendant's turning over certain property, to wit, *lands*, which was done, and title made to the United States."

(*c*) In relation to this property Mr. Winder says: "Judgment in favor of the United States, September 10, 1823, *vs.* Conant and McCloskey, administrators of Otis Fisher, deceased, for $2,461 86. October 11, 1824, execution returned, 'property set off to plaintiffs at appraisal.' Property sold at auction, by direction of the Treasury Department, for $600, to Col. Josiah Snelling." John Leib, the present marshal, in his letter, dated October 8, 1830, says Thomas Rowland, the former marshal, being absent from home, and not expected to return for some short time, he is unable to give any further information in relation to these cases; but as soon as Mr. Rowland returns, will apply to him for information relative thereto.

(*d*) Thomas Swann, United States attorney, says, in his letter of October 9, 1830: "The late Franklin Bank of Alexandria, some time in the year 1822, made a transfer to William H. Crawford, then Secretary of the Treasury of the United States, of all their property and debts, to secure the payment of the sum of $48,000, due from that bank to the United States. The terms and conditions upon which this transfer was made will more fully appear in a deposition which I gave to a committee of Congress in the year 1824, a copy of which I here enclose. Since that deposition was given, I have tried the suits at law upon the indorsed notes therein mentioned; and after a full argument of one of the cases, the court gave judgment against the United States, being of opinion that after the dissolution of the bank the blank indorsements upon the notes could not be filled up so as to authorize suits to be brought in the name of the United States. In consequence of this decision I varied my course of proceeding, and instituted a suit in chancery against all the debtors of the bank, as well the stock debtors as the others; which suit is now pending in the Alexandria court. Among the property belonging to this bank were some lots in Alexandria, given to secure the payments of debts due to the bank. I cannot state the extent or value of this property, but I believe its value cannot exceed $2,000. I am not aware of any other real estate in which this bank is interested, except a tract of land in the county of Prince William, in Virginia, about which a suit is now pending in the Fredericksburg court, under the care of Messrs. Barton and Berry." The amount of claims assigned by the bank is stated to be, according to the list filed with the bill in chancery, $136,222.

(*e*) Tench Ringgold, United States marshal, in his letter, November 9, 1830, says these lots were bid into the United States by Edward Fox, jr., agent, appointed for the United States by William H. Crawford, then Secretary of the Treasury, at public sale, by authority of a writ of *fieri facias*, issued from the district court of common pleas in the State of South Carolina, at the suit of the United States against Nathaniel Ingraham and Henry Ingraham, in the year 1821, for the sum of $30 29. He says they are at this time of small value, and recommends that they be put under the care of Joseph Elgar, Commissioner of Public Buildings, &c.

(*f*) This property was assigned to the United States district attorney for Maryland, for the use of the United States, in the year 1818, by Charles L. Kaulkman, to secure the payment of certain duty bonds given by him, and was, by direction of Joseph Anderson, esq., Comptroller of the Treasury, on the 3d of February, 1823, sold by Tench Ringgold, United States marshal, to a certain James Spratt for the sum of $319 61½. He, however, died shortly after he purchased the property, and his widow, who is in the possession of it, has not, as yet, complied with the terms of sale and purchase by paying the purchase money, which, with interest thereon up to the 3d of November, 1830, amounts to the sum of $468 21½. Mr Ringgold, in his letter referred to above, says: "Mrs Spratt has refrained from paying the money because (as she alleges) of a lawsuit existing between her and the heirs of her late husband, which has, however, been lately settled by the Supreme Court. She has, he says, begged indulgence for a few weeks to enable her to consult her counsel, Messrs. Key and Jones, promising him if they advised her to pay the debt to do so very soon."

(*g*) Thomas Turner, the collector of the customs, says, in his lett-r, dated October 9, 1830, "this property was mortgaged to the United States by John Kurtz, merchant of this place, several years ago, during the lifetime of John Barnes, my predecessor in office, to secure the payment of bonds due by said Kurtz and a certain Washington Bowie to the amount of $1.633 08; that its present value is about $3,000; that the sale of it has been postponed from time to time through applications by Mr. Kurtz to the agent of the treasury, he having regularly paid up the interest on the bonds to the 29th November, 1829; that Mr. Kurtz has been offered lately $3,000 for the property, but he asks $3,400 for it; which sum he expects he will procure very shortly, and will then pay the debt due."

(*h*) George Brent, the collector of the customs, says this property was conveyed to the United States by Mr. Jackson, but for what consideration is unknown to him. It is subject to a ground rent of $250, and is now under rent for $120 per annum. If it was not subject to ground rent he thinks it would be worth $1,200. The conveyance made by Jackson, he says, is not upon record.

(*i*) Mr. Brent says this property was conveyed to the United States by William N. Mills and wife, for what consideration is also unknown to him. It is subject to a ground rent of $51 25, and is now under rent at $42 per annum. If it was not subject to ground rent he thinks it would be worth $700.

(*k*) Mr. Brent says this property was bid in to the United States in 1823 by a former collector of the customs for $150, at a sale of the marshal of this district, but the amount of debt for which it was sold, and against whom the debt was, he does not state. He says it is subject to a ground rent of $16, and is now under rent for $24 per annum. It does not appear, however, he says, that any claim for ground rent has ever been made since the late collector purchased the property. If it was not subject to ground rent he thinks it would be worth $300.

(*l*) This property was bid in to the United States in 1823 by a former collector of the customs for $660, at a sale of the marshal of this district, on account of the debt (amount not known) due to the United States by A. Lynn Mr. Brent says: "I have been offered $300 cash for this property, which I consider its full value." The Solicitor directed Mr. Brent, October 16, 1830, to sell the property for what he had been offered, which was accordingly done; and a deed therefor has since been given to the purchaser by the Solicitor.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
Camillus Griffith (*a*)	Lands and lots of ground, &c, in Kentucky, Louisiana, Virginia, and the town of Alexandria, District of Columbia.	.....	.....	.....	Humphrey Peake and T. Swann.	Not stated..	.....
J. Fitzgerald, deceased, late collector of customs. (*b*)	Lots, &c., in the town of Alexandria, and lands in the State of Ohio.	.....	.....	... .	.....do	Not known.	.....
F. Marsteller, late quartermaster. (*c*)	House, lot, &c.....	Dist. Columbia.	Alexandria	Alexandria	E. J. Lee, clerk circuit court.	....do.	.....
Wm. H. Dundas (*d*)	Property of various descriptions.	....do....	....do.	....do.	.....	....do.	.....
L. Rice and the Columbian College. (*e*)	2 brick buildings on lots Nos. 1 and 2, in square No. 504.	....do.....	Washington ...	City of Washington.	Thomas Swann....	$14,000 00	$2,500 00
John W. Kearney, Wm. McFarlane, and R. L. Patterson (*f*)	No. 1. 1 lot of ground on 8th avenue, between 18th and 19th streets, 146 feet on the avenue, 114 feet on Fitzroy's road, on south side 242 feet, and on 19th street 229 feet. No. 2. A lot on 19th street 147 9-12 feet, on Fitzroy's road 113 4-12 feet, on the northerly side 146 6-12 feet, and on the westerly side 90 9-12 feet.	New York.....	New York.....	City of New York.	Beverly Robertson .	.....	.....
John R. Murray (*g*)....1	One undivided fourth part of a tract of land, containing 22,725 acres.	....do.....	Oneida.....	.....	T. L. Ogden and B. W. Rogers.	.....	.....
Do 2	Sundry lots of land, containing in the whole 5,233 acres.	....do.....	St. Lawrence..	Near De Kalb..	.....do	.....	.....
William Ogden (*g*)....3	.....do.....do....	....do.....	....do.....	....do.....	.....do.....	.....	.....
Do.....4	One moiety of a tract of land, containing 10,725 acres.	....do.....	Oneida.....	.....	.....do.....	.....	.....
Do.....5	One tract of land, containing 2,000 acres.	....do.....	Genesee.....	.....	.....do.....	.....	.....
W. Ogden and J. R. [6 Murray. (*g*)	15 lots or parcels of land, containing in the whole 3,600 acres.	....do.....	Clinton.....	.....	.....do.....	.....	.....

(*a*) This property was conveyed in trust to Humphrey Peake, late collector of the customs, and Thomas Swann, United States attorney, by Camillus Griffith, who was committed to prison under several executions against him for $102,093 15, due from him to the United States as late contractor for supplying the army in the late war. A schedule of the property was furnished by Mr. Brent, and is filed in the Solicitor's office. The supposed value or amount of property therein not stated.

(*b*) This property was conveyed in trust to Humphrey Peake, late collector of the customs, and Thomas Swann, United States attorney, for the use of the United States, on account of the debt (amount not stated) due by Mr. Fitzgerald. Mr. Brent says: "This property, I understand, has been sold; part of the money appears, from the records of this office, to have been paid into the treasury; the balance yet remains to be accounted for."

(*c*) This property, Mr. Brent says, was conveyed to the United States on account of the debt (amount not known) due by Mr. Marsteller. He states it was under the care of Edmund J. Lee, clerk of the United States circuit court, and, from information he has received, believes a part of it has been sold.

(*d*) Edmund J. Lee, clerk of the United States circuit court, Alexandria, says, in his letter, dated October 18, 1830, "that on the 29th of May, 1830, William H. Dundas, then residing in Baltimore, made a deed, conveying to William H. Crawford, Secretary of the Treasury, and his successors in office, in payment of a debt (amount not stated) due by him to the United States on duty bonds, on which judgments had been rendered in the United States courts in Maryland, and on which executions had issued, and he taken into custody, all his real, personal, and mixed estate, and particularly one-eighth undivided part of the estate of John Dundas, late of Alexandria, and to which he was entitled as one of the children of the said John Dundas; which deed has been duly recorded." He says he is not able to state the amount of the judgments, the situation, or value of the property.

(*e*) This property was conveyed in mortgage deed to William H. Crawford, then Secretary of the Treasury, in the year 1820, by Luther Rice, to secure the payment of $14,000, due from the said Rice to the United States; and, subsequently, by deed, bearing date October 13, 1828, it was conveyed to the United States by the said Luther Rice, Robert B. Semple, president of the board of trustees, and Enoch Reynolds, treasurer of the Columbia College, in the District of Columbia, for the consideration of the above-mentioned sum of $14,000, for the payment of which it had been mortgaged. This property has since been sold by the district attorney, who had been appointed agent for the purpose, to William A. Davis, of Washington city, by written agreement, dated August 4, 1830, on the following terms and conditions, viz: The said Davis is forthwith to put repairs upon the buildings and premises to the amount of at least $1,000, and is to furnish to the Solicitor of the Treasury the proper and necessary vouchers for the said expenditure; and he is to occupy the said premises from the period of his obtaining possession of the same, for and during the term of two years. At the expiration of the said time of two years, if the said Davis shall then decide to become the purchaser of the said property, he is to have the privilege of making the said purchase at the price of $2,500, to be then paid in cash; and upon the payment being so made, the United States are to convey the said property to the said William A. Davis, in fee. If the said Davis should not, at the expiration of the said two years, decide to become the purchaser, then he is to restore the same to the United States, with such improvements and repairs as he may have made upon the same; it being understood that the improvements and repairs so made shall be received in lieu of the rent of the said premises for the period aforesaid, in case the said William A. Davis should not become the purchaser. It is further understood and agreed that the said Davis is to pay the taxes upon the said premises during the period aforesaid.

(*f*) The debt in this case is $7,045 12, on sundry custom-house bonds. On February 18, 1829, this property was assigned to Beverly Robertson, to pay, first, incumbrances; second, the debt due to the United States; and third, confidential creditors, &c. On No. 1 there are extensive buildings and machinery for refining sugar, and it yields a net rent of $1,700 a year on a lease, one year of which, from January 1, 1831, has expired. This property is subject to incumbrances to the amount of $14,000. It is estimated by the assignee to be worth $20,000. Several attempts have been made to sell it at auction and at private sale, but owing to the depressed state of that kind of property, no bid was made approaching its value. No. 2 produces an uncertain rent of about $200 a year; the buildings are of little value, and the tenants of the lowest order. The assignee says as this property produces more than interest on the specific incumbrances and is sure to improve in value, it is deemed expedient to delay for the present the sale of it. Mr. Hamilton, the United States attorney, is of opinion that the interests of the United States would be promoted by a sale of the property and a distribution of the proceeds. Sale ordered by the Solicitor accordingly.

(*g*) John R. Murray and William Ogden were indebted to the United States on custom-house bonds, which fell due from February to May, 1817, in the sum of $31,858 92. On July 16, 1816, they became insolvent and stopped payment; and on May 7, 1817, they conveyed or assigned to Thomas L. Ogden and B. W. Rogers, in trust, for the benefit of all their creditors, the property numbered one to seven, inclusive; for a particular description of the metes and bounds of which, see three several deeds in Mr. Hamilton's report, all bearing date May 7, 1817. The said property to be sold and paid over to the creditors ratably and proportionally. On January 28, 1818, Murray and Ogden assigned all the rest of their property to William Baird and Henry Barclay, in trust, for the benefit of their creditors, or all such as should, upon receiving their dividends of the proceeds, execute releases. In July, 1820, they applied for the benefit of the act to abolish imprisonment for debt in certain cases, and in October following were discharged.

Mr. Hamilton says that of the amount due the United States on custom-house bonds, Major and Gillespie, who had signed said bonds, have paid about $27,000, leaving $6,000 still due; that various suits have been brought on these trusts; and that it had been decided that the United States stood only upon a footing of other creditors as respects the lands herein specified, from Nos. 1 to 7; but that out of the funds arising from the second assignment to Bayard and Barclay, the United States must be first paid. The whole is before a master in chancery. He says that the United States may insist that the amount be taken under this decree, or file a new bill, asserting the right of priority, in the courts of the United States.

STATEMENT—Continued.

Names of debtors or former owners.	Tracts of land, &c.	Where situate.			Trustees or agents.	Appraised value.	Present value by estimation.
		State.	County.	Town.			
W. Ogden and J. R. [7 Murray. (a)	One tract of land, containing 4,010 acres.	New York.....	Genesee.....	....	T. L. Ogden and B. W. Rogers.	.....	.....
Hugh K. Toler (b).....	2 lots of ground, 20 feet front by 100 deep, 9th ward.	....do.....	New York.....	City of New York.	....	Not stated..	$600 00
Do.....	1 lot of ground, No. 12, Ridge street.	....do.....	....do.....	....do.....	.....	....do.....	700 00
Do.....	1 lot of ground, 50 feet front by 330 deep.	....do.....	Orange.....	Newburg	.....	....do.....	Not stated.
Dominick Lynch, Henry Lynch, and Sarah Lea. (c)	Sundry tracts of land and personal property, described and set forth in three assignments.	....do.....	New York.....	... .	....	.....	.....
Joel Wolfe, Mordecai Marks, and John W. Forbes. (d)	Certain leasehold property, situated in Orange street, in 8th ward.	....do.....	....do.....	City of New York.	Udolpho Wolfe and S. B. H. Judah, of the city of New York.	$8,316 00	2,500 00

(a) See note (g) of the preceding page.

(b) This property was conveyed to the United States by H. K. Toler, August 7, 1821. He owed to the United States $16,888 for duty bonds; had been sued to judgment, and committed to prison, and was released by the President. He executed also, on August 8, 1821, a general assignment of all his estate, real, personal, and mixed; to which assignment was appended a schedule or list of persons indebted to him on book account; also, sundry promissory notes, a detailed account of which is given in Mr. Hamilton's report. The two lots are in the suburbs of the city, and supposed by Mr. Hamilton to be worth $300 each. The lot on Ridge street has been sold for taxes for twenty-one years, and the reversion subject to the present estate supposed to be worth about $700. He has written to the clerk of Orange to obtain information in relation to the lot in Newburg, but has not been able to get an account of it.

(c) The debt due to the United States in this case is $62,951 04; to secure which three assignments or deeds of trust were executed on May 3, 1826, by Dominick Lynch, Henry Lynch, and Sarah Lea, the debt being for custom-house bonds, executed by the former as principal, and the two latter as sureties. These deeds of trust embraced sundry houses and lots in the city of New York, sundry goods and chattels and personal property in said city, sundry lots of land in the village of Rome, county of Oneida, New York, and the interest of said Dominick Lynch; for a particular and detailed description of all which reference is made to the said deed of trust. The personal goods and chattels amounted, per inventory, to $31,987, and have been disposed of by an agent of the trustee, who is now dead. Very little has as yet been realized from the personal property, and a suit is pending for a discovery and amount. All the property conveyed by Sarah Lea has been sold, except eight acres of land in the village of Rome; and the net proceeds, amounting to $18,182 42, applied to the payment, in part, of the claim of the United States. The entire estate of Dominick Lynch (the father) is estimated at $115,160. The assignee of Dominick Lynch is entitled to one undivided fourth part of this sum, subject to an annuity of $300 to Mrs. Dominick Lynch, seventy-two years of age, and in good health; and also an annuity of $350 per annum, to be paid to four of the heirs of D. Lynch, deceased, (the United States representing one,) during the life of Louis Sibourd, who is very aged; and subject, also, to the payment of $4,000 to Alexander Lynch, at the death of either the said Sibourd or Mrs. Lynch, whichever shall happen first. The share of Henry Lynch is estimated at about $23.000, subject to the payment of $10,000, with interest, to his father's estate. The amount to which his assignee will be entitled supposed to be about $10,000; it would probably produce, if sold at once, $7,000. The eight acres of land assigned by Sarah Lea and unsold are supposed to be worth $800, and the district attorney says ought to be sold at once. These eight acres ordered to be sold by the Solicitor of the Treasury.

(d) The debt due to the United States in this case is $8,316. on custom-house bonds, falling due from March to June, 1830; to secure the payment of which a deed of trust for this property was executed October 3, 1829. Mr. Hamilton says the property, he supposes, may be worth $2,500 and that the trustees have been called upon to dispose of the trust estate in pursuance of their trust.

RECAPITULATION.

	Appraised value.	Present value by estimation.
Amount in the State of—		
Maine	$15,617 24	$6,595 00
New Hampshire	1,696 52	1,200 00
Massachusetts	31,966 92	13,700 00
Connecticut	2,100 00	450 00
New York	42,775 29	7,100 00
New Jersey	84,959 06	9,959 06
Pennsylvania	10,967 68	11,550 00
Maryland	20,698 30	17,698 30
Virginia	11,322 00	9,222 00
North Carolina	11,045 74	10,500 00
Ohio	1,590 00	1,590 00
Kentucky	Not stated.	Not stated.
Tennessee	6,700 00	12,900 00
Georgia	1,692 24	2,000 00
Indiana	61,420 00	61,420 00
Illinois	698 29	698 29
Alabama	23,907 08	16,519 69
Missouri	54,359 55	46,831 86
Michigan	5,860 54	600 00
District of Columbia	17,041 58	6,298 50
Aggregate amount	406,418 03	236,832 70

21st Congress.] No. 904. [2d Session.

APPLICATION OF ILLINOIS FOR A GRANT OF LAND FOR THE IMPROVEMENT OF KASKASKIA RIVER.

COMMUNICATED TO THE SENATE FEBRUARY 15, 1831.

To the honorable the Senate and House of Representatives of the United States:

The general assembly of the State of Illinois most respectfully represent to your honorable bodies that at the session of the said assembly, in the year 1828–'29, an act was passed directing an examination of the Kaskaskia river, from the seat of government of the State to the confluence of said river with the Mississippi, and also making an appropriation of four thousand dollars to remove the obstructions in said river occasioned by drift-wood, snags, and overhanging timber, and that a board of commissioners was appointed to superintend the work. Your memorialists further represent that said commissioners have caused the river to be carefully examined, and have made considerable progress in removing the obstructions above named; and that it appears from the report of the board of commissioners to this general assembly, dated December 18, 1830, that the river could be made navigable at all seasons of the year by erecting the same into a slackwater navigation by means of dams and locks; and also that there are many excellent sites for the erection of such dams, and for water-works. The commissioners in their report also state that the sale of the water privileges upon the river would produce a fund sufficient to defray the expense of erecting such slackwater navigation, and it is to this particular subject that the attention of your honorable bodies is most respectfully invited.

The estimated length of the river from the seat of government of the State of Illinois to the Mississippi, as appears by the report of the commissioners, is three hundred and fourteen miles, including the meanders of the river, a part of which will not, however, require the aid of the artificial navigation above named. The river passes through a fertile country, one that is susceptible of great improvement, and that will sustain a numerous population. This stream already forms the boundary of, or passes through, eight or nine counties of the State, and if made navigable, as it passes through the centre of a large territory, would immediately benefit the inhabitants of about twelve or fourteen counties, containing at this time a population of thirty or forty thousand, and rapidly increasing. It is, therefore, a matter deeply interesting to the State and a large portion of her citizens that this river, connecting by water communication the seat of government of the State with the Mississippi, should be improved and rendered subservient to the purposes of commerce at all seasons of the year. Nor can it be doubted that the completion of the work would result to the advantage and "common benefit" of the United States, in augmenting and hastening the sales of public land contiguous to the river, and in furnishing additional incentives to emigration, and to the general improvement of the adjacent territory.

Your honorable bodies are aware that a large proportion of the land within the defined limits of Illinois is yet unappropriated and under the control of the United States, and is, therefore, not subject to taxation by which revenue could be derived for the internal improvement of the country; and this consideration greatly heightens the claim on the part of the State, and increases the confidence of your memorialists in making this appeal to the magnanimity and justice of the Congress of the United States. It is under the consideration stated that your memorialists respectfully solicit of your honorable bodies a donation of each alternate section of unappropriated land on each bluff of said river, and one entire section at such place or places where it may be necessary to erect a dam for the purpose of slackwater navigation upon said river, from Shelbyville, situate upon the same, to the confluence of said river with the Mississippi, to be selected and disposed of under the authority of the legislature of the State, for the sole purpose of improving this river in the manner herein stated. Therefore—

Resolved by the people of the State of Illinois, represented in the general assembly, That our delegation in Congress be requested to use their best exertions to procure the passage of an act by Congress making the abovementioned grant of land to the State, and for the objects herein specified.

WM. LEE D. EWING, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

January 27, 1831.

21st Congress.] No. 905. [2d Session.

APPLICATION OF ILLINOIS FOR A GRANT OF LAND FOR THE IMPROVEMENT OF THE EMBARRASS RIVER.

COMMUNICATED TO THE SENATE FEBRUARY 15, 1831.

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

Your memorialists, the general assembly of the State of Illinois, represent to your honorable bodies that the Embarrass river, which empties into the Great Wabash, eight miles below Vincennes, waters a large portion of the eastern section of Illinois, and by the application of a small sum could be made navigable for six months in the year. The length of this stream, from its mouth as high as it is susceptible of improvement for navigation, is about one hundred and fifty miles to Shaw's Mills. The territory watered by it consists, among others, of the counties of Lawrence, Crawford, and Coles, the seats of justice of two of them are immediately adjacent to said river, and those villages will rapidly improve, and should the navigation of the river be improved, will be places of deposit to a considerable extent for the produce of the country.

It is further to be taken into consideration that the Great Wabash, for the distance of two hundred miles above the mouth of the Embarrass river, is navigable for steamboats, and that the improvements of the Embarrass would add to the commercial importance of the section of country already named. The counties bordering on the Embarrass and its vicinity are well adapted to the raising of stock and grain, and an improvement of the river would furnish a means of transportation to foreign markets for the produce of our citizens.

Congress will also observe that a large portion of the territory upon the river still remains under the control of the United States. Your memorialists, therefore, ask of your honorable bodies to pass an act appropriating thirty-six sections of land to be selected upon the river Embarrass, and disposed of under the authority of the State, to be applied solely to the improvement of the Embarrass river.

WM. LEE D. EWING, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

JANUARY 26, 1831.

21ST CONGRESS.] No 906. [2D SESSION.

APPLICATION OF ILLINOIS FOR THE GRANT OF AN ADDITIONAL SECTION OF LAND IN EACH COUNTY OF THAT STATE FOR SCHOOLS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 21, 1831.

Resolved by the house of representatives, (the senate concurring herein,) That our senators in Congress be instructed, and our representative requested, to use their exertions to procure the passage of a law by Congress appropriating one additional section of land in each township for the purpose of education, to be selected by a commissioner to be appointed by the legislature of this State in each county for that purpose.

WM. LEE D. EWING, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

FEBRUARY 1, 1831.

21ST CONGRESS.] No. 907. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 23, 1831.

Mr. DENNY, from the Committee on Private Land Claims, to whom was referred the petition of Constant Brean, reported:

That the petitioner sets up a claim for eighteen and a half arpents of land by eighteen arpents front, adjoining to and in the rear of a tract of land already in his possession, eighteen arpents front by forty arpents in depth. In support of this claim, the petitioner produced several papers purporting to be evidence of his title to the land in question. The title to eighteen arpents front by forty in depth was confirmed to said Constant Brean, upon the application of Pierre Brussard, who claimed it in the name of the petitioner, but without his knowledge at the time. Of this fact there is no evidence except the declaration of petitioner. The committee think that as the usual quantity of land claimed as a settlement right was regularly confirmed to and accepted by said Constant Brean, and as no evidence was submitted to them to establish the fact that he did not accept it as his whole legal claim to which he was legally entitled, they see no reason why an additional grant should be made to him under the circumstances, nor that a pre-emption right to the quantity claimed should be given to him, particularly as the committee are not aware that the petitioner cannot make application to the proper land office, and thus secure the land agreeably to acts of Congress.

The committee, therefore, ask to be discharged from the further consideration of the subject.

21ST CONGRESS.] No. 908. [2D SESSION.

STATEMENT OF THE SALES OF CERTAIN LANDS AT THE LAND OFFICE IN NEW ORLEANS IN NOVEMBER, 1830, AND APPLICATION FOR THE POSTPONEMENT OF SAID SALE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 23, 1831.

TREASURY DEPARTMENT, *February* 22, 1831.

SIR: In compliance with a resolution of the House of Representatives of the 14th instant, directing the Secretary of the Treasury to "communicate to the House a copy of the correspondence had last year with the representative of the first district of Louisiana relative to the public sales of land which took

place at New Orleans in November last, with a copy of the record of the sales," I have the honor to transmit the papers required, marked A, B, and C.

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

S. D. INGHAM, *Secretary of the Treasury.*

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

A.

Copy of the letter from Hon. E. D. White to the Secretary of the Treasury, with copies of the papers therewith transmitted.

DONALDSONVILLE, *Louisiana, September* 18, 1830.

SIR: In consequence of the death of Mr. Graham, Commissioner of the General Land Office, I am induced to use the freedom of addressing immediately to the head of the Treasury Department a communication on a subject of the deepest concernment to the people of Louisiana.

By the proclamation of the President of the United States, of June 5, 1830, nine fractional townships of land are advertised to be sold at the land office at New Orleans, on the 1st Monday of November next, comprising lands lying along the margin of the Mississippi, or contiguous thereto.

In running off those townships the surveyors have returned as vacant all lands the title to which did not appear to have been confirmed by Congress, insomuch that about one-half the tracts to be offered for sale under the proclamation are composed of lands held by individuals under Spanish titles, joined to a possession of half a century or more, and on which are many of the oldest and most valuable improvements of the State. It is true, perhaps, that they have not been registered, and it is to be regretted. But it ceases to be a subject of much surprise when one reflects on the character and customs of the people on their first accession to the government of the United States, to whom American institutions were wholly new, and who, probably, were never apprised of the necessity of entering their claims with the register and receiver whilst those officers kept books open for that purpose; or if, in the quietude of their agricultural pursuits, they ever did vaguely catch the rumor of an office for the perfecting of land titles, they never imagined it applicable to theirs, derived from another government, and supported by an uninterrupted possession, running back beyond the memory of man.

There is another branch of the subject which seems to me to deserve some consideration. By the usages of the French and Spanish governments, lands were generally conceded with a given number of arpents front on the water-courses, and extending back forty arpents. In some instances, when asked by the grantee, a second depth of forty arpents, commonly called the double concession, was granted. In point of fact, the second forty arpents or double concession was considered as an appendage or usufruct to the first tract. Since the right of sovereignty passed to the United States, Congress has, at different times, enacted laws giving to the front proprietor a right of pre-emption for the vacant land adjacent to and back of his front tract, not to exceed in quantity the number of acres contained in the first concession. Wishing to avail themselves of the benefit of those acts, a great number of persons owning front lands applied to the register and receiver, and obtained certificates of purchase for the back lands. At that time no general survey and connected plat of the country had been made, so that it was impossible to designate the number, the metes, and the bounds of the several lots purchased. Successive principal deputy surveyors of the district proceeded to locate for the claimants the back lands thus purchased, and, in so doing, exercised a certain kind of discretion in the mode of location, in order to accommodate, as far as might be, the different contiguous claimants. For those surveys considerable sums of money were paid by the respective individuals, who were furnished with plats made and approved by the principal deputy surveyors of the United States. Latterly the surveyors of the United States, acting under instructions from the General Land Office, have proceeded to resurvey the same back lands, without any regard to former doings, pursuing a wholly different rule and mode of location. The consequence is, that numerous tracts of those back lands, which were bought many years ago from the United States, and located by authority of the United States officers, and which have since changed hands, are now located differently, are lopped and curtailed, and lots are formed and noted as vacant, including portions of the same lands which individuals have been taught to regard as their own, by purchase from government.

Another fact worthy of notice is, that instances are not unfrequent of tracts heretofore bought of the United States that are returned as vacant, because, perhaps, no order of survey had been issued by the register and receiver, or from some other pretermission on the part of the officers of government; whereby those tracts are now brought within the purview of the proclamation of the President, ordering the said townships to be sold on the first Monday of November next.

When I became impressed with the importance of submitting the subject to the consideration of the department, the only means which I could discern of obtaining proof of the facts and circumstances was to address a letter to the principal deputy surveyor of the district, in whose answer, accompanying this communication, the exposition I have made receives full corroboration.

If the sale should take place as contemplated, it is impossible to foresee the extent of the confusion and the injury it may occasion. It would, in fact, almost amount to a subversion of social order in this country.

For these reasons, on behalf of the people of Louisiana, I would respectfully submit the expediency of suspending the sale advertised to take place on the first Monday of November until the subject-matter may have had deliberate consideration, or may have been submitted to the decision of Congress, if needs be.

I humbly opine that such a course would best subserve the intentions of government, which is said to have for its object the welfare and happiness of the people, and at the same time be most permanently advantageous to the national coffers.

I beg leave respectfully to suggest that if, in the opinion of the department, it be practicable to avert the calamity which threatens us, it will be too late for relief unless the subject obtain immediate attention, and prompt instruction be forwarded to the register and receiver at New Orleans.

With the highest consideration, &c.,

E. D. WHITE.

Hon. S. D. INGHAM, *Secretary of the Treasury.*

DONALDSONVILLE, *September* 16, 1830.

SIR: If there be no perceptible impropriety in the inquiry, I would beg of you to inform me by letter whether it is not a fact within your knowledge that in all or most of the townships of land advertised to be sold at the land office at New Orleans on the first Monday of November next a great number of the tracts returned as vacant are held and occupied by old inhabitants; some under complete Spanish grants, issued long before the change of government, and others under purchase from the United States by virtue of laws of Congress. Have you not seen a great many of those grants which appear to be complete titles? and have you not seen many instances of receipts issued by the United States commissioners for tracts now returned on those township plats as vacant?

Yours, respectfully, &c.,

E. D. WHITE.

Mr. A. F. RIGHTOR, *Principal Deputy Surveyor of the Southeastern District of Louisiana*

PRINCIPAL DEPUTY SURVEYOR'S OFFICE, *Donaldsonville, September* 16, 1830.

SIR: In answer to your letter of this day, I see no impropriety in stating that, in the course of my operations as principal deputy surveyor of this district, I have had occasion to see original title papers which appear to me to be complete Spanish grants, emanating long before the change of government, for a great many of the tracts of land which have been surveyed and marked on the township plats alluded to by you as vacant land, and which are advertised for sale on the first Monday of November next.

It is my opinion that all, or very nearly all, the tracts situated on the Mississippi or its branches, many of which have been surveyed and marked on the plat as vacant land, have been held by the present claimants or their vendors for a period beginning back far beyond the cession of Louisiana to the United States, and that most of them have either complete or incomplete Spanish grants, the registry of which was neglected whilst the books of the commissioners were open for the purpose. The deputy surveyors who have been employed in surveying these lands have reported to me that in almost every instance the individual holding those tracts exhibited to them either a complete Spanish title or an order of survey and plat made by the Spanish authorities. A statement of these facts I have always transmitted to the surveyor general accompanying each township plat.

With regard to the land situated back of and adjacent to the first forty arpents, I have seen in many instances certificates of purchase from the receiver of public money for tracts now returned as vacant land. From the circumstance of there being no order of survey in this office from the register at New Orleans, it was impossible to know the fact at the time these surveys were made, and consequently these tracts are marked as vacant.

With the greatest respect, I have the honor to be your most obedient servant,

A. F. RIGHTOR.

E. D. WHITE, Esq.

B.

GENERAL LAND OFFICE, *October* 15, 1830.

SIR: Your communication to the Secretary of the Treasury of the 18th ultimo having been referred to this office, I have the honor to inform you that it has been submitted to the President of the United States, together with a statement of the whole proceedings which had been ordered, and that he has decided that the sale cannot be suspended.

With great respect, &c.,

E. HAYWARD.

Hon. E. D. WHITE, *Donaldsonville, Louisiana.*

Monthly return of lands sold at the land office in New Orleans during the month of November, 1830, *by virtue of the proclamation of the President of the United States dated June* 5, 1830.

No. of certificate.	Section.	Township.	Range.	Quantity—acres.	To whom sold.	Residence.	Rate per acre.	Amount.	When sold.	Remarks.
42	62	9	12E.	26.50	Joseph A. Maybin	New Orleans	$1 37½	$36 44	Nov. 2,1830	Public sale ..
43	63	9	12	107.91	James Purdon	do	1 25	134 89	do	do
44	27	9	13	27.68	Samuel D. Dixon	do	1 25	34 60	Nov. 3,1830	do
45	78	10	13	45.37	do	do	1 25	56 72	Nov. 4,1830	do
46	37	11	15	33.95	do	do	1 25	42 44	Nov. 6,1830	do
47	40	11	15	33.08	do	do	1 25	41 35	do	do
48	71	11	15	36.80	H. F. Deblieux and J. Conand.	Parish of Ascension	1 25	46 00	do	do
50	3	12	20	10.80	Samuel D. Dixon	New Orleans	1 25	13 50	Nov. 10,1830	do
51	4	12	20	11.80	do	do	1 25	14 75	do	do
52	10	12	20	55 25	do	do	1 25	69 06	do	do
53	19	12	20	35.40	do	do	1 25	44 25	do	do
54	20	12	20	49.60	do	do	1 25	62 00	do	do
55	33	12	20	2.64	do	do	1 25	3 30	do	do

Monthly return of lands sold at the land office in New Orleans, &c.—Continued.

No. of certificate.	Section.	Township.	Range.	Quantity—acres.	To whom sold.	Residence.	Rate per acre.	Amount.	When sold.	Remarks.
56	11	13	20E.	35.11	Samuel D. Dixon	New Orleans	$1 25	$43 89	Nov. 11, 1830	Public sale
57	12	13	20	47.22	do	do	1 25	59 03	do	do
58	13	13	20	157.14	Simeon Horne	do	1 25	196 42	do	do
59	17	13	20	32.85	Samuel D. Dixon	do	1 25	41 06	do	do
60	19	13	20	33.78	Giovanni B. Phillippi	do	1 31¼	44 34	do	do
61	20	13	20	33.78	Artemon Hill	do	1 31¼	44 34	do	do
62	27	13	20	20.28	Samuel D. Dixon	do	1 25	25 35	do	do
63	29	13	20	27.29	do	do	1 25	34 11	do	do
64	30	13	20	42.56	do	do	1 25	53 20	do	do
65	36	13	20	54.06	do	do	1 25	67 57	do	do
66	45	13	20	27.11	do	do	1 25	33 89	do	do
67	46	13	20	47.43	do	do	1 25	59 29	do	do
68	56	13	20	135.13	Charles Perrett, jr	Parish of St. Charles	1 25	168 91	Nov. 12, 1830	do
69	72	13	20	66.64	Joseph Girod	do	1 25	83 30	do	do
70	73	13	20	41.09	do	do	1 25	51 36	do	do
71	74	13	20	144.71	do	do	1 75	253 24	do	do
72	82	13	20	39.06	Antoine Rigaut	do	1 31	51 17	do	do
73	83	13	20	33.90	James Flood	New Orleans	1 46	49 49	do	do
74	84	13	20	33.95	do	do	1 40	47 53	do	do
75	85	13	20	34.10	Giovanni B. Phillippi	do	1 27	43 31	do	do
76	99	13	20	25.36	Samuel D. Dixon	do	1 25	31 70	do	do
77	103	13	20	74.00	Baptiste St. Amand	Parish of St. Charles	1 25	92 50	do	do
78	103	13	20	139.85	do	do	1 25	174 81	do	do
79	103	13	20	66.50	do	do	1 25	83 12	do	do
80	103	13	20	152.87	do	do	1 25	191 09	do	do
81	104	13	20	140.17	do	do	1 25	175 10	do	do
82	104	13	20	80.00	do	do	1 25	100 00	do	do
83	104	13	20	80.00	do	do	1 25	100 06	do	do
84	104	13	20	80.00	do	do	1 25	100 00	do	do
85	16	12	19	135.51	Justin Bossié, president, &c	Parish of St. John the Baptist	1 25	169 38	Nov 13, 1830	do
86	20	12	19	132.90	John P. Folse & Son	do	1 32	175 42	do	do
87	25	12	19	132.90	do	do	1 27	168 81	do	do
88	29	12	19	135.51	Justin Bossié, president, &c	do	1 25	169 38	do	do
89	38	12	19	18.00	William H. Avery	New Orleans	3 00	54 00	do	do
90	39	12	19	27.98	Nathaniel Emerson	do	2 40	67 15	do	do
91	40	12	19	33.57	Wheaton J. Barney	do	2 00	67 14	do	do
92	42	12	19	34.12	John R. Grymes	do	1 50	51 18	do	do
93	43	12	19	80.46	do	do	3 10	249 43	do	do
94	44	12	19	57.22	do	do	2 55	145 91	do	do
95	45	12	19	97.18	John Green	do	2 55	247 81	do	do
96	46	12	19	67.41	do	do	1 80	121 34	do	do
97	47	12	19	53.92	Daniel Warburg	do	3 10	167 15	do	do
98	50	12	19	101.45	Thomas F. McCaleb	do	1 75	177 54	do	do
99	5	12	19	97.45	Nathaniel Emerson	do	1 70	165 67	do	do
100	54	12	19	33.81	Thomas F. McCaleb	do	1 50	50 71	do	do
101	55	12	19	25.00	do	do	1 50	37 50	do	do
102	56	12	19	65.44	Artemon Hill	do	1 50	98 16	do	do
103	57	12	19	35.99	do	do	1 70	61 18	do	do
104	60	12	19	34.18	Mrs. Constance Deneufbourg	Parish of St. Charles	1 70	58 11	do	do
105	61	12	19	110.21	do	do	2 35	258 99	do	do
106	62	12	19	62.04	Simeon Horne	New Orleans	1 95	120 98	do	do
107	63	12	19	65.77	Thomas F. McCaleb	do	1 25	82 21	do	do
108	64	12	19	32.00	Charles A. Darensbourg	Parish of St. Charles	2 50	80 00	do	do
109	78	12	19	21.50	Mrs. Constance Deneufbourg	do	1 25	26 88	do	do
110	79	12	19	72.00	do	do	1 25	90 00	do	do
111	80	12	19	19.00	do	do	1 25	23 75	do	do
112	86	12	19	151.52	Nathaniel Emerson	New Orleans	1 25	189 40	do	do
113	87	12	19	101.45	Thomas C. McCaleb	do	1 25	126 81	do	do
114	89	13	20	33.81	Daniel Lambert	Parish of St. Charles	1 25	42 26	Nov. 18, 1830	Private sale
115	90	13	20	52.33	Louis Friloux	do	1 25	65 41	do	do
116	77	12	19	34.65	André Pochè	do	1 25	43 31	Nov. 19, 1830	do
117	34	12	20	1.92	do	do	1 25	2 40	do	do
118	83	12	19	25.20	Artemon Hill	New Orleans	1 25	31 50	do	do
119	87	13	20	61.13	Sylvain Boudoin	Parish of St. Charles	1 25	76 41	Nov. 22, 1830	do
120	76	12	19	17.60	Charles A. Darensbourg	do	1 25	22 00	do	do
121	34	12	19	136.54	J. & M. Bossié	Parish of St. John the Baptist	1 25	170 68	do	do
122	60	12	16	118.91	John B. Lepretre	New Orleans	1 25	148 64	Nov. 23, 1830	do
123	61	12	16	63.87	do	do	1 25	79 84	do	do
124	1	12	20	.97	André Dorvin	Parish of St. Charles	1 25	1 21	do	do
						By virtue of proclamation		7,234 07		
						By virtue of pre-emption		200 00		
				4,985 14		Total		7,484 07		

Monthly return of lands sold at the land office in New Orleans, &c.—Continued.

No. of certificate.	Name of purchaser.	Residence.	Location of the land.	Number of acres.	Rate per acre.	Amount.	When sold.	Remarks.
49	Jean B'te Richard	Parish of West Baton Rouge.	Parish of West Baton Rouge.	160	$1 25	$200	Nov. 8, 1830	Sold by virtue of the 5th section of an act of Congress, entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," passed April 12, 1814.

LAND OFFICE, *New Orleans, December* 4, 1830.

HILARY B. CENAS, *Register of the Land Office.*

21ST CONGRESS.] No. 909. [2D SESSION.

ESTIMATES OF THE EXPENSE OF SURVEYS OF THE PUBLIC LANDS FOR 1831.

COMMUNICATED TO THE SENATE FEBRUARY 24, 1831.

GENERAL LAND OFFICE, *January* 8, 1831.

SIR: In explanation of the item of $150,000 for surveying public lands, submitted to you at the commencement of the present session of Congress, I have the honor to transmit herewith copies of the estimates of the several surveyors general for the year 1831; from which the requirements of each surveyor's department will be found stated as follows:

The estimate of the surveyor south of Tennessee shows an aggregate amount required for surveying in Mississippi and Louisiana of	$52,420	
He further estimates for surveying, which may be required under the treaties with the Choctaws and Chickasaws	50,000	
He further shows that there remains to be paid $20,000 for surveys executed under contracts with his predecessor, of which sum $10,000 have been since remitted, leaving applicable to the former contracts	10,000	
		$112,420
The estimate of the surveyor of the Floridas shows the aggregate sum required for his office of		20,250
The estimate of the surveyor of Ohio, Indiana, and Michigan, shows an aggregate amount, exclusive of his salary and those of his clerks, of		45,000
The estimate of the surveyor of Illinois, Missouri, and Arkansas, shows an aggregate sum, exclusive of salaries, of		24,000
Forming the aggregate of		201,670

This amount is the estimate required for surveying during the year 1831; and, except in the case of the surveying department south of Tennessee, is exclusive of the balances which may remain due on surveys executed during the past year, the precise amount of which cannot at present be stated, as the returns for the fourth quarter of 1830 have not arrived.

The accompanying statement shows the quantity of *unsurveyed* public lands in the several States and Territories to which the Indian title has been extinguished, amounting to 103,683,994 acres; forming, with the ceded lands west of Lake Michigan and north of Illinois, an aggregate of four thousand six hundred townships, the cost of surveying which is estimated at $1,000,000.

The amount of sales of public lands increase with the growing population of the west and south, and bears a direct proportion to the flowing tide of emigration, which must increase to an extent, which, although now only conjectural, is as certain as the mighty causes for migration to this country which now exist in Europe.

Emigrants from various climes and with various pursuits, while seeking an asylum in these new States and Territories, will naturally desire to locate themselves in those portions of our land most congenial to their constitutions and employments. We have in reserve for them every clime and every soil; it only remains for us to survey and prepare the lands for the market.

It has been thought to be necessary for the convenience of actual settlers to grant pre-emption rights even to the unsurveyed lands. However desirable some may esteem this measure, it is impracticable to adopt any plan that can secure pre-emption rights until the land is surveyed. The better policy is to do away with pre-emptions, survey the lands, and subject them to public sale and private entry with the rapidity necessary to meet the demand

With these views, the estimates of $150,000 for surveying public lands and $8,000 for surveying private land claims in East Florida were submitted; and, although much less than the aggregate estimate of the surveyors, it is believed sufficient to meet the demand for surveys to be executed within the year 1831, covering the deficit which will be found to arise from there having been no appropriation last year, by completing payment for all contracts executed during the year 1830 and not paid for within that year.

While it is to be regretted that this office is not in possession of the information required to ascertain with accuracy the amount due from government, at the close of the year 1830, for surveys then completed, in consequence of not being furnished with copies of the surveying contracts, and no returns having yet been received for the fourth quarter of that year, it is known to be considerable, and may be fairly estimated at $30,000. With an appropriation then of $150,000 for the year 1831, $120,000 only would be left for surveys to be executed within the year, excluding entirely from consideration the country lately purchased of the Choctaws in Mississippi and Alabama, a sum which could be advantageously expended in Louisiana, Florida, and Arkansas. If, however, the bills now before Congress, directing the surveys of the mineral regions in Illinois and Michigan, should become laws during the present session, immediate calls would be made upon this office to cause surveys of those sections of country to be made and the lands prepared for sale; in which event, the proposed appropriation will be found inadequate to the service of the present year, and insufficient to meet all the demands of the surveying department.

Connected with the estimates for the year 1831, I beg leave to represent the embarrassment that the office of the surveyor general, Colonel McRee, labors under for want of force. There was submitted this year, through an oversight in this office, only the ordinary estimate for clerk hire, $2,000. The immense amount of recording remaining to be done in the surveying department of Illinois, Missouri, and Arkansas, demands an appropriation of at least $4,000, being an increase of $2,000, as stated in the estimate of Colonel McRee, to which I beg leave to refer you; and the inconvenience resulting from the delay attending the examination of surveys and the laborious office-work at the surveyor's office, preparatory to the transmission of the plats of survey, are seriously felt by this office, and cause delays in proclaiming lands for sale.

The surveyor general of Ohio, Indiana, and Michigan, in a letter dated 27th ultimo, recently received, shows that an additional recording clerk is necessary in his office, and requests an appropriation of $950 in addition to the ordinary appropriation of $2,100, making a total of $3,050, which, with that of $4,000 for the surveyor of Illinois, Missouri, and Arkansas, I beg leave to submit to the committee in lieu of the items of clerk hire heretofore submitted for those two offices.

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

ELIJAH HAYWARD.

Hon. SAMUEL D. INGHAM, *Secretary of the Treasury.*

GENERAL LAND OFFICE, *January*, 1831.

Statement of the quantity of purchased (ceded) public land remaining unsurveyed January 1, 1831, *in each State and Territory.*

	Acres.
Ohio	None.
Indiana	746,810
Illinois	7,162,897
Michigan	8,229,937
Missouri	17,331,288
Arkansas	16,417,390
Louisiana	24,252,561
Mississippi	*3,283,640
Alabama	†1,305,619
Florida	24,953,852
	103,683,994

SURVEYOR'S OFFICE, *Washington, Miss., October* 18, 1830.

SIR: I have the honor to submit for the consideration of Congress the estimates for surveying in this district during the ensuing year:

To close the surveying of the Choctaw district, which is desirable, for the purpose of rendering the settlements in this State compact, there are yet about twenty-five townships and fractional townships to be surveyed, equal perhaps to twenty full townships, or 1,440 miles of regular square work; allowing for traversing of water-courses, it may be set down at 1,500 miles, or	$6,000
For correcting surveys in the district west of Peal river, in which it has been found that much of the surveying, and especially in the northern part, which was executed more than twenty years past, has been done in a very defective manner, may require a sum equal to the expense of surveying five full townships, about	1,500
In the district north of Red river, in the State of Louisiana, it is believed about forty townships may be surveyed advantageously, which will require the sum of	11,520
In the southwestern district of the State of Louisiana, including what has heretofore been denominated neutral territory, lying between the Rio Hondo and Sabine river, there will be to survey about fifty full townships, requiring	14,400

*Exclusive of the land ceded lying west of Lake Michigan and north of Illinois State, which is estimated at about one hundred townships.

†Exclusive of the Choctaw treaty of 1830.

The southeastern district of Louisiana, which includes the island of New Orleans, is, for the most part, an alluvial country, very much intersected by bayous and lakes, in which it is said there are considerable bodies of valuable lands which it is desirable to bring into market. The manner directed by law for surveying lands bordering on those water-courses, and the want of an accurate knowledge of their extent, render it difficult to form a probable estimate of the extent of lineal measure which would be made to complete the surveying of that district. The principal deputy surveyor of the district, who has as good means as any other person of forming a correct estimate, is of opinion that 4,000 miles may be profitably surveyed there during the approaching season, requiring the sum of.....	$16,000
The surveying in the district east of the island of New Orleans is nearly brought to a close. It is believed that, to complete it and correct some defective work, may require a sum not exceeding.....	3,000
Making an aggregate sum of.....	52,420

This estimate is considerably augmented from the consideration that the act of Congress "granting pre-emption rights to settlers on public lands," approved the 29th of May, 1830, will render it necessary to survey many townships on which there are such settlements to enable the persons entitled to the benefits of that act to comply with its conditions. This augmentation, however, cannot be objectionable, when it is considered that the purchase money which would be paid on two pre-emption rights of one hundred and sixty acres each, would be more than sufficient to defray the expense of surveying an entire township.

It may be proper here to state that surveying has been executed, under contracts with my predecessor, to the amount of about $20,000, which has not been paid for, and which I have not yet been furnished with the means of paying.

It is rumored that the treaties lately concluded with the Chickasaw and Choctaw tribes of Indians, for the purchase of their country, provide that all the reservations and donations are to be located by regular sectional or subdivisional lines, and that the surveying will commence previous to the removal of the Indians. If such be the fact, and the treaties should be ratified, that service will require about $50,000 during the ensuing year.

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

JO. DUNBAR, *Surveyor of Public Lands south of Tennessee.*

T. L. SMITH, Esq., *Register of the Treasury of the United States, Washington City.*

SURVEYOR'S OFFICE, *Tallahassee, October* 12, 1830.

SIR: I have the honor to acknowledge the receipt of your circular of the 11th ultimo, requesting an estimate for the year 1831, and, in obedience, beg leave to submit the following estimate, intended to embrace the surveying of the public lands and private land claims in East Florida, viz:

Surveying public lands.....	$12,000
Surveying private land claims.....	8,000
Contingent expenses, stationery, &c.....	250
	20,250

I have the honor to be, sir, your most obedient servant,

ROBERT BUTLER.

T. L. SMITH, Esq., *Register, &c.*

SURVEYOR GENERAL'S OFFICE, *Cincinnati, September* 25, 1830.

SIR: In compliance with the request contained in your letter of the 11th instant, I have the honor to submit the following estimates for the year 1831, viz:

For surveying the public lands in Indiana.....		$10,000
Do.....do.....in Michigan Territory.....		10,000
Do.....do.....in the Northwest Territory.....		25,000
For salary of surveyor general agreeably to law.....	$2,000	
For salaries in his office.....do.....do.....	2,100	
		4,100
Total.....		49,100

Very respectfully, sir, your obedient servant,

WM. LYTLE, *Surveyor General.*

T. L. SMITH, Esq., *Register of the Treasury, Washington.*

SURVEYOR'S OFFICE, *St. Louis, November* 4, 1830.

SIR: I have the honor to submit the following estimate of the probable disbursements by this office for the year 1831, inclusive of the sums to be paid on account of surveys that may be contracted for during that year, viz:

For surveying public lands and private land claims, including town lots, village lots, out lots, commons, and common field lots, and also resurveys of claims heretofore surveyed—in all, say eight thousand miles, at three dollars per mile	$24,000
For the salaries of the surveyor of public lands and of three clerks	4,000
For the salaries of three extra clerks	2,000
For contingent office expenses, including stationery and postage	500
Total	30,500

Making in all the sum of thirty thousand five hundred dollars.

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

W. McREE.

T. L. SMITH, Esq., *Register, Treasury Department.*

SURVEYOR GENERAL'S OFFICE, *Cincinnati, December* 27, 1830.

SIR: The increase of the business of this office, arising partly from the large amount of the surveys of the public lands which, during the last ten or twelve years, has been executed under the direction of the surveyor general, together with the heavy additional duties assigned to his office, have greatly retarded, and frequently suspended entirely, the business of *recording* the *field-notes, plats,* and *descriptions* of these surveys.

To show more distinctly wherein the amount of labor to be performed in this office has been very considerably increased, permit me to enumerate some of the principal *additional* duties required of the surveyor general within the last ten years:

1. Of each township and fractional township which is subdivided into sections, *triplicate* plats and descriptions are made out from the field-notes of the deputy surveyors, and the contents of the fractional sections calculated. From the organization of this office until the year 1824 the deputy surveyors, under an express stipulation in their contracts, made out these triplicate plats and descriptions and calculations *themselves,* and returned them with their field-notes into this office; but in the year referred to, by direction of the President of the United States, the labor of preparing the plats and descriptions and calculations was transferred from the deputies to the surveyor general; since which time they have been made out in this office.

2. The subdivision (on the township maps) of all fractional sections containing one hundred and sixty acres or upwards into tracts of eighty acres, as near as may be, and the calculation of the area of each separate tract.

3. The platting from the field-notes of the meanders all those small *lakes* in each township which are too deep to be drained, and subdividing and calculating into tracts, as above, the sections made fractional by such lakes.

4. The entering in tables, on the margin of each township map, the contents of each section and subdivisions of sections therein, and summing up the aggregate contents of each township.

5. The subdivision (on the maps) into tracts of eighty acres, as near as may be, and the calculations thereof, all the *unsold, forfeited, reverted,* and *relinquished* fractional sections of one hundred and sixty acres and upwards, in the several land districts in Ohio, Indiana, and Michigan.

The heavy additions thus made to the current business of the office necessarily employs so large a portion of the time that was formerly devoted to the *records,* that that branch of the business of the office has got so far behind, that, with our present help, so long as the usual amount of surveys are annually continued to be made, it appears to be impracticable to bring up the arrears of *recording.* Indeed, that part of our work will very probably in this case get still further behind for the same reasons.

From these considerations, and for the interest of the public service in this department thereof, I beg leave through you, respectfully *but earnestly,* to ask of Congress an appropriation to enable me to employ an additional clerk to aid me in bringing up the records.

My chief clerk has filled that station about sixteen years; has spent the prime of his life in the public service in this office; and, by close application to its business, has sometimes much impaired his health. By removing to this city with the office, the small salary which he receives is greatly reduced by the high rents and increased expenses of living which he is subjected to. On this account, and in consideration of his qualifications and long experience, I think it but just and reasonable that an increase of compensation should be allowed him.

For the purpose, therefore, of enabling me to employ an additional (recording) clerk, and to increase the allowance to my chief clerk, I respectfully ask for an appropriation, in addition to the usual annual allowance, of nine hundred and fifty dollars.

I request that you will be pleased to lay this subject before the Secretary of the Treasury, and ask that the sum named above may be taken into the estimates for this office and the appropriation thereof called for by him.

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

WM. LYTLE.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office, Washington.*

GENERAL LAND OFFICE, *February* 24, 1831.

SIR: I have received your note of this morning, requesting information as to the amount of appropriation necessary for surveying the lands acquired by the late Choctaw treaty.

In consequence of my not being aware of the provisions of that treaty, I regret that I am unable to form any estimate that is entirely satisfactory to myself, or which will be likely to prove so to you.

Mr. Dunbar estimates the quantity of the lands lately purchased from the Chickasaw and Choctaw Indians, lying within the State of Mississippi, at 16,300,000 acres. This quantity is equal to 707 town-

ships, which, at the rate of $200, the ordinary expense of surveying a township, would require for the whole service $141,400.

In estimating in October last for the appropriation required for surveying the lands in Mississippi during the year 1831, Mr. Dunbar remarks as follows, viz: "It is rumored that the treaties lately concluded with the Chickasaw and Choctaw tribes of Indians for the purchase of their country provide that all the reservations and donations are to be located by regular sectional and subdivisional lines, and that the surveying will commence previous to the removal of the Indians. If such be the fact, and the treaties should be ratified, that service will require about $50,000 during the ensuing year." This amount was not embraced in the general estimate for surveying for the year 1831 submitted to Congress at the commencement of the present session.

I trust that from your knowledge of the provisions of the treaty you will be enabled, from what has been stated in the foregoing, to make an estimate that will be satisfactory to yourself in case the estimate of $50,000, contingent on the provisions of the treaties, as stated by Mr. Dunbar, should be deemed erroneous.

In connexion with this subject, is the sale of the lands after the surveys shall have been completed.

I have received a communication from Mr. Dunbar, wherein he recommends the laying off of the lands alluded to into three distinct land districts, within which land offices, established at their centres, would be little more remote than fifty miles from the most distant parts of each district.

I have not yet had time to investigate the merits of the proposed plan, and do not presume that if it were now before Congress, time would admit of its being acted on during the present session. If, however, you should deem it important to have a copy of the same, it will be furnished.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. GEORGE POINDEXTER, *Senate of the United States.*

21st CONGRESS] **No 910.** [2d SESSION.

APPLICATION OF INDIANA TO BE ALLOWED TO TAX ALL LAND SOLD BY THE UNITED STATES IN THAT STATE FROM THE TIME OF SALE.

COMMUNICATED TO THE SENATE FEBRUARY 25, 1831.

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 Indiana respectfully showeth: That, as your honorable bodies are well apprised, by a compact existing between the United States and this State, which compact is contained in an act of your honorable bodies of April 19, 1816, and an ordinance of the people of this State, made through their representatives in convention at Corydon, June 10, 1816, which compact is irrevocable, unless by consent of both parties, this State is prohibited from laying any kind of tax whatever upon lands sold by the United States within this State, until the expiration of five years from and after the day of sale; which compact has been kept in good faith by this State, whereby she has been and continues to be deprived of one principal source of revenue, so important to her in her infancy, and particularly at the present time.

Your memorialists believe that one principal reason on the part of the United States for wishing the adoption of said restriction was the uncertainty of many of the purchasers ultimately perfecting their titles to lands purchased by them, and the supposed impolicy of compelling them to pay tax upon lands which, in case of non-payment, (which might happen in many instances by causes not within the control of the parties concerned,) might and would revert to the United States. At the time of making the compact referred to, and for some years afterwards, the United States sold their lands on a credit of five years. Such is not the case now. The system is changed, the price reduced, and prompt payment required. The uncertainty of perfecting a title, therefore, no longer exists. Any person purchasing is sure of a title. The above reason for the exemption of taxation, therefore, no longer exists, and your memorialists can see no sufficient reason for its further continuance.

Your memorialists further represent that a tax upon lands is the principal source of revenue of said State; that, like all other new States, she stands in need of all the revenue which a reasonable assessment on legitimate objects of taxation within her limits will afford her, particularly at this time, when she is anxiously laboring for the improvement of her physical and moral condition; that they can see no sufficient reason why persons who have purchased good land at the low price of one dollar and twenty-five cents per acre, and are sure of a good title, should be exempt from paying any duty thereon to the government for the long period of five years.

Your memorialists therefore pray your honorable bodies to consent, on the part of the United States, that said article of compact be revoked, so as to allow this State the right of hereafter taxing all lands purchased from the United States under the present system of prompt payment from and after the date of the purchase. And your memorialists, as in duty bound, &c.

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 efforts to procure the passage of an act of Congress releasing this State from the articles of compact mentioned in the foregoing memorial, so as to allow this State the privilege of taxing lands hereafter sold by the United States in this State, in common with other lands, from and after the time of sale.

Resolved, further, That the governor be requested to forward a copy of the above memorial and resolution to each of our senators and representatives in Congress.

ISAAC HOWK, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved January 29, 1831.

J. BROWN RAY.

21ST CONGRESS.] No. 911. [2D SESSION.

ON CLAIM TO LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 26, 1831.

Mr. STERIGERE, from the Committee on Private Lands, to whom was referred the printed memorial of George McDougall, of seventeen pages, reported:

The petitioner prays Congress to confirm to him a tract of sixty acres of land, situate in the Miami reservation, in the State of Ohio, assigned to him by St. Michel & Loranger, to which the commissioners appointed to adjust the claims to land in the district of Detroit decided that the said St. Michel & Loranger had a pre-emption right. The committee have carefully examined the memorial and the documents and records in the Land Office relating to this claim. It appears that by the act of April 25, 1808, entitled "An act supplemental to an act regulating the grant of land in the Territory of Michigan," every head of a family who, prior to the 26th of March, 1804, and at the passage of the act, inhabited and cultivated a tract of land in said Territory, not claimed under a legal French or British grant or under the act to which this is a supplement, should be entitled to the *pre-emption* in becoming a purchaser of the United States of such tract not exceeding one section, at the rate at which other public lands in the Territory are ordered to be sold, viz: two dollars per acre. Under this law St. Michel & Loranger presented a pre-emption claim to sixty acres of land to the commissioners appointed to adjust the claims to lands in the district of Detroit, which was allowed by them, and a certificate issued. St. Michel & Loranger paid two instalments of the purchase money of this tract, viz: $30 on the 31st December, 1808, and $30 on the 26th December, 1810. Shortly after this second instalment was paid it was discovered that the tract of land claimed by St. Michel & Loranger, and allowed by the commissioners, was situate in the Miami reserve, in Ohio, and not in the district for which the commissioners were appointed. The holder of the certificate was informed of this, and that no patent would be granted. After these payments the petitioner bought the claim of St. Michel & Loranger, (for what sum it is not stated.) Subsequently the other instalments were offered, but not received, and a patent refused, because the land did not lie in the Detroit district, and the claim not legally allowed. It is true, as the petitioner states, that the act of the 23d April, 1812, directs patents to issue to the persons whose claims to lands had been confirmed in the district of Detroit, provided that the confirmation of the commissioners be according to law. But he fails to prove that in his case the confirmation of the commissioners was "according to law." The fact is, it was clearly illegal; the land did not even lie in the district over which they had jurisdiction, and they consequently had no more authority to act in this case than if the land had been in Louisiana. Besides, this land was within a tract which had been reserved. The committee are of opinion that St. Michel & Loranger were guilty of fraud in bringing this claim before the commissioners, knowing it to lie out of their district; and, even on this ground, would not be entitled to a confirmation. From the act of Congress confirming the claims recommended for confirmation it would seem Congress was aware that the commissioners had acted on cases out of their district; for the phraseology of the law carefully includes only claims in the district. Its terms do not embrace this case, but expressly exclude it.

The committee think the land officers have put the proper construction on the acts relating to these claims, and acted correctly in refusing a patent. Other claims similar to this were decided by the commissioners, and part of the purchase money paid. But on discovering the illegality of the proceedings, patents were refused, and the purchase money which was paid refunded. In this case the Secretary of the Treasury is authorized to refund the money paid, and will do it when an application is made by the proper claimant.

Pursuant to an act of Congress this tract of land was sold by the government in 1817; part to Wm. Olliver, for $32 per acre; and part to Francis Tassel, for $2 per acre; therefore the petitioner cannot have it confirmed to him, even if he had an equitable title, which he has not. The committee think St. Michel & Loranger or the petitioner should have the purchase money paid refunded; but this will be done on application, and does not need a special law. If his vendors have defrauded the petitioner, he must look to them for remuneration. The committee offer the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted; and that the committee be discharged from the further consideration of the subject.

21ST CONGRESS.] No. 912. [2D SESSION.

APPLICATION OF MISSOURI THAT THE PUBLIC LANDS MAY BE SOLD IN FORTY-ACRE LOTS, AND THAT QUARTER SECTIONS BE DIVIDED BY EAST AND WEST AS WELL AS BY NORTH AND SOUTH LINES.

COMMUNICATED TO THE SENATE FEBRUARY 28, 1831.

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

The memorial of the general assembly of the State of Missouri respectfully showeth: That in many parts of the said State the country is so hilly and broken, and in others water and timber so scarce, that but very small tracts or parcels of lands suitable for farming can be procured in one body; consequently it frequently happens that persons wishing to settle in such places cannot get even a small farm, under

the existing laws of the United States, without entering a considerable portion of land of no value. This prevents the purchase and settlement of all such portions of this State. By an act of Congress, heretofore passed, it became lawful to enter the east and west halves of quarter sections, which for a time was of great advantage to the settlement and improvement of this country, as well as to the general government, by the increased sale of public lands; but the advantages which could be derived from that act have already been obtained, as entries have generally been made of the east and west halves of quarter sections where they were considered suitable for farming. Your memorialists respectfully represent that an act of Congress authorizing the entry of the north or south half of any quarter section, or forty acres in any corner thereof, would be of great advantage to this State and to the general government, as many small tracts of land would be entered which otherwise will remain unsold; in all cases giving to the actual settler the preference. It would have a tendency to make the sales of the public lands less scattering, and the settlements, as far as they progressed, more dense. It would cause the sale of much public land now considered refuse and unfit for cultivation; it would give a permanent home and interest in the country to many poor families, who would otherwise remain dependent tenants, or be compelled to remove beyond the limits of the United States. Without the above or similar provisions, large districts of country, in many parts of this State, would remain in the condition of a wilderness.

All which is respectfully submitted to the wisdom, justice, and liberality of Congress.

JOHN THORNTON, *Speaker of the House of Representatives.*
DANIEL DUNKLIN, *President of the Senate.*

Approved December 31, 1830.

JOHN MILLER.

21ST CONGRESS.] No. 913. [2D SESSION.

APPLICATION OF MISSOURI FOR THE ESTABLISHMENT OF A TRIBUNAL TO ADJUST LAND CLAIMS IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 28, 1831.

To the Congress of the United States:

Your memorialist, the legislature of Missouri, respectfully represents: That the unconfirmed claims to lands in this State, under grants from the Spanish and French governments, continue to be subjects of great interest to many individuals, and to the State itself. It is now near twenty-eight years since the adoption of the treaty with France, by which these claimants conceive they were guaranteed in their rights to these lands; and yet to this hour claims to an immense amount remain undecided. How does a course of conduct so strangely dilatory comport with those principles of prompt and immutable justice upon which the republic professes to base its policy towards all the world? It is certainly not competent for the legislature of Missouri to undertake to decide upon the validity of these land claims; but surely it is right to ask that they may be speedily and finally adjudicated. If the individual claimants have any just rights, they ought to be confirmed in them; if they have none, the pretence of claim ought to be silenced, and the land brought into market for the benefit of the United States, the State of Missouri, and the neighborhoods in which they lie. The unconfirmed claims in this State which are reserved from sale amount to millions of acres; they lie scattered over the State in unequal proportions, some counties having none in them, whilst others are greatly overspread by them; they generally lie in large bodies, and frequently embrace the best land in the county. The evil which they cause to our citizens and to the State, by preventing continuous settlements, and the erection of mills, &c., upon their streams, by withholding land from cultivation, by interruptions in the roads, by not being subject to taxation, and in a variety of other ways, is too manifest to need recapitulation. In selecting a tribunal for the adjudication of these claims, your memorialist would object to the ordinary courts of law, because their expensive, tedious, and technical modes of proceeding are unsuited to the nature of these claims and to the rights of the claimants; for it might be the case that the major part of the claims should have a good foundation in equity, and yet could not be sustained in a court of law; and it is quite certain that proceedings had in courts of law would superadd to the pecuniary burdens of which these claimants already complain, and would cause much further delay. It is therefore most respectfully recommended that a board of land commissioners may be again created, endowed with equity powers sufficient for the purpose of doing full and final justice between the government and the claimants; and that it shall be provided that this tribunal shall adopt as its rule of action, to confirm every claim which the government of either Spain or France would have confirmed had no transfer of the territory been made.

JOHN THORNTON, *Speaker of the House of Representatives.*
DANIEL DUNKLIN, *President of the Senate.*

Approved January 15, 1831.

JOHN MILLER.

21ST CONGRESS.] No. 914. [2D SESSION.

APPLICATION OF ILLINOIS FOR A GRANT OF LAND FOR A ROAD FROM CHICAGO TO THE WABASH RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 28, 1831.

The general assembly of the State of Illinois to the Congress of the United States respectfully represent: That they have, at their present session, directed the permanent location of a road, four poles in width, from the west bank of the Wabash river, opposite to Vincennes, to Chicago, on Lake Michigan, and that proper stones shall be placed at the end of every mile upon the way.

The object of this road is the accommodation of travellers, and the facilitating of a commerce which is by nature destined to flow in this direction from the northern lakes to the country situate upon the Wabash river. This road, your memorialists believe, will not only be advantageous to the State of Illinois, but of great importance to the interest of the State of Indiana and the Territory of Michigan. Commerce has already found its way through this channel, and during the last year goods have been transported from the city of New York, by way of the New York canal and the northern lakes, to Chicago, and from thence overland, by the way proposed, to the Wabash river.

This road, your memorialists are induced to believe, is one of importance to the interests of the States of New York, Ohio, Indiana, Michigan Territory, and the State of Illinois, connected, as those States must eventually be, by the ties of commerce. Those advantages may be, it is believed, greatly hastened and facilitated by the measure now proposed; and, with an eye to the interest of the several States, your memorialists cannot but view it of importance to the Union, for the commerce of the States, the transportation of troops, and the munitions of war. This road, in its whole extent about 220 miles, will, it is believed, pass over 150 miles of lands now owned by the United States, a very considerable portion of which has not yet been brought into market, and extensive prairies on the way, which, without some additional incentive for improvement, must long remain unsettled. The State of Illinois, under the present depressed state of its finances, is unable to appropriate any money for the construction of the proposed road, and with its limited means will long be unable to do so. The unsettled state of the country through which the road will pass renders a personal requisition of labor upon the inhabitants sufficient for its construction impracticable.

Your memorialists are therefore induced, in consideration of the importance of the measure, to ask for the assistance of the general government in the construction of said road by an appropriation of the proceeds of the sales of every alternate section of the land owned by the United States through which the said road may pass to aid in its construction.

It is confidently believed by your memorialists that the United States, in a pecuniary point, will be benefited by the measure proposed; that the remaining lands owned by them will be enhanced in value, and their sale accelerated to an amount more beneficial to the general interest than the proceeds of the grant asked for the improvement of said road.

WM. LEE D. EWING, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

JANUARY 28, 1831.

21ST CONGRESS.] No. 915. [2D SESSION.

APPLICATION OF DELAWARE FOR A GENERAL DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AMONG THE SEVERAL STATES.

COMMUNICATED TO THE SENATE MARCH 1, 1831.

IN THE GENERAL ASSEMBLY, *January Session*, 1831.

The Committee to whom was referred so much of the governor's message as relates to the distribution of the revenue arising from the sale of the public lands of the Union among the several States for the purpose of education, &c., reported:

That the citizens of this State view with deep solicitude the efforts lately made in the national legislature to deprive the Atlantic States of their just and equitable rights to the public lands of the Union—rights which they claim to hold in common with all the States, and which were asserted by and conceded to them at the laying of the foundation of the Constitution of the Union. It is an inheritance which they claim as the purchase of their treasures and of their blood, and is too highly appreciated by them to be relinquished without an equivalent, and too dearly bought to be wantonly lavished away.

The citizens of Delaware have beheld, with pain and anxiety, attempts which have lately been made in Congress thus to deprive them of a conceded right, and dissipate the revenue derivable from those lands, by forcing sales within a short period of time, and at mere nominal prices. They consider such a scheme as nothing less than a virtual alienation of their right, and a wanton sacrifice of their interest to the cupidity and avarice of speculators, many of whom, it would seem, are as mercenary and unprincipled in their views as they are active and vociferous in their support of them. The people of Delaware look forward to the time when the national debt shall have been liquidated (to the payment of which the revenue accruing from the sales of the public land is pledged) as a suitable and auspicious period, after which the

said revenue may be distributed among the several States of the Union for the purpose of extending the means of education, and thereby promoting the general welfare of the Union, strengthening its bands, and perpetuating its blessings. Your committee would, therefore, recommend the adoption of the following resolutions:

Resolved by the senate and house of representatives of the State of Delaware in general assembly met, That this legislature views with a jealous eye every attempt to make a partial distribution of the public lands of the Union among the States, whether by direct grant to a State, or by nominal sales at reduced prices to the citizens thereof.

Resolved, That, in the opinion of this general assembly, the revenue arising from the sale of the public lands of the Union ought to be distributed among the several States, for the purpose of extending the means of education throughout the republic, as soon as the liquidation of the national debt shall warrant the same.

Resolved, That our senators and our representative in the national legislature be, and they are hereby, requested to exert themselves to procure such an appropriation of the funds available from the sales of those lands as shall foster and promote the cause of education throughout the Union.

Resolved, That this general assembly do approve most heartily the manly and able stand maintained by our representation in the Senate of the United States, in defending and sustaining the right and interest of the State, upon the question of the disposal of the western dominions of the Union.

Resolved, That the foregoing report and resolutions be signed by the speakers of the senate and of the house of representatives respectively, and that a copy be transmitted to each of our senators and to our representative in Congress, and that the executive of each State be furnished with a copy by the governor, and requested to lay the same before their respective legislatures.

JOSHUA BURTON, *Speaker of the House of Representatives.*
P. SPRUANCE, JR., *Speaker of the Senate.*

Adopted at Dover, January 28, 1831.

21ST CONGRESS.] No. 916. [2D SESSION.

ON THE APPLICATION TO GRANT LAND TO OFFICERS DISBANDED FROM THE ARMY AFTER THE WAR OF 1812–'15, AND TO THE HEIRS OF THOSE WHO DIED OR WERE KILLED IN SERVICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 1, 1831.

Mr. DUNCAN, from the Committee on Public Lands, to whom were referred sundry memorials from the legislatures of States, and of officers of the army of the United States in the late war with Great Britain, and who were disbanded at its termination, praying that lands may be granted to officers who served in that war and were disbanded at its termination, and to the heirs of those who were killed in battle or died in service, reported:

That they have given to the subject that serious and deliberate attention which its importance to the memorialists in a pecuniary point of view, and to the nation in the effects which its decision may have in after times, demands.

Before proceeding to pronounce the result of their deliberations, the committee will take a view of the proceedings which have already been had by the House upon this subject.

At the close of the war with Great Britain a bill was reported to the House fixing the military peace establishment of the United States, and for disbanding a portion of that gallant army which had so successfully carried the country through that war. The sixth section of that bill contained the following clause:

"That there shall, moreover, be allowed and granted to every such officer, [meaning those who should be disbanded,] in consideration of services during the late war, the following donations in land, viz: to a major general, 2,560 acres; to a brigadier general, 1,920 acres; to each colonel and lieutenant colonel, 1,280 acres; to each major, 960 acres; to each captain, 640 acres; to each subaltern, 480; and to the representatives of such officers as shall have fallen or died in service during the late war, the like number of acres, according to the rank they held, respectively, at the time of their decease, to be designated, surveyed, and laid off at the public expense."

On the 27th February, 1815, a few days before the termination of the session, a motion was made by Mr. Cannon, a member of the House of Representatives from the State of Tennessee, to strike out this portion of the bill. The question was taken by ayes and noes, and the motion prevailed by a majority of only *four* votes.

On the next day, the 28th February, 1815, a motion was made by Mr. Alston to reconsider the vote upon striking out the provision. The vote on reconsideration was also taken by ayes and noes, and prevailed by a majority of *fourteen votes.*

The question was then again put on striking out the clause, and decided against it. Upon the second vote the ayes and noes were not taken, and the committee have learned that the opposition to it had been almost wholly, if not entirely, withdrawn in the House.

In this form the bill went to the Senate of the United States, in which body it was amended by increasing the amount of force to be retained from *six* thousand men to *fifteen* thousand men, and by striking out the bounty land provision.

On the second of March the House of Representatives disagreed to the amendments of the Senate. On the same day the Senate insisted on their amendments. The House also insisted. A conference was proposed and agreed to by the House. The conferees reported a compromise—that the Senate should

agree to reduce the army to *ten* thousand men, and that the House should abandon that portion of the bill which provided grants of land to the disbanded officers.

On the third of March, the last day of the session, and almost at its last hour, the compromise recommended by the conferees came up for consideration; and the question to agree to that portion of it which abandoned grants of land to the officers was taken by ayes and noes, and carried by a bare majority of *two* votes—ayes 57, noes 55. That part of the compromise which related to the number of men to be retained in service was carried by a very large majority—70 to 38.

Thus it will be perceived that these gallant men, at the only period when their claims came fairly before the House for decision, lost their land by only *two* votes, and that, too, in consequence of a compromise between the two houses upon the subject of the quantum of force to be retained in the service.

At the succeeding session of Congress (the first of the 14th) the subject was again brought up, and on the 13th of December, 1816, a bill was reported to the House, by its Committee on Military Affairs, authorizing grants of land to the disbanded officers of the late war and the heirs and representatives of those who were killed or died in service.

This bill was permitted to remain without any action or decision thereon until the Congress in which it was reported expired.

On the 9th December, 1817, the following resolution was introduced into the House:

"*Resolved*, That it is expedient to provide by law for the disbanded and deranged officers of the army of the United States who served in the late war against Great Britain by donations in land, viz: to a major general 1,280 acres, a brigadier general 1,120 acres, a colonel and lieutenant colonel 960 acres each, a major 800 acres, a captain 640 acres, and subalterns 480 acres;" and no further action took place during the session.

Thus the matter remained until the first session of the 19th Congress, when it was again brought before the House by a simultaneous effort of the officers themselves. Their memorials were referred to a select committee, consisting of Mr. Cook of Illinois, Mr. Garnsey of New York, Mr. Swan of New Jersey, Mr. Bailey of Massachusetts, and Mr. Metcalfe of Kentucky.

This committee, on the 17th March, 1826, made a favorable report, which is herein embodied, viz:

"The select committee to whom was referred the petition of sundry officers of the army of the late war, praying a grant of land in consideration of their sacrifices and services, report:

"That it is deemed by the committee but fair and reasonable that the merits of their claim should be duly investigated and considered by the House. Their severe and arduous services in the momentous struggle in which they were engaged entitle their application to the most liberal consideration that justice and sound policy will allow. With a view, therefore, to bring the subject fairly before the House, and that it may act on the question unencumbered by details, the committee propose to the House the following resolution:

"*Resolved*, That it is expedient to make provision by law for granting to each of the officers of the army who served during the late war a quantity of land, according to their rank, as a remuneration for their sacrifices, sufferings, and faithful services."

The press of business usually attendant on the latter portion of a session of Congress precluded the possibility of a deliberate consideration of this report. It does not appear, from the journals of the House, that it ever came up for final decision.

At three subsequent sessions of Congress, viz: the second of the 19th, the first of the 20th, and the first of the 21st, the subject was again referred to committees; but the multiplicity of more pressing or immediate concerns having so exclusively engrossed their attention as to preclude the possibility of devoting that attention to this subject which its magnitude and importance required, it passed off until the present time.

Thus this subject has, with little intermission, been before Congress from the termination of the late war with Great Britain to the present time.

In the commencement of the war which terminated in establishing the independence of our country, pay and subsistence were the only *rewards* held out by the government to their officers and soldiers. *To their own exertions* were they to be indebted for that greater and more inestimable reward—their own liberty and that of their posterity. Yet, notwithstanding the great and inappreciable value of the prize which was to be won or lost, notwithstanding the overflowing patriotism of the country, the love of freedom inherent in man, and the desire to win it for himself and to transmit it to his children, as well as the monthly pay promised the officers by the government, it was found necessary, in order to stimulate the zeal and patriotism, enliven the drooping spirits of the officers of that army, and to induce them to continue in the army, to make them promises of large grants of land. Accordingly Congress, as early as the 16th September, 1776, passed a resolve that the officers and soldiers of its army should receive grants of land. The salutary consequences and the high importance of this promise were seen almost as soon as it was adopted. Many highly meritorious officers whose pecuniary embarrassments or the situation of whose families seemed to render it their duty to retire from the public service to provide for their families, buoyed up with the pleasing anticipation of this ultimate source of profit, abandoned their intentions to retire, and continued in the service until the final triumph of the cause, in which they had acquired a consideration of no mean importance in any hotly-contested war. But in order the more clearly to show the sense entertained by the country of the importance of the services of the officers of the revolutionary army, several of the States of the Union within whose boundaries or jurisdiction there were vacant and unappropriated lands, notwithstanding that the general Congress had already made liberal promises, following the generous impulse thus given, did from time to time provide liberal bounties in land for their respective State lines in the continental service.

Before the commencement of the late war with Great Britain, but after it was perceived that a controversy with that nation was no longer to be avoided without a sacrifice of the independence which had been so nobly won by the army of the revolution, Congress, aware of the vast benefits which had resulted in the resolution from the promise of land to the soldiers, adopted the very same policy of promising grants of land to the privates.

By the act of December 24, 1811, the soldiers whose enlistment that act authorized received one hundred and sixty acres; and subsequently, whilst the war, which soon after followed, was raging in its utmost fury, to encourage enlistments the quantum was increased to three hundred and twenty acres. It was in the army to which bounties were thus given to privates that the memorialists were officers, and

gallant officers the history of that war amply proves they were. If the soldiers of that army, and even the heirs of those who volunteered their services for a given and short period, but who were killed or died in service, had such large recognized claims on the bounty of the nation, it is not, in the opinion of the committee, easily to be perceived why their officers who by toil, industry, and sleepless nights, ministered to their wants, watched over their health and safety, drilled them into efficiency, brought them into the field, and fought at their head, have not claims equally strong.

Further, to show the inequality which appeared to have existed in the legislation of that day, a bounty of land was promised to the heirs of volunteers, including their officers, who might be killed or die in service, and regular bounties in land were promised to volunteers from Canada, including, specially, the officers of every grade, from a colonel to a subaltern Many of these volunteer officers, both native and Canadian, fought side by side with the memorialists against the common enemy; and if, by the fortune of war, one of each description sealed his devotion to his country on the battle field by his life, the family of the volunteer would be rewarded by a grant of a large and valuable tract of public domain, to be an asylum and a home for the widow and the children of a gallant father; while the widow and the children of the officer of the regular army, whose claims upon his country, by every process of reasoning, must be admitted to be at least as strong as those of any volunteer of any description whatever, had to bear their loss, with no other reward but the sympathy of their friends and the legacy of his brave and honorable name. But this is not all. There have been instances where officers have lost their lives in battle, or in the discharge of perilous duties, and whose papers at the same time were lost or destroyed, in which the heirs, instead of receiving a reward from the common stock for their irreparable loss, have been called upon to refund money to the public—moneys placed in the hands of their father for distribution, of the faithful application of which, in consequence of the loss of papers, no certain evidence could be produced; and in the recovery of this doubtful debt the home which had been left to the fatherless children has been sold from them, and they have been turned penniless upon the earth. This is no imaginary picture; the fact has occurred in more cases than one, and the memorials on the files of the House, it is believed, will attest it.

But it was not alone to the army of the revolution, the soldiers of the late war with Great Britain, and Canadian volunteers, that the policy of making grants of land has been confined; the principle has extended much further. On August 14, 1776, land was promised to all those who would leave the service of England and become residents of the States, without even requiring them to enter the service of the country. On April 23, 1813, large grants of land were promised to subjects of the King of England who would abandon his provinces of Canada and Nova Scotia and take refuge within the United States; and ample provision has been made, and at different times, recently, too, for giving full and complete effect to these promises.

In referring to these grants to native volunteers and Canadian volunteers in the late war, and to deserters and refugees in the war of the revolution, the committee do not wish to be understood as in any manner condemning the policy which dictated them; on the contrary, they believe it to have been the result of a wise forecast of the future. They have referred to them as an illustration of the singularity of the fact that these descriptions of persons should have been so liberally provided for, while the officers of the regular army, upon whom devolved the great burden of war, should be turned off, after having gloriously accomplished their work, with nothing but scars, broken constitutions, and, in many cases, of ruined fortunes. It is true they had the consolation of knowing they had gloriously sustained the honor and the independence of their country.

The memorialists have themselves eloquently remarked that they have sought in vain for the reasons which should deprive the officers of the second war of independence of the munificence which was extended to those of the first; for although as a body they may not have suffered so much or so long, yet they exhibited the same valor and love of liberty. They did not, like the refugees, flee the realms of oppression in search of liberty in foreign land; they protected the trees their fathers planted at home; and as in the case of the Canadian volunteers, who abandoned the country of their enemy and joined a foreign standard, and then in company with the memorialists fought and foiled the enemy on his own soil, it is hoped that Congress who have been so munificent to one will not remain indifferent to the just claims of the other.

Contrast the case of the officers of the army with that of the officers of the navy in the war, and how great is the difference between them, and how exceedingly disadvantageous to the former. By the regulations of the naval service, the officers and men participated in every capture, great or small, which they might make. If the captured was less in force than the captor, half the amount was divided among the captors; if the opposing forces were equal, or if the captured were superior to the captor, the whole value became the property of the captors. By these wise and salutary regulations an additional impulse was given to the ardent courage and daring enterprise of our naval officers and seamen. It is believed that almost every officer and seaman in that service realized a much larger sum in prize money than is the value of the land which it has been proposed to give to the officers of the army of correlative rank who served in the same war.

How stands the case of the army? If a battle be won, a fortress stormed, a convoy of provisions or munitions of war be intercepted or captured, the soldier has nothing, the officer has nothing, all belongs to the public; no diversion of spirit here as in the other great arm of national defence. It is a well known fact that while many of our gallant naval heroes came out of the war with splendid fortunes, won by their valor and good luck, not a single officer of the army retired from that service a whit the better in worldly goods, although he may have fought as desperately and been as thickly covered with the laurels of victory as his brothers of the navy.

It would, therefore, in this view of the subject, be but an act of common justice to make up this manifest inequality between the officers of the army and the navy by a grant of land to the former.

The late war with Great Britain has been emphatically called the *second war of independence;* it has been so termed in papers, public, private, and official; it has been so termed in speeches in Congress and out of Congress; it has been so considered at home and abroad; it has been so considered by statesmen and citizens, in and out of office. Why then is it not proper and expedient that a *portion* at least of the same measure of reward which was meted out to the gallant and glorious band of the revolution should also be meted out to those who in a later period fought so valiantly and so gloriously for the preservation and perpetuation of the blessings won in the first contest? If it is improper or inexpedient to do so, your committee are unable to perceive it. The committee have here used the phrase "*a portion* of the measure of reward meted out to the gallant band of the revolution."

The reason for using that phrase is to be understood in reference to the many acts of munificence to the officers of that army which have not been, nor is it contemplated ever will be, extended to the officers of the late army. Witness the half pay for life granted to the survivors; the half pay for seven years granted to the widows and orphans of those who were killed or died in service; the subsequent commutation of half pay for life; the full pay for life granted to the survivors by the act of May, 1828; and the bill passed by the House at the present session of Congress, extending the provisions of former acts to all those who by any technicality in said acts had not been brought within their provisions; also over the militia, to say nothing of the vast benefits conferred by the acts of 1818 and 1820.

Surely when *all these grants* to the heroes of the revolution are considered it cannot be deemed unreasonable to grant the small boon of a tract of waste, unappropriated land to the heroes of the late war.

The more clearly to illustrate the claims of the memorialists to some further compensation for their services, and to show the inequality which has been made to exist between the officers of the late army and the officers of the present army, the committee herewith present an exhibit, showing the difference between the monthly and annual pay and emoluments of the officers of the two armies respectively of correlative rank, and also showing the total amount which that monthly difference would give in three years:

	Difference per month between the pay of officers of the late and present army.	Difference in three years.
Colonel	$69 50	$2,502 00
Lieutenant colonel	73 98	2,663 28
Major	67 81	2,441 16
Captain	64 66½	2,227 94
First lieutenant	54 35	1,956 60
Second lieutenant	54 35	1,956 60

This difference is owing to an increase of rations and contingent allowances made to the present army, and properly made in the opinion of the committee, and is only mentioned for the purpose of showing that the officers in question were not fully compensated.

The committee have not gone through the whole descriptive list of officers of an army, nor have they taken into the account those of the staff who hold commissions in the line. The grades they have omitted bear the same relative portion of difference in pay, &c., as those they have enumerated. With respect to the staff taken from the line, the difference is still greater against the late army, as the additional pay and emoluments of the staff is not only greater now than in 1814, but the number of that description of officers is also much greater in proportion to the strength of the army than it was during the late war, thereby greatly multiplying the chances of increase of pay to the younger officers of the present army.

From this relative view of the pay and emoluments of officers of the army of 1814 and the army of 1831 it would appear that the difference against the officers of the late war, for the average period of three years, is more than double the value of the land which it has been proposed to grant them, and as it respects the inferior officers, it is more than quadrupled. Thus, on the score of even-handed and common justice, it would seem but fair that their claim should be granted were there no striking or peculiar circumstances of difference in the time or manner of their employments. That difference is too great in every respect to be passed over without suggestion. In the first place it is a fact well known that every species of provision and clothing was at least fifty per cent. higher during the late war than at the present period—a fact which your committee humbly conceive of itself sufficient to induce Congress to grant the prayer of the memorialists. The nature of the employment of the officers of the two periods, if also considered, would entitle those in a state of active and desperate warfare with a brave and wily enemy, and who were at the same time constantly subjected to every species of privation and suffering, and to all the dangers, casualties, and vicissitudes of war, to a preference over those who are only engaged in the peace occupations of an army, however faithfully and well the duties of the latter may be discharged.

It is useless to pursue further the parallel between the emoluments of officers of the two periods; in every view in which it may be placed the disadvantage is presented in bolder and bolder relief against the brave and suffering band of the late war.

At all periods in which this subject has undergone the serious and deliberate investigation of committees of the House, it is worthy of remark that it has received a favorable consideration, and that at no period has any unfavorable opinion been expressed, either by the House itself or by either of its committees. The only time in which the subject came fully before the House for discussion, and was discussed after the most serious deliberation, it was passed in the House, and failed only by reason of a compromise between the two houses at the last expiring moments of a laborious and anxious session of Congress, (in which it was indispensably necessary that a portion of the army should be disbanded,) upon a disagreement between the two houses as to the quantum of force to be retained in service—a question in the then deranged state of the finances of the country of paramount importance. The friends of this measure, under all the circumstances of the case, patriotically waived the claims of the suffering officers, but never contemplated their abandonment.

From the course pursued in the war of the revolution it is fair to infer that a like course would have been pursued in the late war had that war continued but a year or two longer. Congress did not, at the commencement of the revolutionary contest, provide for grants of land to their officers. That promise was not made until some years had elapsed—yet it was made. Had the late war continued a year or two longer, there is every reason to believe that a like course would have been pursued. The officers themselves expected it; they conceived it due to them as an expression of the feeling of the government for their sufferings and privations, as well as a reward for their services and sacrifices; and that they still think it due to them is evidenced by the reiteration of their claims.

The present condition of many of these brave and patriotic men requires that they should no longer

be neglected or postponed. Some, it is true, may be in easy and flourishing circumstances, but it is believed to be a fact that a majority of those who are in existence are far from being placed in such a situation as to render these grants a matter of indifference or of little or no concern. Many of them have since sought employment and found an honorable grave in a foreign land. Many of them are known to be in needy circumstances, residing on the public lands on that frontier which they so faithfully and gallantly defended, while the widows and orphans of others are in poverty and want; and if the grant were now made it would be esteemed as a boon sent, as it were, from Heaven to relieve their wants and distresses.

The usage of this, as well as of almost all other governments, gave the officers of the late army reason to expect that after the close of their toils, and peace and security had been secured at home and respect had been enforced abroad, they would be recompensed by some flattering and substantial testimonial of their country's gratitude. Without such a feeling as this it is impossible to suppose that officers of inferior grades would have remained so long in the service, as it is notorious that their pay was wholly inadequate to their maintenance in the field, and, however patriotic they may have been, necessity would soon have driven them into retirement. It was because they were buoyed up by this hope that they remained.

The committee have observed that it is the usage of governments to give some additional as well as substantial evidence of the country's gratitude to those who have been its defenders in the hour of peril or calamity. Sound policy has ever dictated this course, and monarchs even, however despotic, have seldom, if ever, been found to neglect it. This government, no more than that of any other country, has no patent right for the preservation of its peace or for its protection against foreign aggression; and should the time again come when it will need the assistance of its citizens in a similar or other controversy, it would find its account in doing, even at this late period, that which it ought to have done years ago, and which is now sought to be done.

It is therefore the opinion of the committee that the officers of the army in the late war with Great Britain have strong claims upon the justice as well as upon the liberality of the country, and that every noble principle of our nature requires us to satisfy them. Under these several views of the subject, and of many others which time does not permit the committee to enumerate, they have come to the conclusion that it is just, politic, and expedient to grant the prayer of the memorialists, and generally to make provision for a grant of land to such officers as were disbanded in the consolidation of regiments during, and who served to the close of, the late war with Great Britain, and were disbanded at its termination, and for the heirs of those who died or were killed in service; and for this purpose the committee herewith report a bill.

21st Congress.] No. 917. [2d Session.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 1, 1831.

Mr. Sterigere, from the Committee on Private Land Claims, to whom was referred the petition of Bernard Marigny, of the city of New Orleans, reported:

That the petitioner, *as the assignee or legal representative* of Antonio Bonnabel, prays Congress to confirm to him two contiguous tracts of land, situate in the parish of St. Tammany, in the State of Louisiana, one containing 4,020 arpents and the other 774 arpents. A bill has been reported by the committee, confirming the first-mentioned tract of 4,020 arpents, accompanied by a report. It appears that the tract of 774 arpents, bounded on the southwest by the shore of Lake Pontchartrain, and on the south by the first-mentioned tract, as the accompanying plat shows, was granted to Lewis Davis, the 20th of January, 1777, by Peter Chester, British governor at Pensacola. That a decree was passed by Estevan Miro, Spanish governor of the provinces of Florida and Louisiana, confirming this title to Lewis Davis, on the 11th of June, 1788; that regular transfers or conveyances have been made to the petitioner vesting the title in him.

It is proved by the affidavits of Honore Landrau and Jaques Viume that this tract of land has been the property of Antonio Bonnabel and his heirs for many years; that they built a house thereon and cultivated it many years; that the said heirs sold and conveyed the same to Bernard Marigny, the 25th of June, 1829, who now occupies and cultivates it.

This claim was presented to the commissioner at St. Helena Court-House under the act of 1812, in the name of the heirs of Lewis Davis, but no report was ever made on it by the commissioner. This omission seems to be entirely accidental, as no reason has been assigned for not reporting on it. This claim is marked on the plat with the name of Pedro Piquery.

The committee are satisfied that the title to this tract of land was complete and valid in the heirs of Lewis Davis, and that if the transfers and conveyances from the heirs of Lewis Davis, through Antonio Bonnabel, down to Bernard Marigny, are genuine, of which they have no doubt, it should be confirmed to the petitioner. They have therefore reported "a bill for the relief of Bernard Marigny, assignee of the heirs of Antonio Bonnabel."

21st Congress.] No. 918. [2d Session.

ON THE SUBJECT OF THE VIRGINIA MILITARY BOUNTY LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 3, 1831.

Mr. Wickliffe, from the Committee on Public Lands, to whom the subject had been referred, reported:

The Committee on Public Lands was instructed by the resolution of the House of Representatives of the 6th January "to inquire into the expediency of amending the act of Congress passed at the last session entitled 'An act for the relief of certain officers and soldiers of the Virginia line and navy of the continental army during the revolutionary war,' so as to change or alter the first section as not to require evidence as to the line on which the resolution warrant of Virginia issued; also to amend the 3d section so as to embrace cases where warrants have been located, and surveys or patents prohibited by law, by which the land is lost to the locater; also to cases of surveys or patents where, by the highest judicial tribunal of the State or United States, the land has been taken by a prior or better claim; also to provide for the renewal of lost or destroyed certificates or scrip; also to change the maximum quantity of land allowed to be appropriated by the said act to supply the claims embraced by said act; lastly, to make such alterations as the said committee may consider just and equitable."

The committee have deemed it inexpedient to legislate upon any one of the subjects embraced in the said resolution at this time. As to that portion of the resolution which proposes to amend the 3d section of the act of last session, the committee is decidedly of opinion that the act should not be enlarged in its provisions so as to embrace the class of cases indicated.

The act of the last session, as it passed the Senate, had for its object the satisfaction of about 200 acres of land warrants due to and principally owned by the heirs of the officers and soldiers of the Virginia State line, which, in consequence of the mistake in the deed of cession by Virginia to the United States of the land northwest of the Ohio river, had been unprovided for, and which claims addressed themselves forcibly to the justice of Congress. These warrants or claims for bounty lands were principally in the hands of the original proprietors or their heirs, and could not be located upon any land since June, 1792. They had not, therefore, become the objects of speculation or of fair barter and sale to any great extent. The bill was amended in the House of Representatives so as to include the unsatisfied warrants which had been issued or which were due to the officers and soldiers of the Virginia line upon continental establishment, and to the officers and soldiers of the line of the continental army, arising under the acts of the revolutionary Congress. It is doubted whether this alteration and amendment of the bill by the House of Representatives was not an act of hasty and unadvised legislation. The effect of it has been to increase in the hands of purchasers of these land warrants, at a cost not exceeding $20 in the hundred acres, the value thereof to $125 the hundred acres. If the amount unsatisfied which has already been presented to the department could have been foreseen, it is confidently believed the amendment of the House of Representatives would not have been obtained. For the satisfaction of these warrants there had been set apart districts of country in the State of Ohio after the deed of cession by Virginia. Prior to 1792 the bounty land warrants due either to the Virginia State troops, or troops of Virginia on the continental line, could have been located in Kentucky. Millions of acres upon the two lines had been there located prior to 1792, and other millions due the Virginia troops upon the continental establishment have been located in the State of Ohio before and since the act of cession by Virginia to the United States. These locations upon both lines were, when made, or since have become, mostly the property of others. In many instances, both in Kentucky and Ohio, the locations and surveys upon military land warrants have been made to interfere. They have been and are yet the subjects of much litigation and speculation. If any locations have not been surveyed, the fault has been that of the proprietors, and not of the government of Kentucky, where the locations were made. In that State ample time has been afforded by the legislature, from time to time, to make the surveys, and to obtain patents from the Commonwealth. It is believed by the committee that, owing to some cause, whether to the ignorance of the warrant holder or a desire knowingly to appropriate land which had been previously located, thousands upon thousands of acres appropriated in virtue of warrants on both lines have been made to interfere, and consequently a loss has been sustained by some one; but it is believed that such loss has seldom fallen upon the soldier or his representatives. Most generally the loss has happened to those who were the purchasers of those warrants or claims for a very inadequate consideration paid the original proprietors.

If the law should be so amended as to embrace cases where patents have not been issued, or where surveys have not been made in Kentucky, or where the land has been lost by the decision of the courts of the State or nation, in consequence of conflicting claims, it would be difficult for the committee to conjecture the amount of land it would take to meet the claims thus described.

The committee believe such an alteration of the law would tend to a continuation of that system of land speculation which those bounty land claims have ever invited, and that no wisdom of legislation would be equal to guard against the frauds which might be perpetrated upon the interests of the government.

There exists no legal claim against the government of the United States in favor of any former or present holder of these bounty land warrants thus situated. No circumstance is presented to the consideration of the committee which favors them, when pressed upon the equity or generosity of Congress. The committee, therefore, recommend for adoption the following resolution:

Resolved, That legislation upon the subject is inexpedient.

21st Congress.] No 919. [2d Session.

RELATIVE TO A PROPOSED MAP TO EXHIBIT THE VARIOUS QUALITIES AND CLASSIFICATIONS OF THE SURVEYED LANDS OF THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 3, 1831.

TREASURY DEPARTMENT, *March* 3, 1831.

SIR: The House of Representatives having on the 7th May, 1830, directed "that the Secretary of the Treasury cause to be made out a map or exhibit of the public lands that are surveyed, or may hereafter be surveyed, in each State, and that they be divided into as many classes as may be necessary to show their relative qualities, and that the same be laid before Congress as soon after their next meeting as may be practicable, and at the meeting of each succeeding Congress," the resolution was referred to the Commissioner of the Land Office, and I have now the honor to transmit his report, explaining the causes why the map or exhibit has not been prepared.

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

S. D. INGHAM, *Secretary of the Treasury.*

The Hon. SPEAKER *of the House of Representatives of the United States.*

GENERAL LAND OFFICE, *March* 2, 1831.

SIR: In reference to the resolution of the House of Representatives dated May 7, 1830, in the following words, to wit: "*Resolved*, That the Secretary of the Treasury cause to be made out a map or exhibit of the public lands that are surveyed, or may hereafter be surveyed, in each State, and that they be divided into as many classes as may be necessary to show their relative qualities, and that the same be laid before Congress as soon after their next meeting as may be practicable, and at the meeting of each succeeding Congress," which was referred by you to this office, I have the honor to state that the field-notes of the surveys merely show the general quality of the land on the lines actually run, but do not attempt to describe the quality of the lands in the interior of sections. Hence the means of complying with the resolution are not afforded by the field-notes, and if they were, the force of this office would not be able to furnish the exhibit required for a very considerable period, if wholly applied to the object. The nearest approach towards a compliance with the resolution would be to copy the field-notes of all the public surveys. This course would not, however, show any condensed views of the quality of land, or present any classification, such as appears to be intended, and would cause great labor, and consume incalculable time. The great variety of soil embraced by almost every township would render it impracticable to make any discrimination as to soil, by colors or otherwise, on any map that could be made of the largest convenient size, even if the information derived from the field-notes *were assumed* as correct data as to the quality of the land in the interior of the sections.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. S. D. INGHAM, *Secretary of the Treasury.*

21st Congress.] No. 920. [2d Session.

APPLICATION OF INDIANA FOR THE CONFIRMATION OF THE SELECTION OF LANDS BY THE COMMISSIONERS OF THAT STATE, UNDER THE AUTHORITY OF THE UNITED STATES, FOR A ROAD FROM LAKE MICHIGAN TO THE OHIO RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 3, 1831.

PREAMBLE and JOINT RESOLUTION of the general assembly of the State of Indiana.

Whereas it seems an incumbent duty on the general assembly of the State of Indiana, in maintaining the rights of the State, to express an opinion as to the diversity of construction given by the authorized departments of the general government and this State, relative to selection of the lands reserved to the State by a treaty entered into October 16, 1826, between Lewis Cass, James B. Ray, and John Tipton, commissioners, on the part of the United States, and the chiefs and warriors of the Pottawatomie tribe of Indians, by which a strip of land, commencing at Lake Michigan and running thence to the Wabash river, one hundred feet wide, for a road, and also one section of good land contiguous to the said road, for each mile of the same, and also for each mile of a road from the termination thereof, through Indianapolis, to the Ohio river, for the purpose of making a road aforesaid, from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river, was ceded to the United States; and in conformity with which, by an act of Congress of the United States, approved March 2, 1827, entitled "An act to authorize the State of Indiana to locate and make a road therein named," authority was given to the general assembly to locate and make the road above contemplated, and to apply the land above ceded to the making of the

same: therefore, inasmuch as the location of the said road, as above ceded and authorized, would necessarily be made through the lands purchased by the said treaty by the United States, of the said Pottawatomie tribe, and especially through the ten-mile purchase named in the latter clause of the first article thereof, the southern line of which would otherwise entirely exclude the road from Lake Michigan, this general assembly feel constrained to assert as their right the privilege of locating and making said road, on the most suitable and practicable route from Lake Michigan, by way of Indianapolis, to the Ohio river, and of applying one hundred feet wide of land on which to locate the same, as well as one section of contiguous land, for the construction of the road, selecting the same, as from the location of said road this State would be fully entitled to from the lands so being on the route and lying contiguous thereto, whether the same should have remained as the property of the said tribe of Indians after said treaty, or were by the provisions thereof ceded or sold to the United States, the irrevocable right to the same having fully accrued to this State by the ratification of said treaty, and indubitably by the confirming act of Congress above referred to.

That a cession thus made and confirmed, and rights thus secured, could be in anywise affected by purchases or cessions of lands belonging to said tribe of Indians on the route of and contiguous to the route whereon said road must of necessity be laid, made subsequent to the said treaty of 1826, this general assembly cannot for a moment, or under any consideration, admit; for the points of commencement at Lake Michigan, and of intermediate route *via* Indianapolis, to the termination, taken in connexion with the known impracticability of constructing the road across the Kankakee ponds or marshes, sufficiently defined to the general government the extent and application of the cession and confirmation of the grant of lands as aforesaid, to this State, and the right thereto, which had fully and inalienably inured to this State accordingly. In conformity with the rights and authority vested in the State, and under its direction by its general assembly, the said road above contemplated was surveyed in a direct line from Lake Michigan, *via* Logansport, on the Wabash, to Indianapolis; but on account of the ponds and pools of the Kankakee swamp rendering that route entirely impassable, which measured twenty miles from the lake to the Wabash, the design of a location on a direct line was necessarily abandoned, and the nearest and best practicable route was found to be by inclining northeast of the said obstructions, by which direction the road was accordingly and finally located, in the year 1828, by Messrs. John J. Neely, Chester Elliott, and John McDonald, commissioners duly appointed for that purpose by the general assembly of Indiana, measuring from Lake Michigan to the Wabash at Logansport, one hundred and two miles; and which having been sanctioned by this State, has been finally established by the general assembly thereof; its whole length from the lake to Indianapolis being 171 miles 41 chains and 50 links.

While the location thus established determines the right before secured to the State of the land provided for its route, and in its contiguity for its construction, it is gratifying to this general assembly to know that much interest and attraction has been added to a considerable portion of the lands of the United States in the St. Joseph's and Elkhart country, and that the value thereof, in the hands of the general government, has been materially enhanced by the location and the prospect of the construction of the said road as laid.

According to such location the commissioners above named subsequently proceeded, under the authority of this general assembly, to select the lands along the route of said road, and as contiguous thereto as good land, according to said treaty and confirmation secured, could be procured, confiding in the acknowledgment by the United States of the rights in that behalf guaranteed to this State, with the approbation and under the sanction of the general government; and in such selection they were further influenced by the examination and concurrence of General John Tipton, Indian agent of the United States, attended by some of the principal chiefs of the said tribe of Indians, fully authorized on behalf of the United States to that effect. The plat of such selection was duly forwarded to the General Land Office of the United States; and it is with regret this general assembly have received the communication that such location and selection have been entirely disregarded by the officers of that department, and that part of the lands thus selected have been sold by the general government without reference to the vested rights of this State therein—a disregard and injustice which we trust the further reflection of said department or the decision of Congress will disavow.

Therefore, be it resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, forthwith to endeavor to procure from the proper department of the general government, or from the Congress of the United States, an acknowledgment of the right of this State to the lands selected by the commissioners, under her authority, for the route and construction of the said road from Lake Michigan, *via* Indianapolis, to the Ohio river, and that the proceeds of the portion thereof which has been sold, as above, be paid over to the acting commissioner of this State, Noah Noble, for the adjustments of the contracts entered into by the State for opening said road, on the faith and pledge of those lands, and that the remaining lands so selected, or yet accruing to this State under its vested rights, as above, be made subject to disposal by this State in such way as may leave the manner thereof entirely under the control of this general assembly, as secured to this State by the said treaty of 1826, and by the act of Congress, above referred to, confirmatory thereof, approved March 2, 1827.

Resolved, further, That the governor of this State be requested forthwith to forward a copy of the above preamble and resolution to the President of the United States, to the President of the Senate and Speaker of the House of Representatives, and to each of our senators and representatives in Congress.

ISAAC HOWK, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved January 29, 1831.

J. BROWN RAY.

22D CONGRESS.] No. 921. [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 DECEMBER 7, 1831.

GENERAL LAND OFFICE, *November* 30, 1831.

SIR: The operations of this office for the last year, a report of which I have now the honor of presenting to your consideration and that of the government, have greatly exceeded previous expectations. An unusual quantity of the public lands have been disposed of, nearly all of which at the minimum price and to actual settlers. The causes which have principally contributed to increase the sales may be found in that active spirit of emigration which prevails in both Europe and America, in the enterprise and industry of the people of the west and southwestern States and Territories, and in the general prosperity of the country.

The statement hereunto annexed, marked A, shows the periods to which the quarterly accounts of the receivers have been rendered to this office, as also the monthly abstracts of sales and receipts, and the admitted balances remaining in the hands of the several receivers at the respective dates of their last returns. The quantity of lands sold, and the amount of purchase money, designating that portion received for sales made prior to July 1, 1820; the several amounts received in cash, forfeited land scrip, military land scrip, and the total amount of receipts, with the amount paid into the treasury in each State and Territory during the year 1830, the first and second quarters of 1831, as also the third quarter of 1831, will appear from the accompanying document marked B. The annexed statement marked C exhibits the transactions under the operation of the act of Congress approved the 31st of March, 1830, entitled "An act for the relief of the purchasers of public lands, and for the suppression of fraudulent practices at the sales of the public lands of the United States," and the act supplemental thereto, of the 25th of February, 1831, both of which terminated on the 4th day of July last.

In the last annual report of this office a schedule was furnished showing the quantity of forfeited land stock issued at the several land offices established under the credit system, amounting up to June 30, 1830, to $365,035 32. The amount issued since that period to the 30th of September last is $171,977 49, making a total amount issued at the land offices up to the last-named period of $537,012 81, which, added to $29,782 75, the amount issued at the treasury for lands sold to Edgar and Macomb, at New York, in the year 1787, constitutes an aggregate of forfeited land stock issued to the 30th September, 1831, of $566,795 56.

The appropriations for clerk hire in the several offices of the surveyors general, with one exception, have for many years been inadequate to the due performance of all the duties required of them by law. Arrears in recording the public surveys, in most of the offices, have long been accumulating, and been the cause of much delay and embarrassment in this branch of the public service. The present means provided by Congress have proved insufficient to enable the surveyors general to discharge their current duties, and examine and test the accuracy of the surveys, and prepare the duplicate plats and descriptive notes according to law in time for the government to bring the lands into market within a reasonable period after the surveys have been completed. Many contemplated sales have been postponed during the present year, and the intentions of the government defeated and the expectations of the people disappointed by reason of the insufficiency of the necessary aid in the surveyors' offices. The returns of the public surveys should be examined and their accuracy tested at the surveyor's office as soon as practicable after they are received, in order to the prompt settlement of the accounts of deputies, and to the immediate detection of those errors which must be corrected previous to such settlement. It is of much importance, both to the surveyors and the public service that the duplicate plats be promptly prepared and furnished to the district land offices and to this office, as the surveyor general is not credited with the expenditures charged in his accounts until the plats of surveys are rendered and his vouchers compared therewith; nor can the lands be proclaimed for sale by the President until the receipt of such plats at the General Land Office. At the present time there are due from the several surveyors' offices the returns of at least three hundred townships surveyed which have been detained, and the adjustment of the accounts for which is suspended by reason of the causes above mentioned, which townships ought to have been prepared and offered for public sale and made subject to private entry during the present year. To remedy these evils and prevent future delays of like character, it is respectfully submitted to the wisdom of Congress to make such additional appropriations for the surveyors' offices as will prove adequate to the performance of all their duties.

From such causes and embarrassments I regret that I am unable to present such a report of the operations of the surveying department as could be desired and as the public interest requires. The protracted illness of the surveyors general of Florida, of Mississippi, and of Missouri, Illinois, and Arkansas, should be added to the other causes of delay in preparing such public lands for market as had been previously surveyed in their respective districts, while the difficulty of procuring, until late in the season, a competent surveyor general for Louisiana, under the act of the last session of Congress, who would accept that office, has caused an entire suspension of the surveys in that State.

On the establishment of the office of surveyor general for Louisiana, with a knowledge of the confusion and chaos which for a long time has prevailed in the surveyor's office south of Tennessee, it was deemed expedient and necessary to send a special agent to that section of country who was intimately acquainted with the subject and with the numerous errors, and their character, which had been committed in relation to the surveys of the private land claims, with a view to expedite the transfer of the proper surveys from said office to that of Louisiana, as required by the act of March last, and to examine the surveys, documents, and papers, and take abstracts and memorandums of such of them as it was necessary should be thus transferred. That agent has returned after a very faithful performance of the duty assigned him, and from his full and intelligent report, I am satisfied that the impolitic and irresponsible system which existed in the surveying department under the laws creating the offices of principal deputy surveyors, (which was repealed at the last session of Congress,) has introduced evils, difficulties, and

embarrassments, connected with the public surveys in Louisiana, which cannot be overcome but by the patient industry, unceasing vigilance, and competent skill of the surveyor general of that State.

While it is the policy, as it is the interest, of the government to facilitate the sales of the public lands, and accommodate purchasers and promote the settlement of those sections of the country to which emigration tends, I would renew the recommendation for establishing another land office in Indiana, as called for by the necessities and convenience of actual settlers, and as required by considerations equally important to the pecuniary interests of the government, to include the territory described in the following limits, to wit: commencing at that point on the Tippecanoe river where the boundary line established by the treaty of the Wabash, the 16th of October, 1826, intersects that river; thence with said boundary to its intersection with the range line dividing ranges seven and eight east; thence north, to the northern boundary of the State; thence west, with the line of that northern boundary, to the northeast corner of Illinois; thence south, to a point due west of the first call; and thence due east to the place of beginning; and that the land office therein be located at some eligible and convenient place by the President. The section of country above described is rapidly settling with emigrants from other States and from Europe, many of whom are compelled to travel from one hundred to one hundred and eighty miles from their place of residence to enter and pay for their lands, while others, without the means of defraying the expenses of so long a journey, prefer locating themselves upon the public domain, in the hope that some pre-emption or other relief law will be passed for their benefit.

The act of the 30th of May, 1830, "for the relief of certain officers and soldiers of the Virginia line and navy, and of the continental army, during the revolutionary war," has thrown upon this office an amount of labor greatly exceeding that which was anticipated. The appropriation of four thousand dollars for this service, and other objects of duty, was insufficient to accomplish the purposes intended, and others have been occasionally detailed to assist, to the neglect of current duties. Such were the importunities of the claimants, and so ardent and pressing their demands for scrip, and so numerous the difficulties to be encountered, that, with the most persevering industry, the office, with the means in its power, has not been able to satisfy all the claims under the Virginia continental and State lines. Five hundred and twenty warrants (including two hundred and forty-seven of United States military) have been satisfied with scrip, amounting to 183,690 acres of the Virginia State line and navy; 38,901.90 acres of the Virginia continental line, and 34,300 acres of the United States military. Many of these warrants—in fact the largest portion of them—with the title papers connected therewith, have required and have received an examination and investigation of as difficult and complicated a character as those of a laborious and contested suit in chancery, involving an extensive and voluminous correspondence of legal discussion and frequently of perplexing embarrassment. These investigations have imposed upon the commissioner and those gentlemen of the office who were particularly charged with this service a very fatiguing and irksome duty. It would have been greatly preferred, if the peculiar circumstances of many of these cases had justified the delay necessary to an adjudication in the regular administration of justice, that the decision of numerous questions arising under the construction of wills and the conflicting claims of heirs had not devolved upon an executive officer, who could not devote that time and consideration to controverted questions of law which their importance frequently required. From the statement marked D, hereunto annexed, it will appear that up to the 14th instant three thousand five hundred and twenty-eight pieces of scrip had been issued, the record of which, in this office, fills eighteen books of about two hundred pages each.

At the last session of Congress the sum of five thousand dollars was appropriated for the employment of temporary clerks to bring up the arrears of this office. This sum will have been expended on the 1st of January next, and has furnished the means of disposing of an unusual amount of the current business for the year. From the first of January last there have been prepared, examined, and recorded, and will be issued previous to the close of the year, more than twenty-five thousand patents for lands sold, when, with the ordinary force of the office applied to that object, there were less than seven thousand issued in the year 1830. During the same time there have been written and recorded, or registered, more than 5,000 letters, occupying a record exceeding 1,500 large folio pages, and 500 quarto pages, in addition to the performance of other duties which have unremittingly pressed upon the time and attention of the office. But with all the exertions which have been made, and with the aid afforded by the appropriation above mentioned, to such an extent has the current business unexpectedly increased that the arrears on the 1st of January next will be greater than at the date of my last report. The annexed document, marked E, exhibits the several classes of arrears, with the number of clerks required to bring up the business of each in one year, by which it will appear that the labor of fifty-five clerks is necessary to accomplish that object. That statement has been made out from a very particular examination and a careful and moderate estimate of the amount of labor required, without reference to sickness or necessary or unavoidable absence from duty. But it will be impossible to employ so many additional clerks in the rooms allotted to this office, and there are no unoccupied rooms in the public buildings appropriated to the executive administration of the government. However desirable, therefore, it may be, on public considerations, to have all the business of the office brought up to the successive periods of its current duties, no practicable plan can be immediately adopted by which that object can be attained in less time than three or four years. With this view of the subject, I would respectfully recommend the permanent employment of fifteen additional clerks, and a special appropriation of five thousand dollars to defray the expenses of writing and recording patents out of the office in the year 1832. With this additional assistance, if the ordinary business should not greatly increase, it is believed a considerable portion of the arrears would be brought up in four years, at the expiration of which period the whole force then in the office would be required to discharge its current duties. With this additional number of permanent clerks, a reorganization of the bureaus of the office, on the plan mentioned in my last report, could be effected to great advantage, and essentially contribute to the accuracy and despatch of business.

The arrears herein referred to, (one item of which will, on the 1st of January next, consist of more than thirty-five thousand patents for land sold,) although unavoidable with the means furnished to the office, have created delays in its business frequently injurious to persons interested, and sometimes to the public service, and have afforded just cause of complaint from those who were entitled to a prompt discharge of its duties. I make this disclosure with the hope that ample provision will soon be made to enable the department to do away the cause of complaint which now exists, and prevent the recurrence of any such cause in future.

By reference to the last annual report of this office it will be seen that the total amount of sales of the public lands for the year 1829 was 1,244,860 acres, and it was therein estimated that the annual sales

to actual settlers, commencing with the year 1831, would amount to one and one-half millions of acres, and that those sales would increase, with the population of the valley of the Mississippi, to fifty per cent. at the close of the next ten years. From the exhibit hereunto annexed, marked B, it appears that the sales for the year 1830 have amounted to more than one million nine hundred thousand, and that for the first three quarters of the present year they have exceeded two millions of acres, and that the money actually paid into the treasury during the last period, from the proceeds of the sales, is nearly two and one-half millions of dollars.

The importance with which these extensive operations are seen and felt by the people of the western and southwestern States and Territories imposes upon the government the highest obligations to promote, by those means within its competency, a prompt discharge of all the duties required of those who have any official agency, either directly or indirectly, in the sales and disposition of the public domain. Those sections of the Union now contain more inhabitants than the entire population of the United States at any period of the revolutionary war. By the returns of the census of 1830, it appears they then contained a free population exceeding three millions, and an aggregate population, within two hundred thousand, equal to all the enumerated inhabitants of the United States and its Territories in the year 1790. There are no sections of the Union where the citizens are more distinguished for active and vigorous pursuits and persevering industry, and where they are compelled to rely more exclusively upon their own resources and individual enterprise for the means of subsistence and the comforts and conveniences of life. The peculiar circumstances which attended their early settlement in the forests produced habits of the first importance to the rapid growth of the country, and which have subsequently enabled them to contribute largely to the public revenues of the nation. It is over the principal part of those vast regions that the operations of this office extend, and where the titles to real property depend upon the accuracy and fidelity with which its official duties are performed.

All which is respectfully submitted.

ELIJAH HAYWARD.

Hon. Louis McLane, *Secretary of the Treasury.*

A.—*Exhibit of the periods to which the monthly accounts of the registers and receivers of the public land offices have been rendered, showing the balance of cash in the receivers' hands at the date of their last monthly accounts current, and the periods to which the receivers' quarterly accounts have been rendered.*

Land offices.	Monthly returns.		Acknowledged balance of cash in the hands of the receivers per last monthly return.	Period to which the receivers' quarterly accounts have been rendered.
	Period to which rendered by registers.	Period to which rendered by receivers.		
Marietta, Ohio	October 31, 1831	October 31, 1831	$1,060 10	September 30, 1831
Zanesville, Ohio	ditto	ditto	3,686 18	ditto
Steubenville, Ohio	ditto	ditto	2,472 98	ditto
Chilicothe, Ohio	ditto	ditto	2,232 46	ditto
Cincinnati, Ohio	ditto	ditto		
Wooster, Ohio	ditto	ditto	2,788 48	ditto
Piqua, Ohio	ditto	ditto	2,421 17	ditto
Tiffin, Ohio	ditto	ditto	3,436 56¾	ditto
Jeffersonville, Indiana	ditto	ditto	97 56	ditto
Vincennes, Indiana	ditto	ditto	11,924 26	ditto
Indianapolis, Indiana	ditto	ditto	9,896 68	ditto
Crawfordsville, Indiana	ditto	ditto	41,636 06	ditto
Fort Wayne, Indiana	ditto	ditto	11,028 25	ditto
Shawneetown, Illinois	ditto	ditto	3,680 66	ditto
Kaskaskia, Illinois	ditto	ditto	1,702 74	ditto
Edwardsville, Illinois	ditto	ditto	4,786 93	ditto
Vandalia, Illinois	ditto	ditto	2,383 47	ditto
Palestine, Illinois	ditto	ditto	9,866 52	ditto
Springfield, Illinois	ditto	ditto	5,664 44	ditto
Danville, Illinois	ditto	ditto	2,893 20	ditto
St. Louis, Missouri	ditto	ditto		
Franklin, Missouri	September 30, 1831	September 30, 1831	21,173 15	ditto
Palmyra, Missouri	ditto	ditto	7,094 69½	ditto
Jackson, Missouri	October 31, 1831	October 31, 1831	1,981 31½	ditto
Lexington, Missouri	ditto	ditto	8,467 13	ditto
St. Stephen's, Alabama	September 30, 1831	September 30, 1831	7,927 50	March 31, 1831
Cahaba, Alabama	October 31, 1831	October 31, 1831	25,265 18	September 30, 1831
Huntsville, Alabama	ditto	ditto	11,715 03	ditto
Tuscaloosa, Alabama	ditto	ditto	2,078 39	ditto
Sparta, Alabama	ditto	ditto	2,588 06	ditto
Washington, Mississippi	ditto	ditto	937 38	ditto
Augusta, Mississippi	ditto	ditto	218 53	ditto
Mount Salus, Mississippi	September 30, 1831	September 30, 1831	12,048 38	ditto
New Orleans, Louisiana	October 31, 1831	October 31, 1831	231 00	ditto
Opelousas, Louisiana	ditto	ditto	9,921 64¼	ditto
Ouachita, Louisiana	September 30, 1831	September 30, 1831	7,614 64	ditto
St. Helena, Louisiana	October 31, 1831	October 31, 1831	391 86	ditto
Detroit, Michigan Territory	ditto	ditto	31,679 96	ditto
White Pigeon Prairie, Michigan Territory	September 30, 1831	ditto	7,962 33	ditto
Batesville, Arkansas Territory	ditto	ditto	2,739 23	ditto
Little Rock, Arkansas Territory	August 31, 1831	September 30, 1831	8,803 11	ditto
Tallahassee, Florida Territory	October 31, 1831	ditto	11,764 83	June 30, 1831
St. Augustine, Florida Territory	August 31, 1831	August 31, 1831		

ELIJAH HAYWARD.

General Land Office, *November* 30, 1831.

B.

Exhibit of the operations of the land offices of the United States in the several States and Territories during the year ending December 31, 1830, the half year ending June 30, 1831, and the quarter ending September 30, 1831; and of the payments made into the treasury on account of public lands during those several periods.

States and Territories.		Land sold—acres.	Purchase money.	Amount received on account of lands sold prior to July 1, 1830.	Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount paid into the treasury.
						Forfeited land scrip.	Military land scrip.		
Ohio	for 1830..	156,392.70	$195,501 78	$1,662 40	$150,947 61	$42,049 94	$4,166 67	$197,164 22	$144,510 84
Indiana	do....	476,351.85	598,115 55	1,433 54	586,392 59	13,161 50	.....	599,554 09	627,181 75
Illinois	do....	316,451.71	395,678 34	729 52	389,180 46	7,227 40	.....	396,407 86	396,204 31
Missouri	do....	214,917.44	269,138 26	315 25	265,508 46	3,945 05	.....	269,453 51	224,609 03
Alabama	do....	373,203.73	477,346 06	1,872 27	441,929 04	36,789 29	500 00	479,218 33	475,471 71
Mississippi	do....	108,439.67	135,689 06	614 06	128,210 18	8,092 94	.....	136,303 12	148,254 07
Louisiana	do....	74,647.70	95,602 68	34 77	95,235 29	402 16	.....	95,637 45	76,730 50
Michigan Territory	do....	147,061.55	183,912 04	129 43	178,707 85	5,333 62	.....	184,041 47	178,516 65
Arkansas Territory	do....	2,648.95	3,311 19	.....	3,311 19	.....	.....	3,311 19	1,833 53
Florida Territory	do....	59,618.49	79,137 98	.....	68,137 98	11,000 00	.....	79,137 98	56,043 75
Total		1,929,733.79	2,433,432 94	6,796 28	2,307,560 65	128,001 90	4,666 67	2,440,229 22	2,329,356 14
Ohio	1st and 2d qrs. 1831.	135,425.71	170,790 73	7,409 63	119,733 86	18,467 05	39,999 44	178,200 36	97,230 36
Indiana	do do....	210,796.65	264,962 35	11,552 40	233,589 88	6,306 27	36,618 60	276,514 75	239,088 32
Illinois	do do....	154,137.06	192,674 20	1,728 57	176,762 88	5,561 56	12,078 33	194,402 77	185,732 88
Missouri	do do....	102,148.65	127,851 45	3,207 28	130,120 39	933 34	.....	131,058 73	142,547 85
Alabama	do do....	301,854.53	428,440 56	61,698 50	475,707 22	14,431 84	.....	490,139 06	334,589 06
Mississippi	do do....	80,424.92	100,530 55	9,827 72	98,487 17	11,871 10	.....	110,358 27	82,828 24
Louisiana	do do....	32,106.68	40,133 30	.....	39,631 55	501 75	.....	40,133 30	55,020 93
Michigan Territory	do do....	174,714.02	219,289 05	900 94	217,203 08	2,986 91	.....	220,189 99	152,945 96
Arkansas Territory	do do....	7,860.03	9,825 09	.....	9,825 09	.....	.....	9,825 09	.....
Florida Territory	do do....	16,993.60	21,242 02	.....	21,042 02	200 00	.....	21,242 02	26,104 13
Total		1,216,461.85	1,575,739 30	96,325 04	1,522,103 14	61,264 82	88,696 37	1,672,064 34	1,316,087 73
Ohio	3d quarter of 1831..	106,873.59	139,322 15	7,882 73	127,459 30	8,096 91	11,648 67	147,204 88	125,228 15
Indiana	do do....	151,263.40	189,435 20	5,138 04	185,487 78	2,310 46	6,775 00	194,573 24	181,857 18
Illinois	do do....	98,801.53	124,361 64	2,503 81	113,415 99	3,703 53	9,745 93	126,865 45	112,802 56
Missouri	do do....	94,463.73	121,524 90	851 15	121,956 81	419 24	....	122,376 05	112,778 65
Alabama	do do....	207,886.62	274,178 30	13,102 13	283,013 78	4,266 64	.....	287,280 43	401,103 86
Mississippi	do do....	50,720.44	67,366 18	1,534 35	66,540 24	2,360 29	.....	68,900 53	74,052 69
Louisiana	do do....	12,172.95	15,216 19	920 62	15,601 06	535 75	.....	16,136 81	11,900 00
Michigan Territory	do do....	78,320.34	98,350 49	575 15	98,925 64	.....	.....	98,925 64	135,430 08
Arkansas Territory	do do....	3,970.95	4,963 69	.....	4,963 69	.....	.....	4,963 69	3,100 00
Florida Territory	do do....	8,571.19	11,002 11	.....	11,002 11	.....	.....	11,002 11	5,318 00
Total		813,044.74	1,045,720 85	32,507 98	1,028,366 40	21,692 82	28,169 60	1,078,228 83	1,163,571 17

GENERAL LAND OFFICE, *November* 30, 1831. ELIJAH HAYWARD.

C.

Statement exhibiting the payments made (on lands sold prior to the 1st day of July, 1820,) under the operation of the act of Congress approved on the 31st March, 1830, entitled "An act for the relief of the purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States," and of the act supplemental thereto, approved on the 25th February, 1831, both terminating on the 4th July, 1831.

Land offices.	Pre-emptions to and redemptions of reverted lands under the first section of said acts.				Pre-emptions to relinquished lands under the second section of said acts.	
	Quantity.	Am't previously paid, exclusive of interest and discount.	Additional payments as authorized by these acts.	Total, excluding discount.	Quantity.	Purchase money paid.
	Acres.				*Acres.*	
Marietta, Ohio	880.20	$680 17	$420 07	$1,100 24	.....	.....
Zanesville, Ohio	3,003.14	1,834 47	2,235 17	4,069 64	.....	.....
Steubenville, Ohio	1,660.36	1,057 11	1,108 63	2,165 70	79.49	$99 36
Chilicothe, Ohio	1,921.61	1,199 15	1,259 67	2,458 82	.....	.....
Cincinnati, Ohio	14,744.81	9,425 37	9,397 02	18,822 39	568.04	710 05
Wooster, Ohio	3,918.00	2,438 59	2,534 24	4,972 83	397.75	1,987 24
Jeffersonville, Indiana	13,120.56	8,281 89	8,528 43	16,810 32	443.23	554 04

C.—STATEMENT—Continued.

Land offices.	Pre-emptions to and redemptions of reverted lands under the first section of said acts.				Pre-emptions to relinquished lands under the second section of said acts	
	Quantity.	Am't previously paid, exclusive of interest and discount.	Additional payments as authorized by these acts.	Total, excluding discount.	Quantity.	Purchase money paid.
	Acres.				*Acres.*	
Vincennes, Indiana	14,846.38	$9,396 14	$9,541 20	$18,937 34	79.60	$127 00
Shawneetown, Illinois	5,078.72	2,632 85	3,895 99	6,528 84	798.36	997 95
Kaskaskia, Illinois	772.65	394 00	571 82	965 82		
Edwardsville, Illinois	560.00	333 34	366 66	700 00	400.00	500 00
St. Louis, Missouri	2,617.44	2,340 32	1,373 83	3,714 15	3,646.68	4,628 30
Franklin, Missouri	4,563.55	2,914 77	2,999 85	5,914 62	2,628.16	3,519 46
St. Stephen's, Alabama	6,127.84	6,805 59	2,280 35	9,085 64	2,584.46	3,819 95
Cahaba, Alabama	41,934.89	38,685 41	24,233 51	62,918 92	51,064 06	97,330 86
Huntsville, Alabama	88,172.86	64,371 95	49,642 20	114,014 46	31,134.36	62,581 95
Washington, Mississippi	17,364.00	8,995 05	11,976 13	20,971 18	1,392.66	1,881 64
Opelousas, Louisiana	1,043.20	557 75	955 39	1,513 14		
Detroit, Michigan	2,111.88	1,284 61	1,605 52	2,890 13	698.24	975 37
	224,442.09	163,628 53	134,925 68	298,554 18	95,915.09	179,713 17

GENERAL LAND OFFICE, *November* 30, 1831. ELIJAH HAYWARD.

D.

Statement exhibiting the number of each description of warrants, the quantity of land therein granted, the number of certificates or scrip that have been issued, and the total amount thereof, which have been acted on under the provisions of the act entitled "An act for the relief of certain officers and soldiers of the Virginia State line and navy, and of the continental army during the revolutionary war," in this office to November 14, 1831.

	Number of warrants.	Quantity of acres.	Number of certificates.	Amount.
Virginia State line and navy	208	183,690.00	2,417	$229,612 50
Virginia continental	65	38,901.90	520	48,626 54
United States	247	34,300.00	591	42,875 00
Grand total	520	256,891.90	3,528	321,114 04

GENERAL LAND OFFICE, *November* 30, 1831. ELIJAH HAYWARD.

E.

A statement showing the classes of arrears in the General Land Office, with the number of clerks necessary to bring up the business of each in one year, commencing on the first of January next.

Class.	Nature of the arrears.	Number of clerks.
First	Posting the accounts of the sales of the public lands, examining the certificates thereof, and preparing them for patenting, auditing the accounts of the receivers of public moneys, and opening tract books for lands in the several districts	6
Second	Completing separate and general indexes of the patents issued for purchased lands and for military bounties for services during the last war	15
Third	Examining the papers and issuing patents for private claims on the cases now in the office, making indexes to the several reports of the names of the original and present claimants, and accurately transcribing the reports of the several boards of commissioners	12
Fourth	Examining the papers and issuing patents for lands located under warrants issued by the State of Virginia for services during the revolutionary war, and making the necessary indexes to the warrant books	3
Fifth	Upon the 1st of January next it is expected that there will be in this office about 35,000 certificates for lands sold by the United States requiring patents. The writing, recording, examining, and transmitting of thirty-five thousand patents for land sold, together with making general and separate indexes to the records thereof	16
Sixth	The comparison of the quarterly accounts of the surveyor general with the surveys returned, and adjusting the same, and completing the maps required for the use of the Senate of the United States.	3
	Total	55

GENERAL LAND OFFICE, *November* 30, 1831. ELIJAH HAYWARD.

Statement of public lands sold, of cash and scrip received in payment therefor, of incidental expenses, and payments into the treasury on account of public lands, during the year ending December 31, 1830.

Land offices.	Lands sold—acres.	Purchase money.	Amount received on account of lands sold prior to July 1, 1820.	Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Am't of incidental expenses.	Amount paid into the treasury from Jan. 1 to Dec. 31, 1830.
					Forfeited land scrip.	Military land scrip.			
OHIO.									
Marietta	9,656.54	$12,070 66		$11,139 37	$831 29	$100 00	$12,070 66	$1,272 43	$8,190 79
Zanesville	33,894.91	42,368 65	$725 74	28,245 22	11,032 50	3,816 67	43,094 39	2,152 69	27,139 25
Steubenville	18,318.91	22,898 64		20,679 21	2,219 43		22,898 64	1,194 24	15,955 58
Chilicothe	15,880.03	19,850 12	257 66	18,481 57	1,376 21	250 00	20,107 78	1,478 55	27,415 71
Cincinnati	26,475.96	33,094 95	679 04	15,244 61	18,529 38		33,773 99	2,411 84	12,711 71
Wooster	18,857.98	23,573 28		20,059 93	3,513 35		23,573 28	2,012 66	8,241 72
Piqua	2,872.01	3,590 03		3,257 78	332 25		3,590 03	1,110 24	2,342 06
Tiffin	30,436.36	38,055 45		33,839 92	4,215 53		38,055 45	1,960 49	32,514 02
Total	156,392 70	195,501 78	1,662 44	150,947 61	42,049 94	4,166 67	197,164 22	13,593 14	144,510 84
INDIANA.									
Jeffersonville	17,716.82	22,146 04	759 26	17,056 12	5,849 18		22,905 30	1,810 44	12,603 43
Vincennes	31,441.56	39,329 60	679 28	36,126 86	3,882 02		40,008 88	2,235 08	39,944 70
Indianapolis	112,503.89	140,629 58		138,755 89	1,873 69		140,629 58	4,064 78	118,729 64
Crawfordsville	291,387.89	366,738 92		365,182 31	1,556 61		366,738 92	8,062 66	428,830 58
Fort Wayne	23,301.69	29,271 41		29,271 41			29,271 41	1,859 39	27,073 40
Total	476,351.85	598,115 5	1,438 54	586,392 59	13,161 50		599,554 09	18,032 35	627,181 75
ILLINOIS.									
Shawneetown	7,720.61	9,730 78	602 09	8,073 83	2,259 04		10,332 87	1,920 73	7,276 00
Kaskaskia	5,000.92	6,251 14	127 43	5,609 57	769 00		6,378 57	1,422 27	6,728 75
Edwardsville	80,020.46	100,031 02		97,607 02	2,424 00		100,031 02	3,747 64	117,768 48
Vandalia	35,362.60	44,203 38		42,707 17	1,496 21		44,203 38	2,012 25	24,884 97
Palestine	86,413.93	108,019 65		108,019 65			108,019 65	3,817 84	128,177 17
Springfield	101,933.19	127,442 37		127,163 22	279 15		127,442 37	3,863 47	111,368 94
Total	316,451.71	395,678 34	729 52	389,180 46	7,227 40		396,407 86	16,784 20	396,204 31
MISSOURI.									
St. Louis	33,908.15	42,385 22		41,528 93	856 29		42,385 22	2,089 93	36,069 32
Franklin	51,494.72	64,607 74	315 25	63,297 06	1,625 93		64,922 99	1,946 17	43,861 31
Palmyra	97,128.90	121,411 77		119,955 33	1,456 44		121,411 77	4,598 11	112,164 01
Jackson	6,572.02	8,440 01		8,440 01			8,440 01	1,274 73	7,270 00
Lexington	25,813.65	32,293 52		32,287 13	6 39		32,293 52	1,376 24	25,244 39
Total	214,917.44	269,138 26	315 25	265,508 46	3,945 05		269,453 51	11,285 18	224,609 03
ALABAMA.									
St. Stephen's	18,225.96	22,885 49		10,678 43	12,207 06		22,885 49	2,016 60	9,466 51
Cahaba	155,227.77	195,963 15	25 53	182,377 30	13,111 38	500 00	195,988 68	7,627 97	229,247 09
Huntsville	165,507.65	215,694 77	1,846 74	207,268 41	10,273 10		217,541 51	5,868 08	196,534 92
Tuscaloosa	19,419.44	24,274 29		23,370 81	903 48		24,274 29	1,570 76	19,000 00
Sparta	14,822.91	18,528 36		18,234 09	294 27		18,528 36	1,624 16	21,223 19
Total	373,203.73	477,346 06	1,872 27	441,929 04	36,789 29	500 00	479,218 33	18,707 57	475,471 71
MISSISSIPPI.									
Washington	6,894.42	8,758 90	614 06	7,598 26	1,774 70		9,372 00	1,250 87	4,850 00
Augusta	74.03	92 55		92 55			92 55	723 84	
Mount Salus	101,471.22	126,837 61		120,519 37	6,318 24		6,837 61	4,278 54	143,404 07
Total	108,439.67	135,689 06	614 06	128,210 18	8,092 94		16,302 16	6,253 25	148,254 07
LOUISIANA.									
New Orleans	6,438.72	9,101 37		9,101 37			9,101 37	1,823 09	
Opelousas	9,413.84	11,767 29	34 77	11,399 90	402 16		11,802 06	1,266 94	17,169 90
Ouachita	50,570.06	64,433 92		64,438 92			64,438 92	2,533 13	55,560 60
St. Helena	8,225.08	10,295 10		10,295 10			10,295 10	1,955 65	4,000 00
Total	74,647.70	95,602 68	34 77	95,235 29	402 16		95,637 45	7,578 81	76,730 50
MICHIGAN TERRITORY.									
Detroit	70,361.21	87,951 65	129 43	82,747 46	5,333 62		88,081 08	3,646 04	77,016 65
Munroe	76,700.34	95,960 39		95,960 39			95,960 39	4,146 70	101,500 00
Total	147,061.55	183,912 04	129 43	178,707 85	5,333 62		184,041 47	7,792 74	178,516 65

STATEMENT—Continued.

Land offices.	Lands sold—acres.	Purchase money.	Amount received on account of lands sold prior to July 1, 1830.	Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Am'nt of incidental expenses.	Amount paid into the treasury from Jan. 1 to Dec. 31, 1830.
					Forfeited land scrip.	Military land scrip.			
ARKANSAS TERRITORY.									
Batesville	786.25	$982 81	.....	$982 81	.....	.....	$982 81	$1,735 10	$1,833 53
Little Rock	1,862 70	2,328 38	.....	2,328 38	.....	.....	2,328 38	2,060 62	.....
Total	2,648.95	3,311 19	.....	3,311 19	.....	.....	3,311 19	3,795 72	1,833 53
FLORIDA TERRITORY.									
Tallahassee	59,618.49	79,137 98	.....	68,137 98	$11,000 00	.....	79,137 98	3,760 83	56,043 75
St. Augustine	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	59,618 49	79,137 98	.....	68,137 98	11,000 00	.....	79,137 98	3,760 83	56,043 75
Grand total	1,929,733 79	2,433,432 94	$6,796 28	2,307,560 65	123,001 90	$4,666 67	2,440,229 22	107,583 79	2,329,356 14

GENERAL LAND OFFICE, *November* 28, 1831. ELIJAH HAYWARD.

REPORT OF THE BOUNTY LAND OFFICE.

Return of claims which have been deposited in the Bounty Land Office for the year ending on the 30th September, 1831, for services rendered during the revolutionary war.

Claims suspended, on file 30th September, 1830		6
Claims received from 1st October, 1830, to 30th September, 1831, inclusive		573
		579
Claims for which land warrants have issued	98	
Claims previously satisfied	86	
Claims not entitled to land	116	
Claims in which the names of the applicants are not returned on the records in this office	171	
Claims on which further evidence was required	76	
Claims for which regulations were sent	26	
Claims on file, suspended	6	
		579

Abstract of the number of warrants issued for the year ending on the 30th September, 1831.

		Acres.
1	lieutenant colonel	450
1	major	400
8	captains, 300 acres each	2,400
16	lieutenants, 200 acres each	3,200
1	ensign	150
1	cornet	150
2	surgeons, 400 acres each	800
68	rank and file, 100 acres each	6,800
98	warrants.	14,350

Number of warrants signed by Generals Knox and Dearborn, which remain on file in this office	53
Number of claims under the act of Congress of 15th of May, 1828, presented by the Treasury Department for examination	31

Return of claims which have been deposited in the Bounty Land Office for the year ending on the 30th September, 1831, for services rendered during the late war.

Claims suspended, per last report		318
Claims received since		294
		612
Claims for which warrants have issued	70	
Claims previously satisfied	55	
Claims not entitled to land	36	
Claims returned for further evidence	52	
Claims for which regulations were sent	86	
Claims on file, suspended	313	
		612

Abstract of the number of warrants issued for the year ending on the 30th September, 1831.

1st. Authorized by the acts of December 24, 1811, and January 11, 1812	68
2d. Authorized by the act of December 10, 1814	2
Total	70
Whereof, of the first description, 68 granted, of 160 acres each	10,880
Whereof, of the second description, 2 granted, of 320 acres each	640
Total acres	11,520

DEPARTMENT OF WAR,
Bounty Land Office, November 20, 1831.

The foregoing is respectfully reported to the honorable Secretary of War as the proceedings of this office for the year ending on the 30th September, 1831.

WM. GORDON, *First Clerk.*

22D CONGRESS.] No. 922. [1ST SESSION.

APPLICATION OF INDIANA FOR LAND FOR THE CONSTRUCTION OF CERTAIN ROADS IN THAT STATE.

COMMUNICATED TO THE SENATE DECEMBER 14, 1831.

A JOINT RESOLUTION of the general assembly of the State of Indiana relative to certain roads therein named.

Whereas there is a great extent of valuable country destitute of a good passable road between Lawrenceburg, in Dearborn county, on the Ohio river, and the southern bend of the St. Joseph's river of Lake Michigan, and as a great proportion of the lands through which a road from Lawrenceburg to the said southern bend would pass still belongs to the United States, and that a road properly constructed through said section of country would not only open a communication for emigrants to pass to the same, but cause the said lands speedily to sell and be of immense advantage to the State of Indiana and the United States; and whereas the State of Indiana has paid large sums of money into the treasury of the United States by the purchase of lands, and the said road would open a direct communication for the mail between said points, which would be highly useful not only to the State of Indiana, but also to the United States: 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 all reasonable exertions to induce Congress to donate one section of land along the route for each mile of said road from Lawrenceburg, on the Ohio river, through Brookville, in Franklin county, Connersville, in Fayette county, Centreville, in Wayne county, Winchester, in Allen county, the county seat of Elkhart county, and from thence to the county seat of St. Joseph's county; and also to donate one section of land for each mile in length of another road, to be located from the Horse-Shoe Bend, on the Ohio river, by the way of Paoli, Bedford, Bloomington, Martinsville, and thence to a point on the Michigan road directly east of the town of Frankfort, in Clinton county, to aid the State of Indiana in constructing said roads, and authorize the State of Indiana to select the lands so to be donated, as aforesaid, anywhere within ten miles of said routes, out of any unsold lands belonging to the United States.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in Congress.

ISAAC HOWK, *Speaker of the House of Representatives.*
MILTON STAPP, *President of the Senate.*

Approved January 6, 1831.

J. BROWN RAY.

22D CONGRESS.] No. 923. [1ST SESSION.

CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1831.

Mr. C. JOHNSON, from the Committee to whom was referred the petition of Bernard Marigny, reported:

The petitioner prays the confirmation of his title to two tracts of land, situate in the State of Louisiana and parish of St. Tammany. One of the said tracts, consisting of four thousand and twenty arpents, was surveyed for Antonio Bonnabel, under whom the petitioner claims, on the 15th January, 1799, by Carlos Trudeau, the royal surveyor of the province of Louisiana, and a patent for the same was issued by Governor Gayoso on the 25th January, 1799.

The other tract claimed, consisting of seven hundred and seventy-four arpents, is contiguous to the one before mentioned. It was granted on the 20th January, 1777, by Peter Chester, British governor at Pensacola, to one Lewis Davis, whose title to the same was afterwards, to wit, on the 11th June, 1788, confirmed by decree of Estevan Miro, Spanish governor of the provinces of Florida and Louisiana.

Habitation and cultivation is shown from in and about the period of the grant up to the present time.

It appears that claims for both these tracts were filed—one in the name of Bonnabel, the other in the name of the heirs of Lewis Davis—with James O. Cosley, the land commissioner at St. Helena Court-House, under the act of 1812. In the report of the said commissioner in 1816, which was adopted by the law of Congress of 3d March, 1819, the said claim of Bonnabel was recommended for confirmation; but, in the opinion of the committee, a clerical error was therein committed by carrying out the quantity in figures as 400 arpents, instead of 4,020, as specified in the grant.

On the other claim of seven hundred and seventy-four arpents, which had been presented in the name of the heirs of Lewis Davis, no report was made by the commissioner, an omission, the committee think, which must have been accidental, seeing that no reason is assigned for it, and that, in their opinion, the title was fully established.

Deeming both the claims valid for the respective quantities called for, the committee report a bill to that end.

22D CONGRESS.] No. 924. [1ST SESSION.

APPLICATION OF ARKANSAS FOR A DONATION OF LAND TO ACTUAL SETTLERS FOR THE PROTECTION OF THE FRONTIERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1831.

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 western and southern border of the Territory of Arkansas is thinly settled, and, consequently, greatly exposed to the depredations of the Indians who inhabit the country to the west and south. The expense to the general government of keeping troops stationed at the different military posts for their protection is immense. Your memorialists would therefore suggest the expediency of granting to each actual settler, within a reasonable distance of the western frontier, one quarter section of land; this would be the means of drawing to our borders the hardy pioneers of the west in sufficient numbers to operate as a barrier to Indian depredations, and afford ample protection to the interior of our Territory. The lands on our western limits are at present to the government almost valueless, being situated in detached parcels, very little of which has as yet been sold. This, as your memorialists humbly conceive, would greatly enhance the value of the adjoining lands, and give to the country an improved and firm frontier, able by its strength, and impelled by its interest, to resist encroachments from abroad.

WILLIAM TRIMBLE, *Speaker of the House of Representatives.*
CHARLES CALDWELL, *President of the Legislative Council.*

Approved November 2, 1831.

JOHN POPE.

22D CONGRESS.] No. 925. [1ST SESSION.

APPLICATION OF ARKANSAS FOR COMPENSATION TO AGENTS FOR SELECTING LANDS FOR A UNIVERSITY IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1831.

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 Territory of Arkansas humbly showeth to your honorable bodies: That by an act of Congress approved the 2d day of March, A. D. 1827, the Secretary of the Treasury was authorized to set apart and reserve from sale, out of any of the public lands within the Territory of Arkansas to which the Indian title has been or may hereafter be extinguished, and not otherwise appropriated, a quantity of land not exceeding two entire townships for the use and support of a university within the said Territory; and your memorialists represent that, by a letter of instructions from Richard Rush, the then Secretary of the Treasury, to George Izard, the then governor of the Territory of Arkansas, requiring him, as soon as practicable and without unnecessary delay, to select the said two townships of land and set the same apart for the uses and purposes aforesaid; and your memorialists further represent that, in accordance with the said instructions, the governor appointed suitable persons as agents to select the said two townships of land according to the provisions of the above-recited act, and that the said agents have long since performed the duties imposed on them, and that for the services performed by them they have received no compensation whatever, and that your memorialists have no

fund under their control out of which they can pay the said agents; your memorialists therefore respectfully ask your honorable bodies to pass an act appropriating a sufficient sum of money for the purpose of paying the said agents for their services rendered in selecting the said two townships of land. And your memorialists further pray that your honorable bodies pass an act giving the legislature of said Territory the power of taking charge of and making such disposition of said lands as you in your deliberation may think best calculated to effect the object for which the aforesaid land was appropriated; and, as in duty bound, your memorialists will ever pray.

WILLIAM TRIMBLE, *Speaker of the House of Representatives.*
CHARLES CALDWELL, *President of the Legislative Council.*

Approved November 3, 1831.

JOHN POPE.

22D CONGRESS.] No. 926. [1ST SESSION.

APPLICATION OF ARKANSAS TO BE ALLOWED TO SELL THE SALINES IN SAID TERRITORY, AND APPLY THE PROCEEDS TO EDUCATION OF ORPHANS, ETC

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1831.

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 by the laws of the United States now in force in this Territory, all salt springs and salines are reserved from sale, and that the salt springs and salines aforesaid are generally on lands unsurveyed. Your memorialists also having viewed with sympathy that unfortunate class of our fellow beings who have been left without the fostering hand of a parent, or means to give them that education which is required to fit them for the necessary stations to which they may be called in society—

We therefore pray that your honorable bodies may pass a law relinquishing all the salt springs and salines aforesaid on the public lands, with the lands contiguous thereto to this Territory, to be leased out or disposed of in such manner as you in your wisdom may think most advisable; and that the proceeds thereof be appropriated exclusively to the education of orphans and indigent children of the different counties in this Territory under such regulations as the legislature of this Territory may, from time to time, adopt; and your memorialists, as in duty bound, will ever pray.

WILLIAM TRIMBLE, *Speaker of the House of Representatives.*
CHARLES CALDWELL, *President of the Legislative Council.*

Approved November 5, 1831.

JOHN POPE.

22D CONGRESS.] No. 927. [1ST SESSION.

APPLICATION OF ARKANSAS FOR THE EXTENSION AND MODIFICATION OF THE PRE-EMPTION LAWS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1831.

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, in behalf of the citizens of said Territory, would respectfully represent: That the late pre-emption law passed by your honorable bodies during the session of 1829 was limited in its effects and existence to the twenty-ninth day of May, one thousand eight hundred and thirty one, from causes peculiar to the Territory has fallen far short of producing the salutary results which the government intended by its passage; many of the earliest settlers of the Territory, by whose enterprise and adventure civilization has found its way to the wilderness of Arkansas, have, either from the fact that much of the public land has not been surveyed, or the surveys, if made, are not approved of, been unable to secure to themselves valuable improvements, the proceeds of their own industry for the last ten or fifteen years. The completion of the public surveys has enabled the citizens of almost every other part of the Union to avail themselves of the benefits of the late pre-emption law. In Arkansas it has been otherwise; numbers have been deprived of all participation in its benefits. The third and fourth settler on the same fraction, or quarter section, has also been unprovided for; the act only contemplates two residents on a quarter section; if by casualty a greater number should reside on the same tract, all having equal claims, two only are benefited. The resident on a fractional quarter section of ten, twenty, or thirty acres, is, by the late law, confined to his fraction, and cannot enter more, when his more fortunate neighbor who chances to reside on a full quarter section has a right to enter one hundred and sixty acres. These unequal distributions of the benefits of the law your memorialists would

respectfully represent as calling for a renewal of the law on the subject in such form as to give each citizen equal rights.

Your memorialists would further represent that the emigration of the Indian tribes to the western frontier of the Territory will, in a short time, increase the Indian population on our western boundary to an aggregate greatly exceeding the population of the Territory. This fact makes any inducement that is offered to the emigrant to the Territory, and every privilege that is enjoyed by the citizen, a subject of deep interest to the people of the Territory. Numbers and a dense population are the best protection against incursions and disturbances from this powerful and excitable mass of Indian population. And if the lands more immediately contiguous to this increasing and formidable power were vested in the individuals located thereon, it would create a permanent and almost insuperable barrier to the aggressions and inroads to which we are otherwise liable. It would also tend greatly to relieve the government from the charge of protecting this frontier, and curtail the present disbursements for that object.

Your memorialists, therefore, respectfully solicit that the Congress of the United States would take into consideration—

1. The propriety of reviving the late pre-emption law in the Territory of Arkansas.
2. The propriety of extending it to all settlers on public lands prior to their being offered for sale.
3. Of giving those resident on unsurveyed lands, or lands the surveys of which have not been approved, the benefit of the law, and enabling them to perfect the title to the same.
4. The propriety of giving to one or any number of settlers on the same quarter, or fractional quarter, an equal right to enter the like quantity of land elsewhere
5. The expediency of allowing claimants of pre-emption to make proof of their rights under the law before justices of the peace, or the most convenient judicial officer, to save the trouble and expense of making such proof at a great distance from the residence of the claimant.
6. The propriety of reducing the quantity of land to be located or entered to forty acres, and make such enactment, in relation to the premises, as may be considered most conducive to the interests and prosperity of the citizens of this community.

And your memorialists will ever pray, &c.

WILLIAM TRIMBLE, *Speaker of the House of Representatives.*
CHARLES CALDWELL, *President of the Legislative Council.*

Approved November 3, 1831.

JOHN POPE.

22D CONGRESS.] No. 928. [1ST SESSION.

FOR CORRECTION OF A MISTAKE IN ENTERING A QUARTER SECTION OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1831.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Kamber, reported:

That the petitioner alleges a mistake in the entry of a quarter section of land, situated in the St. Stephen's land district, Alabama; that the petitioner is illiterate, and in very indigent circumstances; that he applied to one John G. Skinner to take the numbers of the land for petitioner; that Mr. Skinner made a mistake in the number of the piece of land that petitioner wanted; that the land entered is worth nothing, and that the tract intended to have been entered has been entered by another individual. The petitioner prays that his money may be refunded, or that he be permitted to enter other lands with the same money. Petitioner swears to the facts stated. Other individuals state that the petitioner is highly respectable; from all of which, the committee are of the opinion that the prayer of the petition is reasonable, and ought to be granted, and report a bill for the relief of the petitioner.

22D CONGRESS.] No. 929. [1ST SESSION.

APPLICATION OF FLORIDA FOR PERMISSION TO LOCATE OTHER LAND IN LIEU OF SIXTEENTH SECTIONS, NOT WORTH ONE DOLLAR AND TWENTY-FIVE CENTS PER ACRE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1831.

Whereas the subject of general education is one of high and vital importance to the people of this Territory, and deserves the especial attention of those who have the enactment of laws for their welfare; and whereas the national government, in furtherance of the important object of affording the means of acquiring knowledge equally to all the people of Florida, has reserved for the use of the inhabitants of each township the sixteenth sections of land; and whereas, by reason of the peculiar character of the lands of this Territory, in their unequal fertility, the donation in many townships has been rendered entirely valueless, and as public munificence should be bestowed as public exactions are levied—equally upon all:

Be it therefore resolved, That our delegate in Congress be, and he is hereby, requested to procure the passage of a law authorizing the appointment by the legislative council of nine commissioners—three from East, three from Middle, and three from West Florida—who, upon the application of the inhabitants of any

township in their respective districts, shall examine the sixteenth section thereof, and if the same shall not be considered of the value of one dollar and twenty-five cents per acre, that the said commissioners may locate for such townships any other section of land in said district, for the purpose originally intended."

A true copy of a resolution adopted by the legislative council of Florida on the 13th February, 1831.
Test:

JOHN K. CAMPBELL, *Clerk.*

22D CONGRESS.] No. 930. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 20, 1831.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Prosper Marigny, reported:

That the tract of land claimed by the petitioner has been in the actual occupancy and cultivation of himself and of those through whom he derives title for more than fifty years; that it was originally granted to De Bienville, one of the earliest French governors of the province of Louisiana, by the company of the Indias, and as early as 1746 was sold by him to the person under whom the petitioner claims; during the existence of the French and Spanish governments in Louisiana, it was always regarded as private property. In common with many other ancient inhabitants of that Territory, the owners at that time, reposing on the stipulations of the treaty of cession that private property would be respected, and not aware of the condition required of them by the American government, or of the regulations of land offices, took no steps to have the claim confirmed by the commissioners. The consequence is that the oldest grants in the country, and this among them, are liable to be brought under the hammer as a part of the public domain. The committee are of opinion that the title of the petitioner should be confirmed, and report a bill accordingly.

22D CONGRESS.] No. 931. [1ST SESSION.

ON CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 20, 1831.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the claim of John McDonogh, reported:

That John McDonogh claims four tracts of land in the district west of Pearl river, in Louisiana, which are embraced in the report of the register and receiver of the land office at St. Helena court-house, dated the 4th of December, 1830, and which accompanies this report.*

The committee are of opinion that the claimant is entitled to the four tracts of land therein specified, and report a bill for his relief.

22D CONGRESS.] No. 932. [1ST SESSION.

APPLICATION OF ILLINOIS TO BE ALLOWED TO RELINQUISH THE SIXTEENTH SECTIONS THAT ARE UNFIT FOR CULTIVATION, AND TO LOCATE OTHER LANDS IN LIEU THEREOF.

COMMUNICATED TO THE SENATE DECEMBER 20, 1831.

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 Illinois respectfully represents: That by an act of Congress, 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 upon an equal footing with the original States," passed on the 18th of April, 1818, in consideration that every tract of land sold by the United States from and after the 1st day of January, 1819, should remain exempt from taxation under any authority of the State for five years; and as a further consideration, that the bounty lands granted for military ser-

*For this report see No. 868, *ante.*

vices during the late war, while held by the patentees or their heirs, should not be taxed for three years; that section sixteen in every township should be granted to the inhabitants of such township for the use of schools. The consideration for an exemption from taxation was not limited to section sixteen, but extended to other objects, which are not necessary to be specially noticed in this memorial. These several propositions were submitted to the acceptance of the people of the Territory through their representatives, when convened for the formation of a constitution and the adoption of a State government. By an ordinance which was consequent upon the formation of a State government, the propositions submitted, as well as the conditions annexed to them, were irrevocably acquiesced in, and the State is more immutably bound by that compact than by the constitution itself. These terms seem to have been submitted on the part of Congress for two distinct purposes: 1st. Because an exemption from taxation would enable the government to sell more of the public lands, and with more facility than would exist otherwise, the exemption from taxation operating as an incentive to purchase. 2d. Section sixteen was proposed by Congress, and a specific appropriation asked for it by her, which was acquiesced in by the State. It was not proposed as one of the resources of the State treasury, but as a part of the equivalent for the surrender of the right of taxation, which should be applied exclusively to the use of schools in the townships respectively. It is evident, therefore, that Congress intended the grant as a substantial and practical benefit, which it was anticipated would be realized by the inhabitants of each township as a means of educating their youth. The framers of our constitution, animated by motives of equal benevolence, and deeply interested for the young population that was to follow them, accepted the proposition and secured it as a bounty to their youth, under a guaranty the least of all others subject to the vicissitudes of legislation. If this subject is to be viewed apart from every consideration of munificence, and examined simply as a contract in which the consideration involved is its leading feature, the good faith of the parties is not preserved in fact, notwithstanding the intention was evidently different. It is scarcely necessary to inquire what advantages the government, or the purchasers under the government, have derived from an exemption from taxation. The consequence of the contract is a direct loss to the State, that is annually realized, of a determinate amount. And although the precise extent of that loss annually may not be known, yet the certainty of its existence cannot be questioned, and was fully known at the time of the contract by the parties. Thus the government is constantly realizing the consideration promised on the part of the State, when it is certain that on the part of the government it has failed, as to section sixteen, to four-fifths of the amount originally contemplated by the parties. It never can be supposed that the government meant to give lands (especially under the assumption of a fair and valuable consideration for a conceded right on our part) that were totally sterile, unproductive, or unfit for cultivation, or that the State meant to receive such. Under this state of facts, would not the government feel herself bound to repair the consideration of a contract in which her faith is involved, and which has to so great an extent failed. But your memorialists believe that it is a case in which the cold interpretation of the mere terms of a contract is not required to procure a recognition of this claim or its ratification by Congress. In a government constituted as ours, whose perpetuity depends on the extent and diffusion of useful knowledge among its citizens, every means that is calculated to improve the young mind is alike due to our youth from her benevolence and wisdom; and we have the repeated examples of congressional legislation before us to assure ourselves that these views have long since made a prominent feature of the national policy. It is not for ourselves that we raise this petition; it is in behalf of those who are to live after us, and to whom, in part, the destinies of this great nation are to be committed. Congress seemed to have reasoned thus when she proposed the grant in question; she felt the necessity of making the system of education more diffusive, and therefore fostered it herself where it could not aid or sustain itself. The State fully reciprocates these motives and views; and the legislature, acting as the guardian power of the State over this right mutually secured by Congress and the framers of our Constitution exclusively to our youth, ask Congress to sustain the grant, where it has failed, to the full extent and design of those by whom it was made and by whom it was received. The lands in question would have been equal to the establishment of a complete system of common schools, had all those sections been of the quality anticipated; they would probably have been productive of more than two millions of dollars, but as they are they will not probably yield more than one-fifth part of that amount.

Your memorialists, therefore, with the respect becoming the subject, in behalf of their constituents ask Congress to pass a law giving to the State the right to surrender such of sections sixteen in the different townships as are unavailable, with leave to select and locate an equivalent number of unappropriated sections elsewhere in the State.

WM. LEE D. EWING, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

JANUARY 19, 1831.

22D CONGRESS.] No. 933. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1831.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Arnaud Lanaux, of the State of Louisiana, reported:

That the petitioner asks of Congress a confirmation of his claim to a tract of land lying on the left bank of the Mississippi, of eight arpents in front and forty arpents in depth, ten leagues below the city of New Orleans, at a place called the English Turn. It appears to the satisfaction of the committee, from the depositions of Severin Laussier and D. Bouligny, that the claimant, and those under whom he claims, have been in the actual occupancy of the same for the last forty or fifty years, and cultivated the same; and that the land claimed constitutes a part of the sugar plantation now in the possession of the claimant.

It further appears from the certificate of the register of the land office at New Orleans that there is among the papers filed in his office a patent for the land now claimed as the property of the petitioner, bearing date March 5, 1764, to —— Delavergne, which recognizes title to the present claim, under whom the petitioner claims; but there is no regular chain of conveyances produced from the patentee to the present claimant; nor is any reason assigned for the omission to file his claim with the commissioners of the land office, who have been at various times heretofore authorized to act upon such claims and confirm titles, further than the one given by the claimant in his petition, that he was not aware of the necessity of so doing until since the time elapsed in which the commissioners of the United States were authorized to act.

The committee are of opinion that the claim of the United States should be relinquished, and the claimant confirmed in his title to the same; and therefore report a bill for his relief.

22D CONGRESS.] No. 934. [1ST SESSION.

IN FAVOR OF ALLOWING PAYMENT TO BE COMPLETED ON LAND WHICH HAD REVERTED FOR NON-PAYMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1831.

Mr. MARSHALL, from the Committee on Private Land Claims, to whom was referred the petition of Allen W. Hardie, of the city of New York, reported:

That the petitioner prays to be allowed to complete the payments and obtain patents for two quarter sections of land in the district west of Pearl river, which he claims right to do as assignee of the original certificates of purchase issued in 1818 to Abram Lundy, who in that year purchased the two quarter sections at two dollars per acre for each, and paid one-fourth of the price, the remaining three-fourths being still unpaid. It appears that Nathaniel Kimball, who was the holder by assignment of the said certificates, received in July, 1830, in answer to a letter of inquiry relative to the said two quarter sections, addressed to the Commissioner of the General Land Office, a letter from the chief clerk in said office, (during the illness of the Commissioner,) informing him that he could now complete his payments under the act of Congress passed at the previous session, a copy of which was enclosed, and which appears to be the act of March 31, 1830, entitled "An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States;" that Kimball exhibited this letter to the petitioner, who, in full reliance upon, and induced by the information it contained, purchased the two certificates from Kimball for a property consideration equivalent to more than two thousand dollars; but upon afterwards applying to the Commissioner of the General Land Office for information as to the time, manner, and amount of the payments to be made for said land, according to the provisions of the said act of March 31, 1830, he was in substance informed that his case was not embraced by that act; that there was no law under which he could complete the payments, and that the first information had been given under the erroneous impression that there had been a further credit on the lands in question which had reverted to the United States; whereupon the petitioner, stating his readiness, and offering to complete the payments according to the provisions of the above-mentioned act of 1830, prays for a special act permitting him to do so.

The committee have ascertained from the General Land Office that, in consequence of these facts, the lands to which the petition relates have been withheld from sale. Under all the circumstances, they are of opinion that the prayer of the petitioner ought to be granted, and to that end report a bill for his relief.

22D CONGRESS. No. 935. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1831.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Soniat Dufossat, reported:

That it appears by the documents accompanying the petition that, on the 7th of June, 1762, J. Desruissaux presented his petition to De Kerlerec, at that time governor of the province of Louisiana, and Faucault, director or *ordonnateur* of the same, in which he represents that, having some years before established a stock farm on an island in Lake Ponchartrain, on the left of the place called *Les Coquilles*, two leagues in length, and one and a half in breadth, extending as far as the outlet of the Rigolets; that he had already built a house and placed a considerable stock there, which he states had been done with permission from the governor, to whom the petition is presented; he asks a regular concession of the island.

On the 2d of June, 1762, Louis de Kerlerec, the governor, and Dennis Nicolas Faucault, acting as *commissaire ordonnateur*, under their seals, grant to the petitioner the island above described, reciting that the establishment already made was by their previous verbal permission. They grant him the island in full property for himself and his heirs, but on condition that he shall continue the establishment already made; and if not, and in default thereof within one year from the date, it shall revert to the domain of the King. They also impose on the grantee the obligation of paying the *droits seigneuriaux*, if any should be imposed; and reserving besides, for his Majesty, all the timber necessary for the construction of fortifications, magazines, and other works which are or may be ordered, and for the repair of public vessels.

The authenticity of this grant is certified, after the cession of Louisiana to Spain, by the notary of the government, Juan Bautista Garie, whose certificate bears date June 3, 1776; and he further certifies that the grant conforms to the usages of granting lands under the preceding government. It appears that in 1791 a contest arose between the heirs of the grantee and one Rillieux in relation to the ownership of the island, and that a suit was at that period pending between them. The testimony of witnesses, which, according to the usages of Spanish tribunals is reduced to writing, accompanies the petition, and goes to show how far the grantee complied with the conditions by continuing his establishment on the island.

One witness testifies that Desruissaux built a two-story house and lived on the island; another, that he knows that Desruissaux inhabited the island, and never heard that it belonged to any other person. Another witness testifies that for thirty-five years preceding the year 1791 the island had belonged to Desruissaux, he having purchased it of the Biloni Indians; that he built a house and negro cabins, and raised crops on it and kept a stock there. Another witness states that, in 1773, he was on the island, saw a house and orange trees, as well as other fruit trees, and that it belonged to Desruissaux; and some of them state that the island at that time was called Desruissaux's island.

It appears that on the 25th of April, 1791, the parties came to a compromise, by which the heirs of the grantee relinquished their rights to the defendant, Vincent Rillieux, in consideration of one thousand dollars; and thereupon a decree was entered by the lieutenant governor and auditor of war, Don Nicolas Maria Vidal, confirming the title of Rillieux to the land.

From Rillieux to the present claimant the chain of conveyances is complete.

The land claimed by the petitioner and covered by the grant to Desruissaux having been recognized by a court of competent authority, before the cession of Louisiana to the United States, as the private property of Rillieux, appears to the committee to be guarantied to its legitimate owner by the third article of the treaty of cession, by which it is stipulated that the inhabitants of the ceded territory shall be ultimately incorporated in the Union; and that "in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

But it appears that the patent has not heretofore been recognized by the United States, and the land covered by the patent is liable to be sold and surveyed as a part of the public domain. The committee, therefore, report a bill for the relief of the claimant.

22D CONGRESS.] No. 936. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1831.

Mr. CARR, of Indiana, from the Committee on Private Land Claims, to whom was referred the petition of John H. Thomas, of St. Martin, in the State of Louisiana, reported:

The petitioner states that he is the owner of twelve hundred arpents of land, which is described in the report of the United States commissioners, No. 1114, in class No. 9. He claims under Antoine Patin, in whose name it was entered with the commissioner for confirmation, at Opelousas, in said State. The evidence of Pierre Moreau, who is represented as a credible man, shows that Patin, from the year 1789 to 1803 or 1804, occupied said tract of land as a vacherie, and that his negroes inhabited and cultivated a part of the land in question. He also swears that he recollects to have seen an order of survey for said land, signed by Miro, governor of Louisiana, in favor of said Patin, but which he has reason to believe was lost. Another witness also swore that he resided on the land for seven or eight years preceding 1813, by Patin's permission, and that about seventeen or eighteen years previous to his occupancy, the negroes of Patin occupied it as a vacherie, and that, from the marks of culture when he took possession, it must have been cultivated. Patin, who is proven to be a man of respectability, swears that, about 45 or 50 years since, he applied to the Spanish government, through the commandant, for a tract of land at Attakapas, which is described in No. 1114 of the claims upon which reports were made to Congress by the commissioners of the land office at Opelousas, which tract is therein designated as entry No. 78, class 9. He states that the said commandant drew his petition and recommended it to his government in his capacity as commandant; and that he obtained an order of survey upon it, signed by Miro, then governor of Louisiana, directing a surveyor to put him in possession of the land so conceded to him, and that he used it as a *vacherie* for many years previous to the change of government in 1803, by which the country passed to the United States. He states that the concession has been lost; that he has no interest whatever in said land, having long since sold it; and that the petitioner is now the true owner. The register of the land office of the western district of the State of Louisiana proves that there is no other record of any other grant to said Patin as original proprietor. The evidence is clear that said tract of land has been inhabited and cultivated since the year 1789, with the exception of one or two years.

Upon this state of facts, the committee are of opinion that the claimant is entitled to the land claimed by him under the provisions of an act of Congress passed March 2, 1805, and report a bill for his relief.

22D CONGRESS.] No. 937. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1831.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Celestin Chiapella, reported:

That the petitioner has shown, to the satisfaction of the committee, that he and those under whom he holds have possessed a plantation on the Mississippi, about nine miles below the city of New Orleans, for more than half a century; that it contains, according to a survey made by a deputy surveyor of the United States, to whom the original titles were exhibited, the quantity of three thousand and eighty-seven acres; that a part of it is possessed by virtue of a French grant, dated July 8, 1723, in favor of Joseph Laloire, and another French grant in favor of Joseph Laloire, dated January 2, 1767. Another part is held by virtue of a French grant to Sieur. Chaperon, dated January 23, 1759. The title to the remnant is shown by the recognition of the French governor, as having been the property of Chaperon since the year 1723.

It appears by the certificate of the register of the land office at New Orleans that the French grants above referred to are recorded in his office, and the earliest one mentioned, to wit, that dated July 8, 1723, has been exhibited to him, and is by him pronounced genuine.

It is proved by respectable witnesses that this plantation is one of the oldest on the river; has been cultivated, to the knowledge of the witnesses, since the year 1782, and has always been considered as the private property of Chiapella.

It appears by a certificate of Mr. Phelps that the original French patents were exhibited to him when he made the survey.

The committee is of opinion that if this claim had been presented to the commissioners of the land office, supported by the evidence now offered to the committee, the claimant would have been entitled to a certificate for the quantity of land claimed by him, and that, therefore, the prayer of the petitioner ought to be granted, and they accordingly report a bill for his relief.

22D CONGRESS.] No. 938. [1ST SESSION.

ON THE APPLICATION OF PURCHASERS OF THE PUBLIC LANDS WHO HAVE FORFEITED LANDS FOR NON-PAYMENT FOR FURTHER RELIEF.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1831.

Mr. HUNT, from the Committee on Public Lands, to whom was referred the petition of certain persons in Alabama who were purchasers of the public lands at the sales at Huntsville in 1818, reported:

That the committee are well satisfied that it is true, as represented in said petition, a great inequality exists among the purchasers of the public lands prejudicial to those who bought and paid for their lands at high prices previous to the passage of the relief laws, and favorable to those who omitted to comply with the terms of their contracts, and who have, and under the indulgence of these laws, secured a title at very reduced prices. This inequality, however, which is much to be lamented, arises not from the relief laws, but from other causes which were not foreseen, and over which the government had no control. Without the benefit afforded by these laws, the inequality among the contractors for the public lands would have been more glaring, and the condition of those who have availed themselves of the relief proffered would have been most lamentable and aggravated. Many who had made contracts for land above the government price previous to 1820 were unable, in consequence of the great and unforeseen depreciation of property, to complete their payments, and, without any culpable neglect of theirs, forfeited not only the land purchased but the money that had been paid. To this numerous class of unfortunate purchasers, thus deprived of their all, government has, by several acts of legislation, afforded relief, by opening the right and extending the time of payment, by reducing the price, and by permitting part of the land included in the purchase to be relinquished and the remaining part to be retained. But in no case has the government consented to substitute a new contract upon more favorable terms for one that has been completely executed, or ever refunded any part of the consideration money paid for land, or granted scrip or given other gratuity to the purchasers. The payments made by the petitioners were in pursuance of their own voluntary and express contracts, and the price which they gave was no more than the fair value of the land, as generally estimated, at the time of the contract. The great and unexpected depreciation in price which subsequently occurred was not confined to Alabama, but extended throughout the whole country, and affected almost every description of property.

To comply with the request of the petitioners would introduce a novel principle in our legislation, that would extend to all purchases above the present or any future minimum price, would disturb contracts that have long been closed, open the door to an infinite variety of claims not only from the original purchasers, but their heirs and assigns, create immense expense and embarrassment to the government, without doing equal justice or giving satisfaction to the claimants.

The committee submit the following resolution:

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

22D CONGRESS.] No. 939. [1ST SESSION.

ON CLAIM OF A CANADIAN REFUGEE FOR LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 23, 1831.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom were referred the petition of Dr. Eliakim Crosby and the accompanying documents, reported:

That they have carefully examined the testimony in this case, which is of the most ample and respectable character, and find that it is conclusively proven that the petitioner emigrated from Litchfield, Connecticut, in 1804, to the province of Upper Canada, and settled in London district, in said province; that he had been extensively engaged in the line of his profession, and in agricultural and mercantile pursuits, till the breaking out of the war of 1812 between the United States and Great Britain, when he had accumulated real estate of various kinds of more than $10,000 in value, besides personal property of perhaps an equal amount, and had sustained the most unblemished reputation. He was known to be attached to the institutions, government, and people of the United States, and after the war became an object of suspicion to the British agents in the province. He knew that the oath of allegiance to Great Britain would be tendered to him, and that a refusal to take it would subject his property to confiscation, and himself to imprisonment, and his family to distress. Under these circumstances his native country could not have looked for the sacrifices he made. If he had permitted no regard for his native country to influence him he might have remained with his family in affluence and comfort; but, influenced by the most patriotic motives, and relying on the protection of his country, which he conceived was held out to him by General Hull's proclamation, he determined to abandon his home and his valuable property and espouse the American cause; and accordingly, with his family in a destitute condition, having nothing but their clothing and a little bedding, crossed the lines, and joined the American army early in the year 1814. He was soon after appointed a surgeon to a corps of Canadian volunteers, in which he served to the end of the war. When he left Canada he was largely engaged in his profession, and in mercantile business; was the owner of several tracts of land, with buildings and improvements; of a valuble distillery, two taverns, and three-fourth parts of a very valuable flour mill and saw mill, on Patterson creek, seven or eight miles from Lake Erie, and other real and personal estate, all of which, on his going to the United States, was taken possession of by the agent of the British government, and confiscated, pursuant to the 84th George III, and himself declared a traitor, for having joined the American army. The flour mill was in the possession of a British force, and principally supplied the British army in that quarter with flour till November, 1814, when it was destroyed by the order of General McArthur (who was then on an expedition through Canada) to deprive the enemy of the means of carrying on their expedition against Detroit. The Hon. Thomas P. Macon was present at the destruction of this mill. Dr. Crosby has been much harrassed by his creditors from Canada since peace, and has been compelled to pay the debts due to them with considerable costs, whilst he has been unable to collect any debts due him in Canada. He has no legal claim on the government of the United States for these losses the committee admit; but his claims address themselves strongly to the justice of Congress, and are sustained by the *spirit* of the act of 1816 for the relief of the Canadian refugees, which, it is believed, does not, in terms, embrace his case. If, however, it did, the committee are of opinion it does not afford any relief commensurate with the sacrifices, sufferings, and services he endured for the American cause.

The petitioner's claim and case very much resembles that of Andrew Westbrook, which has passed the House without objection, and embraces the very same principle; and, as Crosby has shown an equal devotion to the interests of his native country, the committee recommend he should receive the same relief that was granted to Westbrook. They therefore report a bill granting him warrants for two sections of land, to be located on any lands of the United States which are now subject to location by the existing laws.

22D CONGRESS.] No. 940. [1ST SESSION.

APPLICATION OF CITIZENS OF MISSOURI FOR THE FINAL SETTLEMENT OF LAND CLAIMS IN THAT STATE.

COMMUNICATED TO THE SENATE DECEMBER 23, 1831.

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 your petitioners belong to that numerous class of the inhabitants of the State of Missouri who are interested in unconfirmed French and Spanish land claims; that the Congress of the United States did at different periods, from March 26, 1804, to April 12, 1814, inclusive, pass laws for the adjustment of those claims; that by virtue of those laws many claims were confirmed, and many more, either of precisely the same character or of superior merits to those so confirmed, were, at the expiration of the act of 1814, left unadjusted; that the lands held under titles so remaining unconfirmed have been for several years subject to taxation and liable to be sold under judgment and execution, but for all beneficial purposes have been useless to the owners; that, in consequence of the precarious nature of the title, those lands could not be disposed of at private sale unless at an enormous sacrifice, and for the same reason no permanent settlement or improvement could be made thereon; that numerous individuals, whose only or principal property

at the date of the treaty of cession consisted of the above description of titles, have thus, from a situation of comfort and independence been reduced, together with their families, to indigence and distress, and amongst those persons are numbered some of the most distinguished and meritorious officers of the Spanish government in Upper Louisiana; that this state of things in Missouri was not only ruinous to private citizens but injurious to the public weal, inasmuch as it effectually prevented the spread of population in those counties in which the unconfirmed tracts are situate; that the Congress of the United States, taking into view the above grievances, thought proper, on May 26, 1824, to pass an act authorizing the judge of the district court of the United States for the district of Missouri to take cognizance of those claims, and to adjudicate and confirm them "according to the laws of nations, the stipulations of treaties, the proceedings under the same, the several acts of Congress, and the laws and ordinances, customs, and usages of Upper Louisiana;" that the above act has been, by subsequent acts of Congress, continued in force until May 26, 1829. Your petitioners show that the construction which said act of 1824 has received has rendered it rather injurious than remedial to the great majority of the claimants; that said judge having decided that, under the act of 1824 and the acts continuing the same, he has no power to confirm any claim not within the regulations made February 18, 1770, by Count O'Reilly, it is manifest that there must be a decree in almost every case against the claimants. Your petitioners respectfully submit that there does not exist nor never has existed in Upper Louisiana, to their belief or knowledge, one incomplete title, conformable to O'Reilly's regulations; that in consequence of the view so taken by said judge of his power under said act, the great majority of the claimants have withdrawn their petitions from before him, rather than expose themselves to a decree which would compel them, at an expense which the subject matter would not justify, to appeal to the Supreme Court of the United States; that already an expense has been incurred by the petitioners to the amount of several thousand dollars, for fees, paid by them to the United States district attorney, clerk, and marshal; that heretofore, to wit, at the session of 1827–'28, a petition was presented to Congress setting forth the grievous operation of the act of 1824, and praying that some other mode of adjustment of the claims might be provided; that, at the last session of Congress of 1828–'29, a bill passed the Senate, the object of which was the final adjustment of private land claims in Missouri; which bill after having been reported in the House of Representatives by the Committee on Public Lands, on January 26, 1829, was not afterwards taken up during the session. Wherefore your petitioners respectfully pray that your honorable body will again take into consideration the matters above set forth, and will please to make such provisions in that behalf as to your wisdom and justice shall seem meet, and your petitioners will pray, &c.

James Morrison.
Newton Howell.
Henry Chouteau.
Edward Chouteau.
Auguste R. Chouteau.
R. Paul.
Gabriel S. Chouteau.
Wm. Russell.
W. Von Phul, for himself and as administrator of the estate of A. J. Saugrain, deceased.
Hyte Papin.
Theodore Papin.
Joseph Phillipson.
A. Rutgers, for himself and as agent for Charles Dehault Delassus.
Cerrey.
P. Chouteau.
Ptre. Labadietto.
P. Chouteau, jr.
John Bte. Sarpy.
Gl. Saul.
T. S. Burthe, by his attorney, Gl. Paul.
John Mullanphy.
Ant. Da Breuil.
Hubert Guion.
Bd. Pratte.
J. A. Wherry.
Albert Tison.
F. Dent.
Lewis Martin.
Ml. Tesson.
Ls. Menard.

22D CONGRESS.] No. 941. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1831.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of E. Marin and J. Wogin, and other citizens of the parish of St. Bernard, in the State of Louisiana, and the testimony accompanying the same, reported:

That the petitioners claim to be the owners and proprietors of several tracts of land in the parish of St. Bernard, in the State of Louisiana, lying on the Terre aux Bœufs, according to a survey made for themselves by Aug. S. Phelps, the surveyor of the United States in said State, and which accompanies said petition, and contains the names of said petitioners, and a precise statement of the boundaries and the quantity of land claimed by them, respectively, and which was made in the month of May, 1831. Said claimants rely for title upon donations made to them by the King of Spain between the years 1778 and 1783, and a continued occupation and possession and cultivation of said lands ever since. They also allege that they were ignorant of the requirement of the several acts of Congress heretofore passed for the confirmation of their titles, and now ask Congress to protect them in their rights and possessions.

It appears to the committee, from a careful examination of the testimony, that between the years 1778 and 1783 the section of country lying on the Terre aux Bœufs, described in the plat accompanying the petition, was settled by a series of emigrations from the Canary Islands, under the directions of the King of Spain, and through the agency of Galvez, who was at that time the governor of Louisiana; and that Pierre Marigny was appointed the commandant of the colony, in order that he might direct and regulate its formation and establishment; and that he gave to each of the emigrants a portion of land, which was varied in quantity in proportion to the number of individuals in each family, and that the portion assigned each was very small—some two, some three, and others three and a half arpents in

front and forty deep; and that said commandant had built, under a contract with the King of Spain, a small house on each of the portions of land assigned to the emigrants, and supplied them with provisions for some time; and that the said emigrants, or their descendants or assigns, had occupied and cultivated the several tracts of land allotted them from that time to the present; and that in the year 1785 a church and parsonage-house had been built for the use of the colony by the government on Terre aux Bœufs, and had been used by them for the purposes of worship from that time to the present.

It is further in proof that Lavau Trudeaux, the royal surveyor general for the province of Louisiana, proceeded in the year 1792, by order of Governor Carondelet, to make a survey of the lands thus assigned the colonists by their former commandant, Marigny, and that he did survey and designate to each individual the boundaries of his respective portion. Witness testifies that Trudeaux so informed him, and that he had seen the plat of the land made by him, and which he supposes to be lost, and which it is probable, from other information given to the committee, was destroyed shortly after by a conflagration of a part of New Orleans, with many other valuable papers of that officer.

It is further in proof that no written evidence of title was given to the colonists either by the King of Spain or his officers in Louisiana; that the said portions of land so parcelled out to the colonists were of but little value at that time and for many years after, and were frequently sold, and the estate passed by parol, and sometimes in writing on small strips of paper, which have not been preserved; and in some instances, as is apparent on the plat exhibited, large estates have been formed, and in other cases divisions and subdivisions of the original settlement claim have been made, either by sales or partition among the descendants of the original emigrants, so that the witnesses are of opinion it would be impossible at the present time to trace the titles back to the original proprietors. Witnesses state that they have examined the plat accompanying the petition, and that the same presents an accurate statement of the settlers, and the quantity of land and boundaries of the respective portions of land claimed by them at the present time, and that the respective tracts, as designated in said plat, have been constantly occupied and cultivated by them, or their descendants or their assigns, from the original settlement to the present time. The preceding facts are satisfactorily proven to the committee, not only by two or three of the original settlers, but also by the testimony of Charles Faggot, who was a Spanish officer, stationed on the Terre aux Bœufs in 1781, and who was appointed parish judge of St. Bernard in 1807, and was a representative in the legislature of Louisiana in 1810, and again appointed parish judge in 1819, which office he yet fills, and is represented to us as a man of honesty and integrity, and his statements are confirmed by the testimony of the Hon. D. Bouligny, late a senator in the Congress of the United States from Louisiana. All the depositions exhibited were taken in the presence of the register of the land office at New Orleans.

Petitioners also produce a certified copy of a paper in the Spanish language, from the register's office in New Orleans, purporting to be a retrocession from Don Pedro Philippe Marigni de Mandeville to the King of Spain of a quantity of land between the Mississippi and the lakes, and which includes the lands on the Terre aux Bœufs, for the purpose of enabling him to colonize the same, and which is dated on the 29th day of April, 1779.

The committee are of opinion that the faithful execution of the treaty by which the government of the United States acquired Louisiana demands the recognition and confirmation of the claims of the petitioners. They are also of opinion that the said petitioners might have secured titles to the respective tracts of land claimed by them under the laws heretofore passed by Congress for securing titles to Spanish claimants in Louisiana, and that the omission to do so, whether from neglect or ignorance, should not produce a forfeiture of their claims. The committee therefore submit a bill for their relief.

22D CONGRESS.] No. 942. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1831.

Mr. MARSHALL, from the Committee on Private Land Claims, to whom was referred the petition of Hannah McKimm, reported:

The petitioner states that, pursuant to the provisions of the acts of Congress of the 3d March, 1823, and the 26th of May, 1824, in relation to lands situated between the Rio Hondo and Sabine rivers, in the State of Louisiana, she filed her claim to a tract of land on the main fork of the bayou Provincial, and between the said rivers, with the register and receiver of the land office south of Red river; that the claim of the petitioner was founded upon the habitation and cultivation of the premises at and prior to the 22d February, 1819; that proof of such cultivation and occupation was adduced before the said register and receiver, and that the petitioner felt assured of their favorable report; that she had recently discovered, from an examination of the land office books, that the said register and receiver had rejected the testimony adduced in support of her claim, because the witness produced upon the occasion was the son of the petitioner; that by the laws of Louisiana the descendant is not permitted to testify for the ancestor, or *vice versa*.

The committee, without deciding whether the commissioners erred or not in not admitting the testimony of the petitioner's son in support of her claim, are of opinion that the additional evidence adduced by her is sufficient to prove the justice of her claim. They therefore report a bill for her relief.

22D CONGRESS.] No. 943. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1831.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Bernard Leonard and Jacob Black, reported:

That it appears, to the satisfaction of the committee, that Peter Young, David Durham, Nathaniel Hickman, and Isaiah Hickman severally made improvements and cultivated lands on the south side of Red river, and east of the Sabine, in the tract of country mentioned and designated in the act of Congress approved on the 3d March, 1823, relative to land titles in that part of Louisiana between the Rio Hondo and the Sabine, known as the "neutral territory;" that their settlements were made many years previous to the treaty of limits between Spain and the United States of the 22d February, 1819, and have been kept up ever since. Under the act of Congress passed subsequently to the one above mentioned, confirming the claims reported by the register and receiver for the western district of Louisiana, by which actual settlers previous to the treaty of 1819 were confirmed in their claim to the quantity of six hundred and forty acres each, the claimants would have been clearly entitled to that quantity if their cases had been embraced in the report made by said register and receiver.

The petitioners claim as assignees of the orignal settlers, and the reason why the necessary proof was not made before the commissioners has been sufficiently explained.

The committee, believing their claims to be just, report a bill.

22D CONGRESS.] No. 944. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1831.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Benjamin Bullitt, reported:

That the petitioner claims two tracts of land of six hundred and forty acres each; the one in his own right, and the other as assignee of Toussaint Lafleur, in that part of the parish of Natchitoches, in the State of Louisiana, called the "neutral territory."

The evidence accompanying the petition shows that previous to the treaty of limits between the United States and Spain, the claimant, Bullitt, inhabited, occupied, and cultivated a tract of land on the south side of Red river, and east of the Sabine, within the limits of the "neutral territory," as designated by the act of Congress of March 3, 1823, relative to the land titles in that part of Louisiana, and the act supplementary thereto; and that he has ever since continued to cultivate it; that it is situated about twenty-five miles above the town of Natchitoches.

It further appears that Toussaint Lafleur made a similar settlement and improvement within the same territory, which has ever since been occupied by Bullitt as his assignee. The latter claim is described as situated about twenty-three miles above the town of Natchitoches.

The committee are of opinion, that had the proof now furnished them been laid before the commissioners, under the above-mentioned acts of Congress, these claims would have been admitted and confirmed. They therefore report a bill.

22D CONGRESS.] No. 945. [1ST SESSION.

ON THE APPLICATION OF ARKANSAS THAT THE PURCHASERS OF LANDS UNDER FRENCH AND SPANISH TITLES, AND NOT CONFIRMED, BE PERMITTED TO ENTER THOSE LANDS AT THE MINIMUM PRICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1831.

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 Territory of Arkansas humbly represents: That the superior court of this Territory, for the adjudication of unconfirmed French and Spanish titles to lands, did, since the year 1825, and principally in the years 1827 and 1828, confirm claims to more than twenty thousand acres of land, but from measures now in progress, most of these confirmations are likely to be

rendered void. These claims being transferable by the laws of the United States, were many of them transferred in larger or smaller quantities, and finally, most of these divided and sold in quantities of 160 and 80 acres, but generally in the latter. This last class of purchasers amount to several hundred, and appear destined to be, with little exception, the sole sufferers, unless your honorable body extends relief. They desired to become the owners of land, but had not money to enter it in the land office; they were told by the ablest of the bench, and of the bar, that the decision of the superior court aforesaid by the statutes of the United States was final, and the claims confirmed indisputable. The claims were offered for sale, on a credit, payable in horses and other effects; and many, that they might become the owners of their homes, divested themselves of all they could spare. Of those purchasers who purchased but eighty acres, but little is entered in their own names, but in the name of the persons from whom they purchased.

Your memorialists therefore humbly request your honorable body to pass an act authorizing the issuing of patents to all those purchasers who are actual settlers on the lands purchased by them, whether entered in the land office in their own names, or in the names of those from whom they purchased. Or if your honorable body in your wisdom deem this improper, your petitioners humbly request that an act be passed allowing this class of purchasers five years in which to enter their lands at the minimum price; and your petitioners, as in duty bound, will ever pray.

WILLIAM TRIMBLE, *Speaker of the House of Representatives.*
CHARLES CALDWELL, *President of the Legislative Council.*

Approved November 5, 1831.

JOHN POPE.

Mr. ELLSWORTH, from the Committee on the Judiciary, to whom was referred the above memorial, made a report thereon as follows:

The persons for whom Congress is asked to legislate in this case claim to be *bona fide* purchasers of land in the Territory of Arkansas, under certain French and Spanish claims, heretofore confirmed by the court of the United States in said Territory, which confirmation has since been reviewed and pronounced void. The claimants represent that they became purchasers, for consideration, after said grants had been confirmed, and after the expiration of the time allowed by the then existing law of Congress for a review of such confirmation.

The committee think it would be unwise to pass any general law, as asked for, and that there will be less opportunity for fraudulent practices if each individual claimant, so far as he may need the interposition of Congress at all, should present the peculiar facts necessary to show the equity of his own case, and Congress can then relieve him, as his case shall require.

22D CONGRESS.] No. 946. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 28, 1831.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Robert Hillen, reported:

That said petitioner alleges that a certain tract of land lying in the parish of East Baton Rouge was settled and cultivated by Isham Hillen, as early as the year 1807; and that after his death Nathaniel Hillen settled upon the same, and cultivated it; and that the same has been possessed and cultivated for the benefit of the heirs of Nathaniel Hillen, who are minors under the age of twenty-one years; and that the petitioner is their uncle, and petitions for their benefit. He also represents that an agent was employed to file a notice of their claim with the land commissioners, and who omitted to do so, and that he was uninformed as to that fact until lately, and prays a confirmation of title to the heirs of Nathaniel Hillen.

The statements of the petition, as to habitation and cultivation of the land in the year 1807, by Isham Hillen, and afterwards by Nathaniel Hillen, and by Peter Baily in the years 1815 and 1816, for the benefit of the heirs of Nathaniel Hillen, and since that time by Robert Hillen, for the use and benefit of the heirs of Nathaniel Hillen, are substantially proven by the testimony submitted to them.

And the committee are of opinion that the heirs of said Nathaniel Hillen would have been entitled to said land had a claim for and in their behalf been filed with the commissioners of the United States, under the act of 1812, ch. 67, sec. 8; and which said claims, so filed, were afterwards confirmed by the act of 1819, ch. 510, sec. 3; and that the infant heirs of Nathaniel Hillen ought not to be deprived of their right to the land by the inattention, omission, or neglect of their friends; and therefore report a bill for their relief.

22D CONGRESS.] No. 947. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 28, 1831.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of Robert Layton, reported:

That the petitioner claims a tract of land as the legal representative of Charles Parent, deceased. He states that the land claimed is situated in the parish of St. Helena, State of Louisiana. Petitioner states that Parent's title to the land is founded upon a grant from the Spanish government; that the claim which he now wishes confirmed was duly presented for confirmation to the United States commissioners at St. Helena Court-House, but, from some cause, was never reported on by the commissioners. The applicant has produced the grant upon which he claims this tract of land, upon which is a memorandum in substance as follows:

"To James O. Cosley, esq., commissioner of land claims, west of Pearl river: Sir, I claim as a grant for J. Henry Ludeling, testamentary executor of M. B. Plaire, signed the 17th, sixty-five and a half arpents of land in the parish of St. Tammany, in virtue of a Spanish patent, dated July 18, 1805, in favor of Charles Parent; by him sold to claimant July 23, 1805. Also, sixteen hundred arpents in virtue of sale to him thereof, made by Francis Parent, December 30, 1805, also situated in the parish of St. Tammany."

The above sale is the only evidence of the last-mentioned claim which the claimant has in his possession, signed F. Herault, agent. It appears, by reference to the conveyance for the sixteen hundred arpents, that the conveyance was from Francis Parent to one William Lewis Pleinschits, and not to Charles Parent, as stated in the above memorandum. The committee have no evidence that Charles Parent ever held any other claim for lands under the Spanish government other than the one stated in the memorandum here recited. It appears by reference to a letter, on file, from the Commissioner of the General Land Office, enclosing a transcript of a claim confirmed by act of Congress March 3, 1819, in favor of the heirs of Charles Parent, claimed under a Spanish patent granted to him on the 18th of July, 1805, for sixteen hundred arpents surveyed for him by C. Trudeau, May 18, 1804, that the only claim for land held by Charles Parent has been confirmed to his heirs by the act of Congress here recited; and the only difference between the claim confirmed and the patent here presented is as to the quantity of land—a mistake that could have been much more readily made by the commissioners, than that they should, on a naked conveyance, unsupported by any other testimony, between parties entirely different, report dates and facts as pertaining to the claim, none of which exist. Indeed, after a careful examination of the papers and proofs, the committee do not entertain a doubt that the claim submitted has been already confirmed; they therefore ask to recommend its rejection.

22D CONGRESS.] No. 948. [1ST SESSION.

APPLICATION OF OHIO FOR ADDITIONAL SCHOOL LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1831.

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 April 13, 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 July 4, 1805, the Indian titles to about one million five hundred and forty thousand acres of land, lying on the west side of Cuyahos 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 solicit from your honorable body 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 body to the subject of this grant, your memorialists would respectfully suggest, as heretofore, inasmuch as the appropriation has long been 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.

22D CONGRESS.] No. 949. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1831.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of N. Girod, reported:

That the petitioner alleges that he is the owner by purchase of three tracts or parcels of land described by him as follows: the first, the island of *Lile a Cayon*, situated at the mouth of the Bayou Forebaure, containing about three-fourths of a league, dated October 4, 1787, purchased of Joseph and James Miesse; the second is for *Lile la Prope*, situated on the Lake of Baratana, purchased of John Chafe, dated March 13, 1788; the third, the island of *Timballin*, situated at the mouth of the *Bayou Lafourche*, purchased of Bartholemy Lilelia, dated January 26, 1793. The applicant states in his petition that the above claims are founded upon original Spanish grants; that the claims were never presented for enrolment or confirmation to the United States commissioners appointed for the examination of claims in that district of Louisiana; the reason for this neglect is stated by the claimant to be, that he was ignorant of the law. Three old papers, written in the Spanish language, accompanying this application, which are styled by the petitioner to be Spanish grants for the above tracts of land, have been examined and carefully translated by an honorable member of the committee, when, to the astonishment of the committee, instead of Spanish grants, they turned out to be mere petitions to the King of Spain, asking permission to settle upon the above described tracts of land, with a permission from the King to the petitioners to settle, and a promise on his part, should the applicants comply with certain conditions which the King annexes for the actual habitation and improvement of the lands, that his highness would, at the expiration of three years, issue, in favor of the occupants, patents for their respective lands. No patents have ever issued; neither has the committee any testimony that the above named individuals ever did settle upon or occupy the above lands; and further, there is no evidence before the committee that the above lands were ever transferred to the present applicant.

It is true that the certificate of the surveyor general shows that the lands have been surveyed; it is also in evidence that the present applicant has had confirmed to him one league square of land by act of Congress, said land situated in the Cypress swamp. From a careful and attentive examination of all the papers and facts in this case, the committee are unanimous in the opinion that the claim should be rejected.

22D CONGRESS.] No. 950. [1ST SESSION.

ON GRANTING BOUNTY LANDS TO A CANADIAN VOLUNTEER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMRER 29, 1831.

Mr. CARR, of Indiana, from the Committee on Private Land Claims, to whom was referred the petition of William Hoffman, reported:

That the petitioner was a citizen of the United States previous to the late war between the United States and Great Britain; that at the time war was declared he was a resident in Upper Canada; that during the war he left Canada and enlisted in the service of the United States in the corps of Canadian

volunteers, in the month of May, 1814, and served as a soldier faithfully during the war, when he was honorably discharged; that he was entitled to bounty land under an act of Congress of March 5, 1816, entitled "An act granting bounty in land and extra pay to certain Canadian volunteers." That he presented his claim to the War Department, accompanied by all the evidence required by said act, in the year 1816; the decision on his claim was delayed by the department without any fault or cause of delay on the part of the petitioner, until the 25th of September, 1817, (after the act of March 3, 1817, was passed, reducing the quantity of bounty land to private soldiers to 160 acres,) when a warrant was issued in his name for 160 acres; he has never received any more bounty land. As the petitioner presented his claim and all the evidence required by the act of the 5th March, 1816, to the department before the passage of the act of 3d March, 1817, was passed, recited, it is the opinion of the officer having the charge of the bounty land office, as well as of this committee, that the petitioner was legally entitled to the quantity of land given by the act of March 5, 1816. As the petitioner employed an agent to get his warrant, he was not aware that a warrant had issued for only 160 acres till after the 3d March, 1818, when the law expired, from which time the department has had no authority to act in this matter.

The committee are of opinion that the petitioner has a legal and equitable right to the quantity of land prayed for, and report a bill for his relief.

22D CONGRESS.] No. 951. [1ST SESSION.

IN FAVOR OF CONFIRMING A SALE OF AN INDIAN RESERVATION BY THE RESERVEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 30, 1831.

Mr. CLAY, from the Committee on Public Lands, to whom was referred the petition of Wm. M. King, of Jackson county, Alabama, reported:

That the petitioner claims title to a tract of land situated in the county and State aforesaid, which was granted to one Thomas Jones, the head of an Indian family, under provisions of the treaties of 1817 and 1819, between the United States and the Cherokee Indians. Said Jones lived on his said reservation till 1820 or 1821, when, the petitioner alleges, the white people who had settled around him became inimical to him, threw down his houses, destroyed his fences, and so abused and maltreated him personally that he was compelled to abandon it for a time. Meanwhile he (Jones) lived with his children in the same county till 1822, when William D. Gaines, the petitioner's father-in-law, bought of and paid him a full and valuable consideration for the said reservation. It further appears that Gaines purchased of Jones's children their interest, they being all of full age, and took their relinquishment; and also purchased and obtained from the wife of Jones her right of dower. The petitioner bought of Gaines about 500 acres of the tract, and has placed on the part purchased by him permanent and valuable improvements, consisting of a good dwelling-house, outhouses, and a tanyard, amounting in value to about one thousand dollars, which he says has exhausted all his capital except his interest in the land. The petitioner further states, and substantially proves, that between three and four hundred acres of the tract by him purchased of Gaines lies in the mountain, and is *wholly unfit for cultivation.*

The sale from Jones and his wife and children to William D. Gaines appearing by their deed, Mrs. Jones's acknowledgment separate and apart from her husband, and proof of its execution as to her and the other parties, according to the laws of Alabama, copies of which deed and certificates of acknowledgment, probate, and registration are certified by the clerk of the county court of the said county of Jackson, under his private seal, there being no seal of office. The sale from Gaines to the petitioner is proved by the original deed between the parties, with the same clerk's certificate of its acknowledgment by Gaines and its registration. The consideration paid by Gaines to Jones was, according to the proof, about three hundred dollars, besides binding himself to maintain and support Jones during his natural life. The proof further shows, in substance, that Gaines took Jones to live with him and treated him as a member of the family until he went on a visit to his friends and relations in the southern part of Alabama, where he was taken sick and died. The consideration paid by King, the petitioner, to Gaines, was about five hundred and fifty dollars. It also appears, by proof, that the reservation lies between two mountains, one-half or more being in the mountain, and the other lying in a creek swamp and being of little value. The maltreatment of Jones, as stated by the petitioner, and his death on a visit to the southern part of the State, is substantially proved.

The petitioner asks a confirmation of his title under the apprehension that his right might be affected by Jones's temporary removal, or by his death when off the reservation. Under the 8th article of the treaty of 1817, a person to whom a reservation was granted became entitled to a "life estate, with a reversion (remainder) in fee-simple to his children, reserving to the widow her dower," with a proviso "that if any of the heads of families for whom reservations might be made should remove therefrom, then, in that case, the right to revert to the United States."

A removal, to occasion forfeiture, must have been voluntary, and not produced by coercion, threats, or fear, and indicating an intention wholly to abandon the possession and occupancy of the land. Nor could the temporary absence of a person claiming a reservation, on a visit, accompanied by his death while so absent, defeat his right or that of his children. It is, moreover, believed that the wife of Jones, and his children, being of full age, could sell and convey their interest, under circumstances of fairness, for an adequate consideration. In this case there is no appearance of unfairness, and taking into view the inferior quality and value of the land, the consideration given by Gaines seems to have been adequate. The proof shows that since the sale the family of Jones, including his wife and children, have appeared satisfied with its terms, and it does not appear that any discontent on their part has been manifested up to the present time.

The committee therefore beg leave to report herewith a bill for the petitioner's relief.

22D CONGRESS.] No. 952. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 30, 1831.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of J. B. Saucier, reported:

That it appears by the testimony of highly respectable witnesses that Saucier, the ancestor of the petitioners, more than forty years ago, made a settlement on the river Aux Chênes, in the parish of Plaquemines, State of Louisiana, about thirty miles from New Orleans; that he cultivated corn and other crops and kept a stock of cattle and hogs on it; that the establishment has always been kept up, and that it was always considered as his property and inventoried as a part of his estate.

The committee are satisfied, from this evidence, that, according to the acts of Congress heretofore passed on the subject of land titles in that part of the country, the claimants are entitled to six hundred and forty acres of land as a settlement right, in virtue of the occupancy and cultivation of their ancestor.

They therefore report a bill for their relief.

22D CONGRESS.] No. 953. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 30, 1831.

Mr. PLUMMER, from the Committee on Public Lands, to whom was referred the petition of John Towles, of the State of Louisiana, reported:

From the records and other documentary evidence before the committee, it appears that on the 28th day of April, A. D. 1795, Baron de Carondelet, governor general of the province of Louisiana, then in the possession of Spain, granted an order of survey in favor of Nicholas Lacour, for a tract of land containing twelve hundred superficial arpents, equal to one thousand and fifteen and fifty-three one hundredths American acres, situate on the left bank of the Bayou Rapide, bounded on one side by the land of Valentine Lassard, and on the other by the land of Joseph Le Blanc, with a front of thirty arpents on the bayou, and forty deep.

And on the same day and year the governor general granted another order of survey in favor of the same individual for another tract of land containing six hundred superficial arpents, equal to 507.78 American acres, situate on the same bank of the same bayou, bounded on one side by the land of Zeno Lacour, and on the other by the land of Joseph Le Blanc, with a front of fifteen arpents on the bayou, and forty deep.

And also, on the same day and year, the governor general granted an order of survey in favor of Zeno Lacour for a tract of land containing four hundred superficial arpents, equal to 338.05 American acres, situate on the left bank of the Bayou Rapide, bounded on one side by the land of Nicholas Lacour, and on the other by the land of Cyprian Lacour, with a front of ten arpents on the bayou, and forty deep.

The original grantees, on the 10th day of October, A. D. 1806, transferred, by deeds of conveyance, all of their right, title, and interest to the petitioner, John Towles, who was, on the 11th day of June, 1811, confirmed in his claim to said several tracts of land by the commissioners appointed for the purpose of ascertaining the rights of persons to lands within the district and Territory of Orleans, under and by virtue of the provisions of an act of Congress passed March 3, 1807, entitled "An act respecting the claims to land in the Territory of Orleans and Louisiana." The petitioner states that he has in vain endeavored to cause his claims to be located and surveyed according to the boundaries designated in the grants, and alleges that no such boundaries can be found, and assigns as a reason that the claim of Valentine Lassard—one of the tracts of land by which one of his claims was, by the order of survey, to be bounded—has not been located on the Bayou Rapide, but has been located on the Bayou Roberts, in another part of the county of Rapides. He also states that there is little or no vacant land on the Bayou Rapide, and therefore prays the passage of a law authorizing him to locate his claim on any vacant lands on the Bayou Rapide, or in any part of the western district of Louisiana.

By the petitioner's own statements, and the evidence adduced by him before the committee, it is evident that there would be no difficulty in locating his claims according to the orders of survey. The order of survey to Valentine Lassard, which is before the committee, calls for —— arpents on the left bank of the Bayou Rapide, fronting on the bayou, and commencing at its junction with Red river. It is therefore unimportant, in order to designate the boundaries of the petitioner's claim, whether Lassard's claim is located on the Bayou Rapide, the place designated in the original order of survey, or elsewhere. There is no evidence before the committee that the tracts of land which his orders of survey call for have been sold to or are claimed by any other person; but the contrary appears from his own showing.

It is therefore the opinion of the committee that it is inexpedient to grant the prayer of the petitioner.

22D CONGRESS.] No. 954. [1ST SESSION.

IN RELATION TO UNCONFIRMED LAND CLAIMS IN MISSOURI.

COMMUNICATED TO THE SENATE JANUARY 3, 1832.

GENERAL LAND OFFICE, *December* 31, 1831.

SIR: In obedience to a resolution of the Senate of the United States passed on the 22d instant, in the following words:

"*Resolved*, That the Commissioner of the General Land Office be requested to lay before the Senate any information in his possession showing the present state or condition of the unconfirmed private land claims in the State of Missouri, particularly whether the said lands are now subject to sale as lands of the United States; if so, have they been set for sale in pursuance of any order from said Commissioner; what quantities and tracts of said lands have been sold in obedience to said order, and by whom are such lands owned or claimed; under what law are said lands required to be sold, and, further, what quantity remains unsold; what proceedings have taken place under the instructions of said Commissioner requiring the sale of said lands:" I have the honor to report that, from the time of the passage of the act of March 2, 1805, entitled "An act for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans and the district of Louisiana," until January 1, 1814, when the act of March 3, 1813, entitled "An act allowing further time for delivering the evidence in support of claims to land in the Territory of Missouri, and for regulating the donation grants therein," expired, the claimants to lands in the present State of Missouri could have produced their evidences of title and other testimony in support of their claims to the officers appointed for the purpose of investigating and reporting upon them; and that, by the several laws fixing the periods in which the parties interested were required to file their notices of claim, it is expressly provided that all the claims for which notices were not filed should be barred and forever considered as void, and not to be received as evidence in any court of justice against any title derived from the United States. From the reports made by the board of commissioners and the recorder of land titles, it appears that of the claims stated to be founded on written evidence of title, or derived from settlements for which notices were filed, there are 1,438 yet unconfirmed, embracing 2,238,797 acres. The number of unconfirmed claims, or their contents, for which notices were not filed with the commissioners or recorder, this office has no means of ascertaining. By the 9th section of the act of March 3, 1811, "providing for the final adjustment of claims to lands, and for the sale of the public lands in the Territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February 15, 1811," the land office at St. Louis was established. The 10th section of this act directs the sale of all the lands in this district, with the exception of the school and seminary tracts and of the salt springs and lead mines, and such adjacent tracts as the President might reserve: "provided, however, that till after the decision of Congress thereon no tract of land shall be offered for sale the claim to which has been, in due time and according to law, presented to the recorder of land titles in the district of Louisiana, and filed in this office, for the purpose of being investigated by the commissioners appointed for ascertaining the rights of persons claiming lands in the Territory of Louisiana." No method having been prescribed by law by which the land offices were to ascertain the situation of the lands to be reserved under this law, they have been compelled, in designating them on the maps, to rely solely upon the information and evidence furnished by the claimants, without having the means of accurately ascertaining whether the lands designated by the claimants were those intended to be covered by the claims.

The 3d section of the act of February 17, 1818, "making provision for the establishment of additional land offices in the Territory of Missouri," directs the sale of the lands in those districts, under the same reservations and restrictions as were made by the 10th section of the act of March 3, 1811, above referred to.

Upon the 26th of May, 1824, an act was passed "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," by the 5th section of which it was enacted "that any claim to lands, tenements, and hereditaments, within the purview of this act, which shall not be brought by petition before the said courts within two years from the passing of this act, or which, after having been brought before the said courts, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within three years, shall be forever barred, both in law and in equity, and no action at common law, or proceeding in equity, shall ever thereafter be sustained in any court whatever in relation to said claims;" and the 7th section of the same act provides "that in each and every case in which any claim tried under the provisions of this act shall be finally decided against the claimant, and in each and every case in which any claim cognizable under the terms of this act shall be barred by virtue of any of the provisions contained therein, the land specified in such claim shall forthwith be held and taken as part of the public lands of the United States, subject to the same disposition as any other public land in the same district." By subsequent legislation the time for filing petitions was extended to May 26, 1829, and for hearing and deciding thereon by the court to May 26, 1830.

From this view of the subject it will be seen that the unconfirmed claims in Missouri may now be divided into the following classes:

1. Those which have never been presented to the board of commissioners, to the recorder of land titles, or to the district court for the purpose of being investigated.

2. Those claims for which notices were filed in due time, and according to law, with the recorder of land titles, but not subsequently brought before the district court by petition, under the act of May 26, 1824.

3. Those claims for which petitions were within due time presented to the district court, but which had not been prosecuted to a final decision.

With respect to the claims embraced in the first class, no provisions have at any time been made to exempt them from sale as public lands, and it is expressly declared that they shall not be admitted in any court of the United States against any claim derived from the United States.

The claims in the second class are effectually barred by the 5th section of the act of May 26, 1824, and the 7th section of the same act, by declaring that the land specified in such claims "shall forthwith

be held and taken as part of the public lands of the United States, subject to the same disposition as any other public lands in the same district," must be considered as making the decision upon which the contingent reservation of them, under the acts of March 3, 1811, and February 17, 1818, was to terminate.

With regard to those claims embraced by the third class, it was conceived that the failure of the parties in not prosecuting their claims to a decision, or by the withdrawal of their petitions from the court, under the 5th and 7th sections, forfeited their claims, and the lands embraced thereby forthwith became liable to be sold as any other public lands.

Entertaining these views respecting the unconfirmed claims in Missouri, and a proclamation having been issued on the 25th of March last by the President of the United States for sales at the several land offices in that State, directing that, in addition to certain specified townships, there should "be exposed to public sale, without reserve, all sections or parts of sections subject to be sold by the United States, and situate within the respective limits of the aforesaid land districts, and within any township heretofore offered at public sale, which may not have been heretofore exposed at public sale," I did, after mature consideration, issue the circular to the land officers in Missouri directing the unconfirmed claims to be offered for sale, dated June 25, 1831, of which the paper annexed, marked A, is a copy; but from the letters of those officers, of which the papers marked B, C, D, E, and F are copies, it will be seen that none of them were exposed to public sale or disposed of by the United States under the proclamation of the President above referred to.

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

ELIJAH HAYWARD.

The PRESIDENT *of the Senate of the United States.*

A.

Circular to the land officers at St. Louis, Franklin, Palmyra, Jackson, and Lexington, Missouri.

GENERAL LAND OFFICE, *June* 25, 1831.

GENTLEMEN: The question has been asked whether the unconfirmed private claims in Missouri are subject to sale under the proclamation of the President dated 25th March last.

The proviso to the 10th section of the act of March 3, 1811, (Land Laws, page 591,) is in the following words: "Provided, however, that till after the decision of Congress thereon no tract of land shall be offered for sale the claim to which has, in due time and according to law, been presented to the recorder of land titles in the district of Louisiana, and filed in his office, for the purpose of being investigated by the commissioners appointed for ascertaining the rights of persons claiming lands in the Territory of Louisiana."

The 5th section of the act of May 26, 1824, (Land Laws, page 874,) declares that "any claim to lands, tenements, or hereditaments, within the purview of this act, which shall not be brought by petition before the said courts within two years from the passing of this act, or which, after being brought before the said courts, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within three years, shall be forever barred, both in law and in equity; and no other action at common law, or proceeding in equity, shall ever thereafter be sustained in any court whatever in relation to said claims."

The act of May 22, 1826, merely extends the time for filing petitions under the act of May 26, 1824, to May 26, 1828.

The act of May 24, 1828, further extends the term for filing petitions in reference to claims in Missouri to May 26, 1829.

Such unconfirmed claims, therefore, formerly reserved from sale under the act of March 3, 1811, as have not been brought before the courts, or prosecuted to a final decision under any of the acts of Congress above alluded to, are subject to be offered at public sale; and you are hereby directed to offer the same, under the proclamation of the President of the United States above alluded to.

After the close of the sales you will make a special report, specifying the unconfirmed claims which cover lands that have been offered at public sale, designating such sales as may have been made interfering with the unconfirmed claims, and also the interfering legal subdivisions not sold.

Very respectfully, your obedient servant,

E. HAYWARD.

B.

Copy of a letter from the register and receiver of the land office at St. Louis, Missouri, to the Commissioner of the General Land Office, dated July 12, 1831.

SIR: Your letter of the 25th of June last, authorizing us to offer at public sale all the unconfirmed private claims within our district, has been received. Having no information in our office as to what claims have been brought before the courts, or prosecuted to a final decision, and having no returns of surveys of many of those claims which are located on the township plats without being sectioned, and not knowing the quantity in the fractional quarters, made such by the confirmation of the village commons, have induced us to withhold from sale all such claims until further instructions shall be received.

We are, very respectfully, sir, your obedient servants,

W. CHRISTY, *Register.*
B. PRATTE, *Receiver.*

C.

Extract of a letter from the register of the land office at Franklin, Missouri, to the Commissioner of the General Land Office, dated July 18, 1831.

"I have also received yours of the 25th ultimo, on the subject of the unconfirmed private claims in Missouri. I have written for information concerning them to the clerk of the district court of this district. If I am informed that they have not been prosecuted to a final decision, according to law, I shall have them immediately added to the list already prepared, and sell as instructed."

D.

Copy of a letter from the register of the land office at Franklin, Missouri, to the Commissioner of the General Land Office, dated August 8, 1831.

SIR: In order to comply with your instructions in relation to the unconfirmed private land claims in Missouri, I addressed a letter to the clerk of the United States court for the district of Missouri, requesting him officially to certify to me whether certain claimants in my land district had prosecuted their claims to a final decision, as required by the act of Congress on that subject. Without this information, I conceived that I could not sell them; and you will perceive by the enclosed paper, which the clerk sent me, that he has failed to comply with my request, and that, at so late a day, I am unable, before the sale, to obtain the information from any other source. His paper has neither date nor signature.

I am, with great respect, &c.,

H. L. BOON, *Register.*

Copy of the paper enclosed in the above letter.

"All the claims that were filed in the district court under the law of Congress of 1824, were, by leave of the court, withdrawn without prejudice immediately after the decree against Soulard's heirs. The heirs of Soulard appealed to the Supreme Court, where that case still remains undetermined. Of the claims filed under the law of 1828, the court decreed against the heirs of Auguste Choteau for 1,281 arpents, and for 7,056 arpents against De Lassus, assignee of De Luzieres; against the heirs of Macky Wherry, and against the heirs of James Mackay. All the other claims were withdrawn without prejudice, by leave of the court, except the claim of J. B. Placet, and one of John Mullanphy, assignee of La Pierre and Aubuchan, which were confirmed. In all the cases decreed against, appeals were taken, and are now waiting the decision of Soulard's claim."

E.

Extract of a letter from the register and receiver of the land office at Jackson, Missouri, to the Commissioner of the General Land Office, dated August 9, 1831.

"By your instruction of June 25, 1831, informing us what unconfirmed private claims are to be sold, under the proclamation of the President of the 25th of March last, we are directed to sell such unconfirmed claims, formerly reserved from sale under the act of March 3, 1811, as have not been brought before the court; or if brought, not prosecuted to a final decision, agreeably to law, under the acts of Congress of May 26, 1824, May 22, 1826, and May 24, 1828. Under the proclamation of the President, we conceive it would have been our duty to offer for sale the land embraced in the proclamation, regardless of its being embraced in unconfirmed claims; but your instruction limits the generality of the proclamation to those claims not presented to the court; or if presented, not prosecuted agreeably to the acts of Congress aforesaid.

"We beg leave to inform you that we have no official information of the claims presented to the court, nor of the failure to prosecute those presented; and, therefore, cannot determine on the claims subject to sale, under your instruction of the 25th of June last. Our private information is too vague and uncertain, and we therefore ask your further instruction on the subject.

"If we are to sell the unconfirmed claims, notwithstanding any proceedings on them under the acts of Congress aforesaid, then there is no difficulty on our part; but if we are to select the claims which are to be sold, as your instruction directs, we have no data by which to make the selection. We cannot suppose you intend the claims confirmed under the acts aforesaid, nor those still prosecuting by appeal in the Supreme Court of the United States—and there are some of both descriptions to be sold; and we cannot discriminate between these and those embraced in your instruction, for want of precise information."

F.

Extract of a letter from the register and receiver of the land office at Palmyra, Missouri, to the Commissioner of the General Land Office, dated August 19, 1831.

"The instructions contained in your letter of the 25th of June, in relation to the selling of the unconfirmed Spanish claims, were not complied with, for the following reason, which we hope will be sufficiently satisfactory to you and exculpatory of our course in violating these instructions. We had no

evidence in this office by which we could tell which claims were embraced in your instructions; and the means of getting the evidence in time for the sales was not furnished, and we knew not where to obtain it. Under these circumstances, we hope, sir, that our course may meet your approbation; and we have no hesitation in expressing it as the firm conviction of our best judgment that the interest of the government will be promoted and the convenience of the citizens increased by the course we thought proper to pursue in relation to this subject."

22D CONGRESS.] No. 955. [1ST SESSION.

APPLICATION OF THE OFFICERS OF THE ARMY OF THE WAR OF 1812-'15 FOR BOUNTY LAND

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 3, 1832.

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

The memorial of the undersigned, officers of the second war of independence, for themselves and the other officers who served in the army of the United States during such war, respectfully represents: That on the 30th of January, 1826, a memorial was signed by a committee acting in their behalf; that this memorial and various others, as well as a statement of their claim by their agent, have been presented to your honorable bodies; that on the 17th of May, 1826, a favorable report was made by a select committee which was never acted on; but that on the 1st of March, 1831, the Committee on Public Lands, as if roused by the injustice which delay had done to your petitioners, did make a report, not less distinguished for its research than the accuracy of its views, not less honorable to the committee and the country than just to the officers and acceptable to their widows and children. This able report your petitioners adopt with heartfelt gratitude as a full statement of their claim, and earnestly pray that a prompt decision be made on its merits and the policy which the report indicates. Although the immediate connexion between the officers and soldiers of the second war of independence has been dissolved by the blessings of an honorable peace, yet there is an obligation on the part of the former to extend a guardian care over the interests of the latter, which death alone can destroy. Impressed with this belief, your petitioners would respectfully submit that those soldiers who enlisted after the 11th of December, 1814, received a gratuity of $124 in cash, and 320 acres of land; and that those who enlisted previous to that date received but $16 in cash, and 160 acres of land; and yet the first never performed a march beyond the recruiting rendezvous, nor encountered the toils, or suffered by the exposure of camp duty; much more, they never met an enemy; whilst the last bore the brunt and dangers of the war, and by their valor, their wounds, and their discipline, evinced that freemen who were determined to preserve that independence which their fathers had established were not to be conquered by veteran mercenaries. The services of the one stand in bold contrast with the rewards extended to the other; and still, in the opinion of your petitioners, the soldiers of the late war, generally, have cause to complain that the intention of the laws in their behalf have not been carried into effect, and that by the regulations of the government adverse to such intention many of them have been *totally* deprived of the land granted in their names. It was the *intention* of the act of the 6th May, 1812, that they should have a choice of lands by lot in either the Territory of Michigan or the then Territories of Illinois and Louisiana; yet, by a subsequent act, they were deprived of the right so secured, of designating the Territory of Michigan, and have been compelled to take lands in Arkansas, where they were and are not worth one-fourth as much as those in Michigan. The right to designate the Territory was, moreover, rendered nugatory by the Commissioner of the General Land Office drawing the lottery but for one Territory at a time. It was the *intention* of the law that the soldiers should not be divested of their titles until they came into legal possession of the land by an *actual reception* of the patent in person, or by their authorized agents; yet the regulation of the Commissioner of the General Land Office, allowing members of Congress to designate the Territory, and to receive patents on the mere request *of third persons*, and without the knowledge of the soldiers, has enabled speculators and others to secure tax titles, and leaves the soldier, who has never applied for his patent, the reward of learning that some ten or thirteen years since his patent was issued, and the consolation that his title has been wrested from him by the operation of local laws, of which he knew as little as he did that he had been constituted a freeholder. Your petitioners will not undertake to suggest the remedy for this manifest injustice, but, relying on the wisdom and justice of your honorable bodies, they commit their own and the soldiers' claim to your consideration, praying that this and all other memorials, reports, and documents which have hitherto been presented, may be recommitted to the Committee on Public Lands, and that the War Department be called upon to report and estimate of the value of all munitions of war, provisions, and other property captured or destroyed by the army at New Orleans, Little York, and on the river Thames, during the campaigns of 1812 and 1813, as well as at Forts Bowyer, Malden, Detroit, George, Erie, and elsewhere. And, as in duty bound, your petitioners will ever pray.

22D CONGRESS.] No. 956. [1ST SESSION.

ON CLAIMS TO PRE-EMPTION RIGHTS IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 3, 1832.

Mr. IRWIN, from the Committee on Public Lands, being instructed to inquire into the expediencey of granting the right of pre-emption to Mary Daws, Robert Bond, James Patridge, and John G. Smith, whose improvements were included in the reservations made by the treaty with the Florida Indians, on the 18th of September, 1823, reported:

That an act was passed by Congress on the 22d of April, 1826, which gave the right of pre-emption to every person, or the legal representatives of any person, who, being the head of a family, or twenty-one years of age, had, previous to the first of January, 1825, actually inhabited and cultivated a tract of land in the Territory of Florida, and had not removed from the said Territory.

From the evidence presented to the committee, it appears that the above-named persons, previous to the 1st of January, 1825, did actually inhabit and cultivate lands in Florida, and for which they would have been entitled to pre-emptions, had not the lands by them cultivated and inhabited been included in the reservations made by the treaty with the Florida Indians.

To three individuals whose improvements were included within the Indian reservations pre-emption rights were granted for other lands in the same district by an act of Congress passed February 8, 1827.

It is the opinion of the committee that the benefits derived by other settlers from the privilege of securing their own improvements, under the provisions of the above-recited act, ought to be extended to the applicants; and for that purpose a bill is herewith reported to the House.

22D CONGRESS.] No. 957. [1ST SESSION.

ADVERSE TO MAKING GOOD A DEFICIENCY IN A FRACTIONAL QUARTER SECTION OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 3, 1832.

Mr. IRWIN, from the Committee on Public Lands, to whom was referred the claim of William Wickersham, reported:

That by an act of Congress of the 7th June, 1796, the surveyor general was required to cause to be surveyed into townships of five miles square a tract of country lying in the State of Ohio, commonly called the United States military district. Corners were directed to be fixed in the lines of survey, dividing the townships into quarter townships, or tracts of four thousand acres each. The Secretary of the Treasury, on application, was required to register warrants for military services to the amount of any one or more tracts, for any person holding the same. In this way only, under the above-recited act, could those quarter townships be appropriated.

By an act of February 11, 1800, fifty of the quarter townships that remained unlocated were reserved to satisfy warrants granted to individuals for their military services. These reservations the Secretary of the Treasury was directed to divide into lots of 100 acres each on the respective plats thereof.

In all the surveys made in this district the lines are run to the cardinal points, except the northern boundary, which runs in a northeast and southwest direction. The deviation of this line from the rest produced along the northern boundary a set of fractions, containing, in some instances, a less quantity than 100 acres.

The applicant, who is the assignee of a military warrant for 100 acres, by his agent, Benjamin Haugh, esq., located his warrant on one of those fractions, which contained only 43.15 acres, and procured a patent therefor, in which the lot is said to contain 100 acres. For this deficiency he asks for a remuneration in land or money.

No proof is adduced in support of the claim other than the letter of Mr. Graham, late Commissioner of the General Land Office, in which he states that the lot is noted in the surveys returned to his office as containing 43.15 acres only, and gives it as his opinion that Mr. Haugh knew it, but was induced to make the entry in consequence of the description given of the quality of the land in the field-notes.

The 10th section of the last-recited act is in these words: "That the actual plat and survey, returned by the surveyor general, of quarter townships and fractional parts of quarter townships, contained and described in the act to which this is a supplement, shall be considered as final and conclusive, so far as relates to the quantity of land supposed to be contained in the quarter township and fractions, so that no claim shall hereafter be set up against the United States by any proprietor or holder of warrants for military services, on account of any deficiency in the quantity of land contained in the quarter township, or fractional part of a quarter township, which shall have been located by such proprietor or holder; nor shall any claim hereafter be set up by the United States against such proprietor or holder on account of the excess in the quantity of land contained therein."

It is the opinion of the committee that Mr. Wickersham has no well-founded claim upon the government, and ask to be discharged from the further consideration of the subject.

22D CONGRESS.] No. 958. [1ST SESSION.

ON THE APPLICATION OF THE TRUSTEES OF THE TRANSYLVANIA UNIVERSITY FOR A DONATION OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1832.

Mr. ALLEN, from the Select Committee to whom was referred the petition of the trustees of Transylvania University, reported:

The petitioners state that the principal college edifice belonging to said institution was recently destroyed by fire; that, at the same time, her valuable law library, containing about six hundred volumes, together with a considerable portion of her miscellaneous library, and a part of her philosophical apparatus, were consumed; that the edifice destroyed had been erected a few years ago, at an expense of about $30,000, and the other property destroyed is estimated at about $5,000; and the consequence of this heavy calamity is, that the university is at this time destitute of a building suitable for the purposes of education. Having no means to repair this loss, and feeling in other respects the necessity of aid, she applies for relief to the national legislature.

The committee have considered the petition under the conviction, common to themselves and their fellow-citizens of the United States, that the cause of literature and science is closely connected with the permanence of our free institutions and the elevation of our national character. When these important interests can be aided by the representatives of the people consistently with other duties, there is, in the opinion of the committee, a manifest propriety that the aid should be afforded; and they are gratified at perceiving, in the past legislation of Congress, a sanction to this opinion.

Among the examples of the views of Congress on this subject, the committee will now barely refer to the act granting additional land, equivalent to a township, to the citizens of the State of Indiana for the use of schools; and the grant made to the trustees of the Lafayette Academy, in Alabama, for the benefit of said academy; and to the act granting a township of land to Connecticut, to aid in instructing the deaf and dumb; and also the grant heretofore made to Kentucky for the same purpose.

The committee cannot imagine a stronger case for a similar grant than that which is presented by the petition of Transylvania University. This institution, after struggling during infancy, like the region in which it is located, with hardship and difficulty, has grown with the growth of the west. Her beneficent agency has been extended in dispensing knowledge throughout that extensive and interesting country; and it is believed that, in every State which has been added to the old thirteen members of the confederacy, some of her *alumni* are found occupying a distinguished rank on the bench, in the legislative hall, or in the paths of the learned professions. This honorable evidence of her usefulness, though most striking, is, perhaps, less important than the stock of information which has been carried from her walls to the pursuits of ordinary life, meliorating and enriching the general mind, and fitting the citizens for the discharge of his duties as a man, and for justly estimating his political rights.

If the whole Union is interested in the social advancement of every portion of it, an institution which has, by great and disinterested efforts, diffused the blessings of education through a large region deserves the favorable notice of Congress. She comes before it at a moment when her prospects of conferring future advantages on the public are clouded by a dire and unforeseen misfortune, and when the past exertions of the wise, the good, and the liberal, to render her the continuing source of national blessings are menaced with disappointment. Regarding the petition with the consideration due to past services in the great cause of education, to present calamity, and to the faculty of communicating yet higher benefits to their fellow-citizens, the committee report the accompanying bill.

22D CONGRESS.] No. 959. [1ST SESSION.

APPLICATION OF INDIANA THAT SCRIP MAY BE ISSUED FOR LANDS FORFEITED FOR NON-PAYMENT.

COMMUNICATED TO THE SENATE JANUARY 5, 1832.

A MEMORIAL of the general assembly of the State of Indiana to the Congress of the United States for the relief of persons whose lands have been forfeited.

Your memorialists respectfully represent to your honorable body that there are many persons in this State who did not avail themselves of the benefit of the last law of Congress on the subject of extending relief to the purchasers of public lands, which authorized scrip to be issued within nine months from the passage of said law to such as might not be able to make complete payment before the time at which the said lands, by the provisions of the law aforesaid, would be forfeited to the general government; and as there are many persons who did not take advantage of this provision, under impression that they would be able to make payment before the expiration of the time limited in the act aforesaid, your memorialists, therefore, respectfully solicit the passage of a law at the present session of Congress, authorizing the issuing of scrip to all who did not take advantage of the former act.

H. H. MOORE, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved December 21, 1831.

N. NOBLE.

GENERAL LAND OFFICE, *January* 12, 1832.

SIR: I have received your letter of the 9th instant, wherein you state that the Committee on Public Lands have under consideration the propriety of granting scrip in all cases of forfeiture of the public lands, and requesting information as to what would be the amount of scrip necessary to satisfy all claims that would be made.

To enter into a minute investigation of the accounts in order to satisfy your inquiry with precision would consume more time than would comport with the views of the committee. I therefore would beg leave to state, without resorting to a labored process of investigation, that the amount of moneys paid and forfeited on lands which have reverted to the government, after having been further credited under the relief laws of 1821, 1822, and 1823, and after the operation of the relief laws of March 21, 1830, and February 25, 1831, is estimated to be between $525,000 and $550,000.

There is a description of forfeiture technically termed "excesses forfeited," which are moneys remaining unapplied by the purchaser, after the closing of all his accounts by the transfer thereto of the *moneys paid on lands relinquished.* The relief law of March 2, 1821, provides that no repayment shall be made in such cases. The aggregate amount of these "excesses forfeited," under the several laws authorizing the closing of accounts by relinquishment, is between $16,000 and $17,000. These excesses are scattered through many thousands of accounts, and consist of every variety of amount, from a few cents to a dollar; and varying from a few dollars to forty, fifty, and in some cases one hundred dollars; and in some instances a greater amount, where there is a great number of tracts relinquished by one individual.

In case, therefore, the committee intend to embrace this description of forfeitures in any general provisions on the subject of issuing scrip for moneys forfeited, not provided for by existing laws, I take leave to suggest the expediency of providing a *minimum* amount of forfeiture so as to exclude small claims, which give trouble to the agents of the government without a corresponding value to the party.

I am, &c.,

E. HAYWARD.

Hon. W. W. IRWIN, *House of Representatives.*

GENERAL LAND OFFICE, *January* 19, 1832.

SIR: I have received your letter of the 16th instant, accompanied by a resolution of the Senate and a memorial of the legislature of Indiana, praying for the passage of a law authorizing the issuing of scrip in all cases of forfeited land, wherein the parties did not avail themselves of the benefits of the act of March 31, 1830, by filing their applications for scrip within the term of nine months, as prescribed by that act.

I enclose, for your information on this subject, a copy of a letter recently addressed by me to Mr. Irwin, of the House of Representatives, in reply to an inquiry from him as to the amount of scrip that would be issuable in cases of forfeiture not already provided for by law. This letter will afford such general information on the subject as I hope may be satisfactory to the committee.

You inquire whether cases of forfeitures, like those for which relief is prayed in the accompanying memorial and resolution, are numerous; and whether such relief can be granted by Congress without serious inconvenience to this department. I reply to this inquiry that the forfeitures to which you refer are numerous. The duty of this office, in relation to the issuing of scrip, is to examine the abstracts of scrip, and to compare them with the accounts in the old credit system books of each person claiming scrip; to prepare and transmit to the several land offices the blank forms of the scrip to be by them issued, and to carry on such correspondence with the land officers as may be necessary in reference to any discrepancies found to exist between their books and the books of this office, either as to the party to whom the scrip is issuable, the designation of the tract, or the amount of money to be embraced by the certificate.

Hence it will appear that any additional act authorizing the issuing of scrip must necessarily increase the duties of this office; the duties of at least eight of the clerks in this office will be increased thereby.

With great respect, I am, sir, your obedient servant,

ELIJAH HAYWARD.

Hon. JOHN TIPTON, *Senate of the United States.*

22D CONGRESS.] No. 960. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 6, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Cæsar I. Curry, reported:

The petitioner sets forth that he was born under the Spanish government, in the State of Louisiana, in the year 1796, and that in the year 1800 the Spanish government granted to him four hundred arpents of land on the Bayou Rapides; that the claim for the land was presented to the land commissioners in 1811 at Opelousas, and admitted and passed by them as a good and valid claim; he further states that, being an infant, he was not able to prosecute and attend to his claim until all the vacant lands on the bayou were taken up; that he attempted, after he arrived at age, to locate the same on the bayou, but failed; and prays the privilege of locating his land in some other place. Accompanying the petition is a

survey and plat made by Carlos Trudeau, the Spanish surveyor, prior to 1800, and is certified to be a true copy by Valentine King, the register of the land office in the Opelousas, in Louisiana; and also a copy of the report of the land commissioners confirming the claim of said petitioner to said four hundred arpents of land, which is also certified by the register of the land office. There is also exhibited to the committee a paper purporting to be the copy of a judgment of the district court of Louisiana at the parish of Rapides, dated April term, 1830, given in a case of Cæsar I. Curry against Bynam and Robertson, in which the court give an opinion in favor of Bynam and Robertson against said Curry, certified by the clerk of the court at Alexandria to be a true copy of the judgment. There is no evidence before the committee showing the nature of the suit between said parties, or upon what principle the case was determined; the committee do not understand that the United States are liable as warrantors or vendors to the individual who held lands under French or Spanish titles, and which have been favorably reported by the commissioners of the land office. But if they were, there is not sufficient evidence exhibited in this case to justify the House in giving the petitioner the relief asked.

They therefore recommend the rejection of the claim.

22D CONGRESS.] No. 961. [1ST SESSION.

ON CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1832.

Mr. STANBERRY, from the Committee on Private Land Claims, to whom was referred the petition of Joel Thomas, reported:

The petitioner claims a tract of 640 acres of land, on the ground of settlement and cultivation from 1796 to 1807, under an act of Congress of the latter date.

It appears from the evidence that John Reynolds, under whom the petitioner claims, took possession of the land in 1794 or 1795, made an improvement on it and continued in possession until 1798 or 1799, about which time he left the Michigan. It also appears that the petitioner took possession of the land more than twenty-six years ago, and that he has continued in possession ever since, cultivating the same, and claiming the same as his own.

There is a space of three or four years, from 1796 to 1807, where there is no proof that this land was occupied by any person. It was on this ground, principally, that the Committee on Private Land Claims reported against the claim at the first session of the last Congress.

The petitioner has since procured testimony which proves that all the white inhabitants were driven from the land, as well as from the adjoining tracts, by the Indians, and by them kept out of possession for several years. This, in the opinion of the committee, accounts for the land not being occupied during the said time.

The committee are, therefore, of opinion that the title of the petitioner ought to be confirmed, and accordingly report a bill.

22D CONGRESS.] No. 962. [1ST SESSION.

ON CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Archibald Gamble, reported:

That the petitioner claims a tract of land in Missouri, of four hundred and eighty acres, by virtue of a New Madrid certificate issued under the act of 1817, and numbered 333, issued to John B. Thibault; and that the same was located on the southwest fractional quarter of section twenty-two, which is not embraced by Robert Simpson's location dated May 7, 1818; the southeast fractional quarter of the same section, the northwest fractional quarter section twenty-seven, and so much off the north part of the eastern half of the same section as would make the quantity of four hundred and eighty acres in township No. 46, range 6, east of the fifth principal meridian. Petitioner also alleges that at the fall sales in Missouri in 1823 the officers of the United States sold the said lands owing to an omission on the part of the surveyor to designate said claim on the plat returned by him to the recorder and register, and that the same land has been patented by the United States to the second purchaser, and prays for leave to enter the same quantity of land on other public lands of the United States.

The statements in the petition are supported by the letter of the land commissioners, and the certified copy of the entry which accompanies it, and is made a part of this report.

The committee therefore report a bill for his relief.

GENERAL LAND OFFICE, *January* 9, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, and return the statement of Mr. Christy therein enclosed.

By the plat of township 46 north, range 6 east, returned to this office by the surveyor general, it appears that the northwest fractional quarter of section twenty-seven and all of the south fractional half of section twenty-two, with the exception of a piece containing 54.35 acres in the northwest corner of that fractional half section, have been located by a New Madrid certificate, numbered 333, in favor of J. B. Thibault; and from the returns of the land officers at St. Louis it appears that the northwest fractional quarter of twenty-seven was sold to Henry Walton on the twenty-sixth of November, 1823, as containing 129.71 acres; and the whole of the south fractional half of section twenty-two was sold on the 4th of November, 1823, to John Walton, as containing 299.62 acres.

I am, very respectfully, your obedient servant,

ELIJAH HAYWARD.

Hon. W. H. ASHLEY, *House of Representatives.*

MAY 16, 1818.

Thomas Hempstead and Charles S. Hempstead, as the legal representatives of John Baptiste Thibault, locate four hundred and eighty acres of land by virtue of a certificate, No. 333, issued by Frederick Bates, esq., dated St. Louis, September 26, 1817, to wit: the southwest fractional quarter of section twenty-two, which is not embraced by Robert Simpson's location, dated the seventh day of this same month; the south-east fractional quarter of the same section, the northwest fractional quarter of section twenty-seven, and so much off from the north part of the eastern half of the same section twenty-seven as will make the quantity; the said sections being in township forty-six, north of the base line, and range six, east of the fifth principal meridian.

JOSEPH C. BROWN,
For THOMAS HEMPSTEAD and
CHARLES S. HEMPSTEAD.

SURVEYOR'S OFFICE, *St. Louis, November* 24, 1830.

The above is a correct copy of the original notice of location (which is on file in this office) of four hundred and eighty acres of land, under the New Madrid certificate, (No. 333,) in the name of "John B. Thibault," or his legal representatives.

W. McREE, *Surveyor of Public Lands.*

22D CONGRESS.] No. 963. [1ST SESSION.

ON CLAIM TO A PRE-EMPTION RIGHT IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1832.

Mr. MARSHALL, from the Committee on Private Land Claims, to whom was referred the petition of William B. Keene and John L. Martin, reported:

That it is satisfactorily shown that the claimants were entitled, under the pre-emption law of the 29th of May, 1830, to a preference in becoming the purchasers of a tract of land on Lake Providence, in the State of Louisiana. On a survey of the fractional township in which the land is situated, long after they had made their improvements, it appears that the part which they had improved was designated as No. 16, which by law is reserved for the use of schools. It further appears that the petitioners had made very valuable improvements by erecting a cotton gin and mill, and other buildings, on the land. The receiver of public moneys in that district refused to permit them to complete their purchase, but earnestly recommended the case as one of great hardship to the favorable attention of the Secretary of the Treasury. It appears that in surveying the township in this case the ordinary mode was deviated from, and those who made the improvement could not have anticipated that it would fall within No. 16.

On application to the department the Commissioner of the General Land Office was inclined to permit the claimants to complete their purchase, and to direct the register and receiver in that land district to select and reserve for the use of schools an equal quantity of lands of the same value in lieu of it in the same or the next adjoining township; but the then Secretary of the Treasury was of opinion that it could not be done consistently with the existing laws. The committee are of opinion that the views of the Commissioner of the General Land Office are equitable, and that the claimants ought to be permitted to complete their purchase, and another tract of equal value be selected for the use of schools. And they report a bill to that effect.

22D CONGRESS.] No. 964. [1ST SESSION.

APPLICATION OF MISSISSIPPI FOR SALE OF LANDS ACQUIRED FROM THE CHOCTAW INDIANS AT THE MINIMUM PRICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1832.

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

Whereas a treaty was made on the 27th day of September, in the year of our Lord one thousand eight hundred and thirty, and of the independence of the United States the fifty-fifth, by John H. Eaton and John Coffee, commissioners on the part of the United States, and the chiefs, captains, and headmen of the Choctaw nation, on the part of said nation; and whereas, by the provisions of said treaty, nearly nine hundred sections of the most valuable lands lying in said Choctaw nation, embracing in quality the most fertile spots, have been reserved for said Choctaws, and the same are now rapidly selling off to wealthy capitalists; and whereas your memorialists have much cause to apprehend that, if the remaining bodies of land interposed between these reservations be offered at public sale to the highest bidder, after the same may be surveyed, the natural consequence will follow that the choicest and most fertile spots will be culled by speculators, who can afford to give extravagant prices for the same, while a large portion of these lands, which are extremely poor, must remain for years merely as the usufructuary property of the rich who own good lands adjoining thereto; it must therefore appear evident to your honorable bodies that this course is well calculated to exclude forever the poor *pioneers* of the wilderness from the hope of securing a fixed and permanent home, and to foster and perpetuate that wandering and fugitive habit which naturally characterizes those who have nothing to lose by change.

Your memorialists would further most respectfully urge that, owing to the physical position of this State in the Union, there are some circumstances which should direct your especial attention to it. We are surrounded by new countries. The great facilities of procuring lands under a neighboring government, whose soil, climate, and opportunities for trade entitle it to much notice, must continue as a permanent drain on our most enterprising and hardy population, whose early adventures in a new country leave them but scanty means for acquiring desirable homes under the course hitherto pursued in disposing of the public lands; therefore, your memorialists would pray that these lands may be thrown open, at the minimum price, in the proportion of one hundred and sixty acres for each head of a family in this State. The effect of this measure, your memorialists feel confident, will tend not only to the immediate prosperity of this State, but will even throw money in the coffers of the United States, as, under the operation of the law proposed, the quantity entered will be seven-fold what it is under the operation of the old law; a general and simultaneous rush for entering will immediately ensue, and whatever deficit there may be in price would be more than compensated for by the increase of entries, and the prosperity of the State obviously advanced by the acquisition of a permanent yeomanry. Thus a two-fold object would be attained, and that preference of the soil given to whom it is morally due. For if a right of pre-emption has been prescriptively given even to the trespasser on your domain, because of improvements they make thereon, the same cannot reasonably be withheld from those citizens who, in violation of no law, have increased the value of this land by surrounding it with substantial and enduring improvements.

These views being placed before your honorable bodies, your memorialists trust will call forth that philanthropy which has so often marked your conduct towards the new States; 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 are hereby instructed, and our representative requested, to use their exertions to have the object of this memorial effected, and that the governor of this State be requested to forward a copy of this memorial and resolution to our senators and representative in Congress.

M. F. DE GRAFFENREID, *Speaker of the House of Representatives.*
A. M. SCOTT, *Lieutenant Governor and President of the Senate.*

Approved December 15, 1831.

GERARD C. BRANDON.

22D CONGRESS.] No. 965. [1ST SESSION.

ON CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1832.

Mr. CLAY, from the Committee on Public Lands, to whom was referred the petition of Matthews Flournoy and R. J. Ward, reported:

That in 1825 the petitioners settled on and improved a tract of land on Lake Washington, in the State of Mississippi, clearing about 800 acres; that the public lands in this section of the country had not at that time been surveyed, but had been returned as unfit for cultivation. A number of persons settling in that country, the government, in 1827, caused these lands to be surveyed; and the tract of land thus improved fell within the sixteenth section, and was therefore reserved from sale, for the use of schools

within the township. The inhabitants of the township now join in the petition that section eleven, in that township, be taken in lieu of section number sixteen, so that the said last-mentioned section may be sold by the government. The government, at the request of the inhabitants, has reserved from sale number eleven, in the expectation, it would seem, that Congress would allow the exchange.

The committee, believing the petition reasonable, and that the government will lose nothing, report a bill.

22D CONGRESS.] No. 966. [1ST SESSION.

IN FAVOR OF GRANTING A DUPLICATE LAND WARRANT WHERE THE ORIGINAL HAS BEEN LOST.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1832.

Mr. CLAY, from the Committee on Public Lands, who were instructed to inquire into the expediency of granting to the heirs of Nicholas Hart a duplicate of land warrant No. 443, reported:

William H. Hart, one of the heirs of the said Nicholas Hart, deceased, by letter, desires the Hon. Mr. Stevenson, of Pennsylvania, to make inquiry at the proper department for the warrant which had issued to his father, as it could not elsewhere be found. The reply from that department is, that on the 27th day of July, 1809, warrant No. 443 issued to the said Nicholas for one hundred acres of land, and that the same had not been located.

As the committee is fully satisfied that such warrant did emanate, has never been located, and is lost, they think relief ought to be granted, and for that purpose report a bill.

22D CONGRESS.] No. 967. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 12, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Peter McCormock, reported:

That said claimant filed his application for a settlement right before the board of commissioners for the Upper Louisiana, at present the State of Missouri, claiming 624 arpents and 74 perches of land, equalling 534 acres and 9 poles, on the river Platin, and the same was surveyed for him by Thomas Maddin, deputy surveyor for the district of St. Genevieve, on the 8th of February, 1806. And on the 27th of June, 1806, the board of commissioners had the same under consideration, and recite in their record, "Peter McCormock claiming, as aforesaid, 534 arpents 9 perches of land, situated on the river Platin, district aforesaid, and produces a survey of the same dated the 8th and certified the 20th of February, 1806," and received the testimony offered as to settlement, and decide as follows: "The board grant the aforesaid claimant 400 arpents of land, situate as aforesaid, provided so much be found vacant there."

It further appears that on the 5th of December, 1807, the board of commissioners again had said claim under consideration reciting the claim of said McCormock to be for 534 acres and 9 perches, and further testimony is examined as to the permission given the claimant from the Spanish authorities to settle on the land, and the case is then adjourned for further consideration. And on the 30th of September, 1811, the said board "granted to Peter McCormock 450 arpents of land, and ordered that the same be surveyed as nearly in a square as may be, and so as to include his improvements."—(Commissioner's certificate, number 1245.) It is further proven to the committee that, in the list of confirmed claims furnished by the board to the surveyor general, the claim of McCormock was stated as having been confirmed for 624 arpents, and to be surveyed according to the plat of Thomas Maddin, dated February 8, 1806; and on the 13th of October, 1807, the same was resurveyed by Lionel Brown, including 624 arpents, and very nearly corresponding with the lines of the survey of Maddin, made in 1806. And it appears that in 1822 a copy of the survey made by Brown was sent to the recorder for the purpose of obtaining a grant, and that in 1828 the recorder returned said survey, giving the information that it did not correspond with the confirmation, it having been only for 450 arpents. The committee are at a loss to conceive upon what grounds the board of commissioners confirmed the title to said applicant for either 400 or 450 arpents. The act of the 2d of March, 1805, section 2, makes express provision that applicants for settlement rights who had been in possession of the land and cultivated the same prior to the 20th of December, 1803, with the permission of the proper Spanish authorities, that the land "shall be granted" to such applicant, provided the same does not exceed "one mile square." Under that provision of the law the committee conceive that the claim of the applicant should have been confirmed for 624 arpents of land, according to the survey made for him by Thomas Maddin on the 8th of February, 1806, and certified on the 20th of February, 1806, and report a bill for his relief.

22D CONGRESS.] No. 968. [1ST SESSION.

ON CLAIM OF THE MARQUIS DE MAISON ROUGE TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 12, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the memorial of Daniel W. Coxe, relative to the title of the Marquis of Maison Rouge to a large tract of land in Louisiana, reported:

That the memorialist represents himself to be part owner of a tract of land situated in the parishes of Ouachita and Catahoula, claimed by the late Marquis of Maison Rouge under a grant from Baron de Carondelet, then governor of the province of Louisiana, and bearing date the 20th of June, 1797.

This grant has long been a subject of contest between the claimants and the government of the United States. The commissioners for adjusting land titles in that part of Louisiana, to whom it was presented for confirmation, reported that, in their opinion, the instrument above referred to is a patent or perfect title, transferring to the Marquis of Maison Rouge the title in as full and ample a manner as lands were usually granted by the Spanish government, subject, however, to the conditions stipulated in his contract with the government, and they state in their letter to the Secretary of the Treasury that the title ought, in their opinion, to be confirmed. Congress has, however, never recognized the title, and from that day to the present the claimants under the Marquis of Maison Rouge have been subjected to all the burdens of ownership, such as the payment of heavy States taxes and of opening roads, without being permitted to sell with any safety to themselves; nor will the government, by selling the lands embraced within the limits of this grant, enable the claimants to contest their title in a court of justice. Last summer a part of it was ordered to be sold as public land, but it was withdrawn before the sales by order of the Commissioner of the General Land Office, and orders were given not to consider any lands as subject to be sold except such as were the undisputed property of the United States, and particularly none within the above-mentioned grant.

The unsettled condition of this and other large grants is justly considered by the people of that section of country as a great evil. A body of valuable lands is kept in a state of nature, and the growth and prosperity of the country are greatly retarded. To the public generally it is a matter of little or no consequence to whom the land belongs, but it is important that it should be brought into market to meet the growing wants of the population.

The committee do not consider themselves bound to investigate this title, but they are of opinion that the claimants have a right at least to ask of the government an opportunity of establishing in a court of justice the validity of the grant in question. If, at the date of the treaty of cession, this tract of land was, according to the laws and usages of Spain, the property of Maison Rouge, it is, by virtue of that treaty, still the property of his representatives. This question, which is strictly judicial, the claimants ask the privilege of contesting judicially with the United States. The request appears to the committee reasonable, and the committee therefore report a bill to that effect.

22D CONGRESS.] No. 969. [1ST SESSION.

ON CLAIM FOR A RESERVATION OF LAND UNDER THE TREATY WITH THE CREEK INDIANS OF 1814.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 13, 1832.

Mr. CLAY, from the Committee on Public Lands, who were instructed to "inquire into the expediency of authorizing a patent to issue to George Mayfield for six hundred and forty acres of land," reported:

That the said George Mayfield, in the year 1789, when he was about ten years of age, was taken prisoner by a party of Creek Indians. His father and elder brother were killed by the same party of Indians. He was adopted into an Indian family, and continued to reside with them in the nation till about the year 1800, when he was prevailed on to make a visit to his family and friends, residing in Tennessee, where he was captured, but without any intention on his part to abandon the Indians. He had during his captivity forgotten his own and acquired the language of the Indians, and had contracted a fondness for their mode of life, but the influence of his friends and the strength of his returning affections for his mother and brethren finally determined him to remain with them. He soon regained some knowledge of his native tongue, has since married, and is now the father of a large family of children.

By the death of his father and elder brother, George and a younger brother inherited a considerable real estate, but his early habits and education among the Indians had taught him to place little value on a separate property in land, and his generous feelings towards his mother and sisters induced him to relinquish to them his whole interest in his father's estate, except about eighty acres. Upon this small tract in the State of Tennessee, and near the spot where his father and brother were murdered, he now resides.

When the disturbances commenced with the Creek Indians, during the late war, the commanding general of the Tennessee troops at once thought of George Mayfield as qualified to be of great service

by his knowledge of the enemy's country and language. Expectation was not disappointed; throughout the Creek war he proved himself a faithful and intrepid soldier, and performed the most perilous and essential services as a *guide, interpreter*, and *spy*. He was wounded in the right shoulder by a rifle ball in the battle of the Horse-shoe.

Such was the high estimation in which Mayfield was held by the Creeks generally, that at the treaty of Fort Jackson, in the year 1814, notwithstanding the active part he had taken in the war which had just terminated, the chiefs of the war party, as well as those who had remained friendly to the whites, united in a voluntary request that a reservation of six hundred and forty acres of land should be secured to him in the treaty, as a testimony of their respect and affection for him, contracted during his residence among them. That part of the treaty which was intended to grant the reservation was not ratified, probably because it embraced other reservations which were not sustained by services equally meritorious, or on any grounds of public policy. From the evidence before them, the committee do not believe that the proposed reservation was the result of any management or contrivance on the part of Mayfield, but are of opinion that it was the spontaneous offer of the chiefs of the nation, as well in consideration of former attachments, as of services rendered in facilitating negotiations for peace between their nation and the United States. Under this view of the facts, the committee conclude that the claim is well-founded, and accordingly ask leave to report a bill.

22D CONGRESS.] No. 970. [1ST SESSION.

ON PRE-EMPTION CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 13, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Amos Webb, reported:

That the petitioner states that he is a resident in the county of Opelousas, in the State of Louisiana; that he has erected a saw and grist mill on the Bayou Chicot, in the parish of St. Landry, and that he is desirous of giving to his improvements a more permanent character by the erection of other additional buildings, but is deterred from so doing because he cannot procure a title to the land upon which it is situated, and states that the land belongs to the United States, has not yet been brought into market, and is not likely soon to be offered at public sale; that he was disappointed in procuring a settlement or pre-emption right, in consequence of the construction put upon the law by the commissioners of the United States, they deciding that an actual residence on the land was necessary to entitle the party applying to the same. He states that the land is poor, and only of use on account of the mill seat; that there is much valuable timber in the vicinity, which may be rendered profitable to himself and the citizens in the adjacent country, for the supply of building materials, &c.; and that they have urged him to make still further improvements, so as to enable him to afford them the requisite supply; and prays leave to enter eighty acres of land at the government price.

The committee are not of opinion that the citizens of the country should be encouraged in trespassing upon the public domain that has not yet been brought into market, by granting them the right of pre-emption to selected sections, and such as might be, at a future period, the cause of selling considerable portions of the public land in the vicinity; and, in addition to this reason, an indulgence in such a course of legislation for individual benefit would be prejudicial to the interests of all others desirous of settling in that country, and who are delaying their settlements until the government shall authorize them to do so. This would be rewarding violations of the law, instead of inflicting its penalties. If indulgences of that character must be granted in those sections of the country not yet brought into market, some general law of pre-emption should be passed, that all might derive equal advantages from it.

The committee, therefore, recommend the rejection of the application of the petitioner.

22D CONGRESS.] No. 971. [1ST SESSION.

IN FAVOR OF CONFIRMING THE SALE OF CERTAIN INDIAN RESERVATIONS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 16, 1832.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the memorial of William and Joseph Hardridge, chiefs and warriors of the Creek nation of Indians, reported:

That the said memorialists set forth that they have received certificates for several tracts of lands, as reservations, in the district of lands sold at Sparta, in the State of Alabama. Said memorialists pray that an act may be passed authorizing the Commissioner of the General Land Office to issue patents, in fee simple, to them for the lands described in the certificates aforesaid. It is proven, to the satisfaction of the committee, that the said William and Joseph Hardridge are men of good judgment, familiar with the usages and customs of the white people, and well calculated to make their own contracts to advantage. The committee, therefore, report a bill authorizing the Commissioner aforesaid to issue patents, in fee simple, to said memorialists for the lands described in the certificates aforesaid.

22D CONGRESS.] No. 972. [1ST SESSION.

APPLICATION OF OHIO FOR A GRANT OF LAND FOR THE CONSTRUCTION OF A CERTAIN ROAD IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 16, 1832.

To the Senate and House of Representatives of the United States:

The memorial of the legislature of the State of Ohio respectfully represents: That by a resolution of the general assembly of Ohio, passed the 19th day of January, 1828, commissioners were appointed to examine a route for a turnpike road, commencing at Gallipolis, on the Ohio river, by way of Jackson, to Chilicothe, in the county of Ross; in pursuance of which resolution the said commissioners, accompanied by a competent engineer, detailed for that purpose, proceeded to view the route for the proposed road, and have reported their proceedings, together with a report of the engineer, to this general assembly.

It will be seen, from a view of the map of the country through which the contemplated road will pass, that a line of connexion is designed to be formed with Chilicothe and Charleston, on the Great Kanawha river, the western termination of the turnpike road leading from the city of Richmond, in Virginia. From Gallipolis to Charleston, in Virginia, a distance of twenty-five miles intervenes. Little doubt is entertained that, should the proposed road be constructed by the State of Ohio, a branch of the Kanawha turnpike will be made conducting that road to the Virginia bank of the Ohio river; returning to Chilicothe, a continuation, at some future day, of this road will intersect in a direct line at Springfield or Dayton the great national turnpike from Cumberland west. The advantages resulting from this extensive line of communication, now broken, but which will be entire by the extension of the proposed road to Dayton or Springfield, when the means of the State will admit, present themselves forcibly to the view of an enlightened policy. An entire chain of connexion will thus be formed from the great national thoroughfare, the Miami and Ohio canals, through the southern region of the State traversing the valley of the Great Kanawha, thence by the capital of Virginia to the Carolinas; and, in addition, intercourse will thus be opened with a rich and fertile region of Kentucky, by a road already located by the authorities of that State from the mouth of the Great Sandy to Charleston, on the Kanawha. The distance between the two points proposed to be connected at this time, viz: Gallipolis and Chilicothe, is about sixty-one miles; the cost of the contemplated road, including culverts and bridges, is estimated by Thomas B. Adams, esq., the engineer, at $75,513 33. In presenting this subject to the consideration of Congress, with a view to obtaining their assistance, the legislature of Ohio have acted under the entire conviction that the representatives of this extended republic feel the importance of fostering the interests of every part as conducive to the welfare of the whole, and that they will afford such aid as may be justified by a due regard to the general good.

Your memorialists would respectfully suggest that most of the land, important in value, lying within the land district through which the desired road will pass, has been selected and sold. The lands lying immediately on the line of location are thin and unpromising, have been long in the market, and will in all probability remain unsold, unless some event, like that in contemplation, shall give them additional value. They therefore pray your honorable bodies to grant a donation of land to the State of Ohio, to be appropriated under the direction of the legislature to the construction of the proposed road, equal to every alternate section on the line, to be selected out of such lands undisposed of in the Marietta and Chilicothe land districts as the governor of this State may think most conducive to the end proposed. And your memorialists, as in duty bound, &c.

Resolved, That our senators and representatives in Congress be requested to use their endeavors to procure the passage of a law granting to the State of Ohio a donation of land agreeably to the prayer of the above memorial.

Resolved, That his excellency the governor of this State be requested to forward to each of our senators and representatives in Congress a copy of the foregoing memorial and resolution.

THOMAS L. HAMER, *Speaker of the House of Representatives.*
ROBERT LUCAS, *Speaker of the Senate.*

FEBRUARY 22, 1830.

22D CONGRESS.] No. 973. [1ST SESSION.

ON THE PRE-EMPTION CLAIM OF THE COUNTY OF PEORIA, ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1832.

Mr. IRVIN, from the Committee on Public Lands, to whom was referred the memorial of sundry citizens of the county of Peoria, in the State of Illinois, reported:

It appears from the statement of the memorialists that the legislature of Illinois, in the year ——, located the seat of justice of the county of Peoria on the northeast fractional quarter section of section nine, in township eight north, of range eight east, under and by virtue of an act of Congress, passed May 26, 1824, entitled "An act granting to the counties or parishes of each State and Territory of the United States in which the public lands are situated the right of pre-emption to quarter sections of land for seats of justice within the same."

The commissioners appointed by act of the legislature of Illinois to locate the seat of justice, not only gave notice to the officers of the government of their having located the same on the said tract of land, for the purposes aforesaid, but actually deposited, in the land office at Springfield, a part of the purchase money. It is proven, to the satisfaction of the committee, that the commissioners fixed on the seat of justice previously to a sale of the adjoining lands, according to the requisitions of the act before mentioned.

Subsequently to the location, the giving of notice, and the depositing of the money by the commissioners, a Mr. Latham, having a floating claim or pre-emption right of land, laid the same on the fractional quarter already designated for the seat of justice of Peoria, and obtained from the land office a certificate therefor. No patent, however, has issued to Mr. Latham, in consequence of the representation of the facts of the case, made by the commissioners appointed to locate the seat of justice, to the Commissioner of the General Land Office.

It is the opinion of the Commissioner of the General Land Office, as expressed in his letter to Mr. Kane of the 25th January, 1830, which is before the committee, "that, agreeably to the strict letter of the respective acts under which the county commissioners for Peoria and Mr. Latham claim, neither of the parties had a strictly legal right to enter a fractional quarter section as a quarter section;" which is admitted by the memorialists. The commissioners have sold some of the lots, and given a promise of pre-emption to settlers on others.

It also appears that a part of the fractional quarter section located by the commissioners for the seat of justice is, or will be, covered by the claims of the inhabitants of the village of Peoria, granted to them by an act of Congress, passed March 3, 1823, entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois."

The memorialists pray the passage of a law authorizing the county of Peoria to purchase the residue of the fractional quarter section of land, on which the seat of justice is located, after the location of the claims of the inhabitants of the village of Peoria.

From the construction which the committee give to the act of Congress by authority of which the legislature of Illinois located the seat of justice, and the facts of the case, the committee are of the opinion that the county of Peoria has not only an equitable, but a legal pre-emption right to said fractional quarter section of land against all persons whose claims were not located previous to the location of the seat of justice, excepting the claims of the inhabitants of the village of Peoria. The committee, after an examination of all the facts and circumstances of the case, are of opinion that the county of Peoria ought to be permitted to purchase the fractional quarter section of land on which the seat of justice is located, at the minimum prices, saving and reserving to all and every person or persons whatsoever their legal right or rights to the same; and, for that purpose, report a bill.

22D CONGRESS.] No. 974. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1832.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of John C. Williams, reported:

That the petitioner purchased the settlement right of Fielding Barham and wife at a parish sale; that he paid a valuable consideration for it—say upwards of seven hundred dollars; that the place was settled by deceased in 1809 or 1810, and that it continued in the actual occupancy and cultivation of said Barham and wife up to the time of her death in 1826; that Barham was blind and a cripple some for several years previous to his death, and unable to do his own business; that he employed a man by the name of Bradford to present his claim to the United States commissioners at St. Helena Court-House for confirmation; that the land claimed is situated in the parish of East Feliciana, on Carr's creek, in the State of Louisiana. All the above facts are fully substantiated by the testimony of several witnesses, as also by the production of an exemplification of the parish sale. The committee are, therefore, of the opinion that the neglect of the United States commissioners to report the claim of deceased for confirmation should not prejudice the rights of his representatives, and are unanimous in the opinion that the claim should be confirmed; consequently report a bill.

22D CONGRESS.] No. 975. [1ST SESSION.

APPLICATION OF MISSISSIPPI THAT A DONATION OF LAND BE MADE TO AMOS MOORE FOR PUBLIC SERVICES.

COMMUNICATED TO THE SENATE JANUARY 18, 1832.

A MEMORIAL.

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 Mississippi respectfully showeth: That Amos Moore, a descendant of one of the early and adventurous pioneers of the wilderness of this country, has besought your memorialists to represent to your honorable bodies the necessities of his condition and the incidents of his birth and life, that would seem to recommend him to the charitable munificence of his government. With this view your memorialists would respectfully show that his father was one of those adventurous and enterprising men who, having spent the youth and manhood of his life in advancing the boundaries and protecting the improvements of civilization, was at length afflicted with age and decrepitude, without having provided for the subsistence of a numerous and helpless family. In the early settlement of Tennessee, and when that country was a wilderness, infested with fierce and savage barbarians, he was among the foremost of those hardy adventurers who extended the settlement and repelled the appalling dangers which were in that country, the only impediments to the advancement of civilization. After the establishment of security and peace in Tennessee, the course of his life was characterized by the same useful spirit of adventure; he penetrated deeper into the wilderness, until about twenty-years ago he settled with his family on the margin of the Mississippi, where he has terminated a life of toil and danger and public usefulness. The general usefulness of such men may be discerned in the cultivated appearance and the enhanced value of the country which they have subjected to the dominion of arts and civilization. If a life thus spent communicates a claim to the favor of public munificence, your memorialists would represent the claim of their petitioner, in whose behalf this memorial is addressed, as one of peculiar character, and entitled to unusual attention. At the age of four years he became blind and helpless, and is now dependent for subsistence on the exertions of his mother, who is aged and poor, and not more than able to procure a competent subsistence for herself. Your memorialists would state the said Amos Moore is now residing near Lake Bolivar, in Washington county, where he has resided for the last twenty years. The general assembly would represent that the lands at and contiguous to the residence of said Amos Moore have been appropriated and disposed of under the laws of the general government. They would therefore humbly pray the Congress of the United States to grant to the said Amos Moore a donation of one section of land, or such other quantity as the claims of the petitioner may entitle him to, to be located on any unappropriated lands in our State belonging to the United States.

Your memorialists believe said Amos Moore a suitable object of the charity and munificence of the general government, from the reasons herein set forth. They therefore pray your honorable bodies to take into consideration the claims of said Amos Moore, and to grant to him the relief herein prayed for.

JOHN L. IRWIN, *Speaker pro tem. of the House of Representatives.*
A. M. SCOTT, *Lieutenant Governor, and President of the Senate.*

Approved December 19, 1831.

GERARD C. BRANDON.

22D CONGRESS.] No. 976. [1ST SESSION.

RELATIVE TO THE QUANTITY, SITUATION, AND VALUE OF PUBLIC LAND NOT DISPOSED OF IN THE UNITED STATES MILITARY LAND DISTRICT IN OHIO.

COMMUNICATED TO THE SENATE JANUARY 20, 1832.

TREASURY DEPARTMENT, *January* 18, 1832.

SIR: In compliance with a resolution of the Senate of the 31st December, 1830, requesting information as to the quantity, situation, and probable value of the public land undisposed of in the United States military district and Virginia military reservation in Ohio, I have the honor to transmit a report from the Commissioner of the General Land Office.

By this it appears that there are thus undisposed of, in the United States military district, 32,724 acres and 25 hundredths, estimated by the Commissioner at an average value of fifty cents an acre; and in the Virginia military reservation 317,000 acres, estimated by the Commissioner at an average value of fifty cents an acre, but by the principal surveyor of the reservation at various lower rates, averaging about four cents an acre.

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

LOUIS McLANE, *Secretary of the Treasury.*

The Hon. PRESIDENT *of the Senate.*

GENERAL LAND OFFICE, *January* 16, 1832.

SIR: In pursuance of a resolution of the Senate of the United States, bearing date 31st December, 1830, in the words following, viz: "*Resolved*, That the Secretary of the Treasury be requested to lay before the Senate, at the next session of Congress, a statement showing the quantity, situation, and probable value of the public land which remains undisposed of in the United States military district and in the Virginia military reservation, in the State of Ohio," and which was referred to this office, I have the honor to report that it became necessary to refer that portion of the resolution relating to the Virginia military reservation to the principal surveyor of that reservation, residing at Chilicothe, Ohio, copies of whose letter and statement on the subject (papers marked A and B) are herewith transmitted, and to which I beg leave to refer as containing part of the information desired by the resolution.

The paper marked C affords the only information in this office in relation to the quantity, location, and probable value of the unlocated land in the United States military district.

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

ELIJAH HAYWARD.

Hon. LOUIS MCLANE, *Secretary of the Treasury.*

P. S.—I do not concur in Mr. Latham's estimate of the value of the unlocated lands in the Virginia military reservation. I estimate the average value of those lands at fifty cents per acre.

E. H.

A.

CHILICOTHE, *November* 30, 1831.

SIR: I send you all the information I have relative to the quantity of acres and probable value of the vacant land in the Virginia military district, in answer to your note conveying a copy of the resolution of the United States Senate of 31st December, 1830.

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

ALLEN LATHAM.

B.

Statement showing the quantity, situation, and probable value of the vacant lands in the Virginia military district, in the State of Ohio.

Acres of vacant land.	County.	Face of the country.	Water-courses.	Probable value.	Aggregate value.
				Per acre.	
151,000	Scioto	Broken and mountainous	Waters of the Scioto and Ohio rivers, and of Scioto Brush creek.	$0 03	$4,530 00
69,000	Pike	do	Waters of Scioto, Sunfish, and Ohio Brush creek.	.4	2,760 00
60,000	Adams	Hilly and broken	Waters of the Ohio river and Ohio Brush creek.	5	3,000 00
15,000	Ross	do	Waters of Scioto river, Indian, Crooked, and Paint creeks.	5	750 00
9,600	Brown	Level and wet	Waters of the east fork of the Little Miami and White Oak.	10	960 00
7,000	Highland	Level and part broken	Waters of the same and Brush and Paint creeks.	7	490 00
4,000	Hardin	Level and wet	Waters of the Scioto and Big Miami rivers.	20	800 00
1,200	Clinton	do	Waters of the east fork of the Little Miami.	20	240 00
200	Logan	do	Waters of Rush creek	25	50 00
317,000					13,580 00

ALLEN LATHAM, *Surveyor of the Virginia Military District.*

CHILICOTHE, *November* 30, 1831.

C.

GENERAL LAND OFFICE, *January* 16, 1832.

	Acres.
There are vacant in the United States military district, in Ohio, three hundred and nineteen lots of one hundred acres each, amounting to	31,900.00
There are also vacant twenty-two fractional lots, containing, in the aggregate	824.25
Total quantity vacant	32,724.25

The lands are situated in the counties of Guernsey, Coshocton, and Tuscarawas, the greater portion being in the last-mentioned county. The average value may be estimated at fifty cents per acre, making an aggregate value of $16,362 12½.

ELIJAH HAYWARD.

22D CONGRESS.] No. 977. [1st SESSION.

ON APPLICATION OF THE PENNSYLVANIA INSTITUTION FOR THE DEAF AND DUMB FOR A GRANT OF LAND.

COMMUNICATED TO THE SENATE JANUARY 20, 1832.

The Committee on Public Lands, to whom was referred the petition of the Pennsylvania Institution for the Deaf and Dumb, praying a grant of land or other aid, reported:

That grants have been made for similar purposes to like institutions in Connecticut and Kentucky, but to extend them further seems to the committee neither necessary nor politic. It seems difficult to distinguish grants for this purpose from those for education or any other benevolent object. To extend them throughout the States and Territories for purposes of public good, at the discretion of Congress, would lead to extravagant expenditure or invidious discrimination. This application, moreover, comes from a State abundant in its resources and liberal in its views of public utility, and where aid to this institution can be easily obtained. The committee therefore submit the following resolution:

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

22D CONGRESS.] No. 978. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 20, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Wyatt Singleton and James Andrews, reported:

That the petitioners claim settlement rights in that section of Louisiana lying between the river Sabine and the Rio Hondo, usually known by the name of the "neutral territory," and prove that they settled on the same in 1818, made improvements, and cultivated them that year, and that possession and cultivation have been ever since continued. They say they did not file their claims before the commissioners because they were ignorant of the law and necessity of so doing.

By an act of Congress passed March 3, 1823, the section of the country between the Sabine and Rio Hondo is attached to the land district south of Red river, and the register and receiver are directed "to receive and record all written evidences of claim to land in said tract of country derived from and issued by the Spanish government of Texas prior to December 20, 1803;" and also to "receive and record all evidences of claim founded on occupation, habitation, and cultivation," designating "the time and manner in which each tract was occupied, inhabited, and cultivated prior to and on the 22d February, 1819, and the continuance thereof subsequent to that time;" and the register and receiver were further directed to transmit to the Secretary of the Treasury a report of all applications to him under four distinct heads:

1. All complete titles from Spanish government.
2. All claims founded on written evidence, but not completed.
3. All claims founded on habitation, occupation, or cultivation previous to the 22d February, 1819.
4. All the claims which, in their opinion, ought to be rejected.

In pursuance of the report made by the register and receiver to the Secretary of the Treasury, agreeably to the provisions of the preceding act, all persons claiming title by virtue of settlement, occupation, or cultivation prior to the 22d of February, 1819, were confirmed in their claims to a tract of 640 acres each by an act of Congress passed on the 16th day of May, 1826.

The committee are of opinion that the present applicants would have been entitled to their settlement claims if the same had been presented to the register and receiver of the land office while acting under the act of 1823, and that the same would have been allowed them; and they do not think that their right should be forfeited from this omission to do so, whether the same originated in ignorance or neglect; and they therefore report a bill for their relief.

22D CONGRESS.] No. 979. [1ST SESSION.

ON RIGHT OF PRE-EMPTION TO A QUARTER SECTION OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 20, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of James L. Stokes, reported:

That the petitioner, and those from whom he derives title, had acquired a right of pre-emption in a quarter section of land in the land district north of Red river, in the State of Louisiana, by virtue of the act of Congress of April 12, 1814. That he and those whose original right he holds have been in posses-

sion and cultivation of the land claimed by him since the year 1807. It appears that, by a survey made about eighteen months since, the quarter section on which the improvements were made has been designated as part of number sixteen, which is reserved by law for the use of schools. It was obviously impossible for the settler to foresee this result, and besides, it is understood that in surveying these fractional townships on water courses, the surveying department have not pursued any general rule. The committee, under the peculiar hardship of the case, are of opinion that the claimant ought to be permitted to complete his purchase, and that other lands be selected for the use of schools.

22D CONGRESS.] No 980. [1ST SESSION.

IN FAVOR OF THE CORRECTION OF ERROR IN THE ENTRY OF A QUARTER SECTION OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Hugh Beard, reported:

That said petitioner alleges that he entered at the land office at Brookville, in Indiana, on the 25th of November, 1822, the east half of the northeast quarter section one, in township No. 16, of range 4 east, containing seventy-four acres and eighteen poles, for which a patent has issued to him, and that the same was entered by mistake, the said petitioner intending to enter the west half of the northwest quarter of said section; and that he did not know of said mistake until after the patent issued, when he went to examine the land. He also alleges that the land which he intended to enter has been entered by another. He now complains that the land which he entered by mistake is wholly unfit for cultivation; the land which he intended to enter was a valuable piece of land. He says he is poor and illiterate, and greatly injured by the mistake, and swears to the facts as stated, and proves them by Robert Warren, who showed him the land, and advised him to enter it, and was present with him when the entry was made, and knows that it was a mistake. Several respectable citizens of Indianapolis certify that the applicant is a man of good character, integrity, and honesty. The petitioner asks of Congress to permit him to enter as much land elsewhere in Indiana, or to refund to him the purchase money. The committee think his request reasonable, and report a bill for his relief.

22D CONGRESS] No. 981. [1ST SESSION.

IN RELATION TO A CESSION OF THE PUBLIC LANDS IN TENNESSEE TO THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1832.

Mr. WICKLIFFE, from the Committee on Public Lands, who were instructed to inquire into the expediency of ceding to the State of Tennessee "the refuse lands south and west of the congressional reservation line in said State," reported:

The State of North Carolina, in the month of December, 1789, by an act of her legislature, and by her deed of cession of February, 1790, ceded to the United States the territory now constituting the State of Tennessee, making in said deed certain reservations, among which are the following:

1st. 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 them; and that if within the boundaries prescribed for the officers and soldiers of the State line on continental establishment there was not a sufficiency of lands fit for cultivation, such deficiency to be made up out of any other lands thereby ceded.

2d. 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.

3d. The right to remove entries made in the office of John Armstrong, and which interfered with prior entries, and locate the same on any other lands ceded, (see Laws United States, vol. 2, pages 104 and 567.) By virtue of these reservations the whole ceded territory is made subject to the satisfaction of the military land warrants issued, or to be issued, by the State of North Carolina to her officers and soldiers of the revolution. These warrants were to be issued by the State authorities of North Carolina, without any right on the part of the United States to control their number or regulate the mode or manner of their location. Much of the ceded territory had been appropriated by entries, surveys, and grants prior to the act of cession.

The process of issuing warrants, making entries, &c., within the limits of what is now Tennessee, continued during the territorial government over said district.

Upon the 1st day of June, 1796, the State of Tennessee was, by the Congress of the United States, admitted into the Union, and "*declared to be one of the United States of America, on an equal footing with*

the original States in all respects whatever." Nothing is said in this act of Congress upon the subject of the right of soil to the vacant and unappropriated lands within said State.

The State of Tennessee, soon after the admission into the Union, asserted claim to the vacant and unappropriated lands within her limits, contending that with the sovereignty the right of soil passed by the act of her admission into the Union, there being no reservation by Congress of that right in said acts.

An adjustment of the dispute took place in the year 1806, the principles of which are contained in the act of Congress entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," approved April 4, 1806.—(4th vol. Laws United States, 29; Land Laws, 527.)

The first section of this act divides the State into two sections, by what has since been called the "congressional reservation line."

The State of Tennessee relinquished all claim which she then had to all the land lying south and west of this line; renounced all right to tax the same while it remained the property of the United States, and for five years after the same shall have been granted. The United States ceded to the State of Tennessee all right and claim which they had to the land lying east and north of the said land, subject to the same conditions as are contained in the act of the general assembly of the State of North Carolina, entitled "An act for the purpose of ceding to the United States of America certain western lands therein described." A part of these conditions have been before enumerated.

These further conditions were imposed upon the State of Tennessee:

1st. That all entries, rights of locations, and warrants of surveys, and all interfering locations which might be removed under the laws of North Carolina, and which were not located west and south of the line aforesaid established, shall be located, and the titles thereto perfected, within the territory thereby ceded to the State of Tennessee.

2d. The State of Tennessee was to reserve 100,000 acres, in one body, within the limits of the lands reserved to the Cherokee Indians by an act of the State of North Carolina, for the use of two colleges, the one in the east, the other to be in the western division of Tennessee.

3d. One hundred thousand acres were to be reserved within the same limits for the use of academies in each county in said State.

4th. The State was required, in issuing grants and perfecting titles, to locate 640 acres to every six miles square in the territory ceded, where existing claims will allow the same, which were to be appropriated for the use of schools for the instruction of children forever.

By the third section of the aforesaid act it was provided that if the country ceded to Tennessee shall 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 therein, by the conditions contained in the act of Congress above mentioned, Congress shall provide by law for perfecting such as cannot be located in the territory aforesaid out of the lands lying west and south of the line before described.

In 1818 it was ascertained that the territory east and north of the congressional reservation line aforesaid did not contain a sufficient quantity of good land fit for cultivation, according to the true intent and meaning of the original act of cession by North Carolina, to perfect *all* existing legal claims charged therein by the conditions contained in the act of Congress of April 4, 1806. Consequently, an act of Congress was passed authorizing the satisfaction of such claims west and south of this reservation line.—(See Land Laws, page 725.)

Many entries, surveys, and grants had been made under the authority of North Carolina west and south of this line, prior to the act of cession to the United States. Since 1818 the whole country west and south of that line has been subject to appropriation, under and by virtue of military warrants issued by the State of North Carolina.

That even the amount of acres due to the officers and soldiers of the State of North Carolina, subject to be located within the limits of the State of Tennessee, or the amount which has been located, the committee have no certain means of ascertaining. The whole country was made subject to appropriation by warrants issued, and to be issued, by the State of North Carolina, without any control or check on the part of the United States.

The committee are satisfied that the whole of the "good lands fit for cultivation" on the east and north of the line aforesaid, have long since been exhausted by appropriations under North Carolina warrants.

They are also satisfied that all the valuable lands west and south of this line have been located and appropriated under warrants issued by North Carolina, and they are induced to believe there are warrants and claims to locations which have not yet been entered, surveyed, or patented, but to what amount the committee are not informed.

To determine the propriety of ceding the land west and south of this line to the State of Tennessee, involves the consideration of the three questions:

1st. Could such cession be made and preserve the rights of the officers and soldiers secured by the acts of cession on the part of North Carolina to the United States?

2d. What claim has Tennessee upon the United States to the whole or any part of the land south and west of said line?

3d. The probable value of these lands, not to Tennessee, but to the United States, in their present situation?

The committee have had no difficulty in determining the first of these questions. At present the authorities of the State of Tennessee exercise the powers of determining what claims are valid within the meaning of the act of cession, and of perfecting the title. Under the proposed cession the State will be required in good faith to execute her present powers, and to satisfy all the just claims which were intended to be provided for by the act of cession and the act of Congress of 1806.

The second inquiry is one which will require more investigation.

If the question be considered as one of mere abstract right on the part of Tennessee, the committee do not perceive any obligation on the part of the United States to accord to the State the claim to these lands.

There are circumstances, however, connected with the subject which address themselves forcibly to the justice and liberality of the federal government.

By the act of cession and the subsequent act of Congress providing for the territorial government,

the inhabitants of Tennessee were to enjoy all the advantages and immunities of the citizens of the Northwestern Territory, now the State of Ohio.

One of these advantages, the rich fruits of which Ohio has enjoyed, was the direction of one thirty-sixth part of the public domain within her limits by the general government to the purposes of common schools. This wise and just disposition of one thirty-sixth part of the public lands has obtained in each new State and Territory, and it was the intention of Congress, as clearly manifested by the act of 1806, that the inhabitants of the State of Tennessee should enjoy the same advantages; hence the grant to, or rather the injunction that, the State of Tennessee, in the disposition of the public lands east and north of the reservation line, should reserve and set apart six hundred and forty acres for every six miles square, for the purposes of education.

This condition in the act of compromise was inserted under the belief entertained by both of the contracting parties, that there would be more than a sufficiency of good land to satisfy the military warrants of North Carolina, east and north of the reservation line. The land south and west of this line was reserved for the future disposition of Congress. On the south and west of this line, however, military warrants of North Carolina have been located to the amount of 3,253,824 acres, prior to August 28, 1829.

In this section of the State no reservations have been made for school lands.

The whole number of acres on both sides of this line have been estimated at 24,000,000. One thirty-sixth part of which is 666,666 acres, to which the State of Tennessee would have been entitled under the provisions of the act of 1806, and according to the policy pursued by the general government upon this subject toward the other new States, provided there had been a sufficiency of good land beside to satisfy the just claims of the officers and soldiers of North Carolina.

The whole amount which the State has been enabled to appropriate under the act of 1806, exclusive of the grant for the two colleges, does not exceed 24,000 acres.

It is true that east and north of the reservation line there still remain vacant and unappropriated lands of no value, and which may be appropriated at the will of any one who will pay the fees of office for surveying the same.

The committee may fairly assume that there is due to the State of Tennessee 642,666 acres for school lands, to satisfy which claim she asks the United States to cede the vacant lands south and west of the congressional reservation line.

What is the value of these lands to the United States, and would they repay to the United States the expense of surveying them and bringing them into the market as other public lands? is the next subject of inquiry.

According to the statements contained in the letter of the late Commissioner of the Land Office, George Graham, esq., the whole number of acres south and west of this line is estimated to be 8,000,000.

Daniel Graham, the late secretary of the State of Tennessee, in his communication of August 20, 1829, to the then Commissioner of the Land Office, estimated the number of acres at....		6,864,000
The quantity granted by North Carolina before the cession to the United States, at	942,375	
Adjudicated by Tennessee up to January 1, 1820.....	2,550,413	
Adjudicated between January 1, 1820, and August 28, 1829.....	17,388	
		3,510,176
Leaving a probable balance of.....		3,353,824

The committee refer to the letters of the Commissioner of the General Land Office of January 18, 1828, and of the Secretary of the Treasury of January 6, 1830, appended to this report, for a more detailed and minute history and description of this land. They also refer to a map which has been prepared, in order to give to the House some idea of the manner in which the lands under the warrants issued by the State of North Carolina have been surveyed.

The proprietors of these warrants, which varied in size from one acre to 5,000 acres, in making their locations were restricted to no particular boundary lines or courses, but had the right to select the lands where they pleased; always selecting, of course, the best spots. What remains is land of very inferior quality, most of it wholly unfit for cultivation.

The value of this land is variously estimated. Some of the persons whose opinions have been taken heretofore upon this subject, do not estimate it at more than twelve and a half cents per acre, others estimate it of less value. The statements of persons acquainted with this land are appended to this report and numbered from one to eight, inclusive.

In addition to this the committee addressed a letter to the senators and representatives of the State of Tennessee. Some of them are well acquainted with this district of country, and all of them possessing more or less information as to the value of the vacant lands situate south and west of this line, which letter and answer thereto is marked A and B.

Taking into consideration the difficulty and expense which must necessarily attend any effort the United States may make to bring these lands into market, (according to that system which they have adopted, and which system the committee think ought never to be abandoned,) the quality and value of these lands, the just claims which Tennessee has upon any public domain within her limits to make up her proportion of school lands, and the meritorious purposes to which she will stand pledged to devote any avails which she may derive therefrom, viz: to purposes of education, the committee are unanimously of opinion that it would be just, fair, and equitable, on the part of the United States, to surrender to the State for the purposes of education any claim which the United States have to said land, subject always to the fair and just claims of the officers and soldiers of the State of North Carolina, which claims are to be adjudicated upon and carried into grants according to the laws now in force upon that subject; and therefore report a bill.

A.

WASHINGTON, *December* 29, 1831.

GENTLEMEN: The Committee on Public Lands has been instructed to inquire into the expediency of the United States relinquishing to the State of Tennessee all claim to the unappropriated lands lying in said State, for certain purposes.

When lands have never been surveyed by the United States, there is, in the department, believed to be no evidence as to the quantity, quality, or particular situation of the public domain embraced by the resolution.

The committee would like to have your opinions, and any information which you may have on the following points:

1. What is the probable quantity of unappropriated lands?

2. What is its condition and shape in reference to individual claims derived from the State of North Carolina?

3. Are there any, if any, what is the probable amount of unsatisfied outstanding warrants issued by the State of North Carolina?

4. Would the land by its sale, after satisfying the whole of the military warrants of North Carolina, pay the expenses of surveying the land by the general government in such manner as to bring the vacant land into market?

Any information which you can furnish us upon these points may conduce to facilitate the efforts of the committee to come to a correct conclusion upon the subject committed to their investigation.

I am, respectfully, your obedient servant,

C. A. WICKLIFFE,
Chairman Committee on Public Lands.

The SENATORS and REPRESENTATIVES *of the State of Tennessee.*

B.

WASHINGTON CITY, *January* 4, 1832.

SIR: In answer to the several inquiries contained in your letter of the 29th ultimo, addressed to us by you as chairman of the Committee on Public Lands, we state:

1st. In relation to the "probable quantity of unappropriated lands" lying south and west of the congressional reservation line in the State of Tennessee, as established by the act of Congress of April 18, 1806, we beg leave to refer the committee to an official communication from Daniel Graham, esq., late secretary of state of Tennessee, to the Commissioner of the General Land Office, dated August 20, 1829, as containing the most satisfactory and authentic information in our possession upon this point. Since the date of that communication, we would remark that the legislature of Tennessee have made further provision for the adjudication and satisfaction of North Carolina military warrants; and, in pursuance of such provision, warrants to a considerable amount (but the precise number of acres we do not know) have been satisfied, thus diminishing the quantity of unappropriated lands by the amount of the warrants which have been satisfied since the date of Mr. Graham's report.

2d. In relation to "its condition and shape in reference to individual claims derived from the State of North Carolina," we would beg leave to refer the committee to a map or plat of the district taken from actual survey, furnished by Mr. Graham, and which accompanied his report of August 20, 1829, from an inspection of which the committee will be enabled readily to perceive the "condition and shape" of the remaining unappropriated lands. Upon this point we will further remark that previous to the cession of the western domain, made by North Carolina in 1789, that State had authorized her soldiers and others holding military warrants to make numerous locations and entries of her western lands, then unsurveyed and but imperfectly explored. After the cession by the compact of the ——— of ———, 1804, (*Scott's Revisal,* 831,) entered into between the States of North Carolina and Tennessee, and the United States, Tennessee was invested with power to open affairs and make provision for the satisfaction of the remaining claims of North Carolina. In executing this trust her land system was very different from that of the United States. The claimant or holders of warrants were not required to take up the land by sections, quarter sections, or in any other regular form of surveying, adjoining section or range lines, and so as to include a portion of the poor with the rich land; but each claimant explored the country for himself, or by his agent, and made his own location, selecting, of course, the best land within his knowledge, and so making his survey as to exclude, as far as practicable, the sterile and to include the fertile lands. The North Carolina claimants were promised land fit for cultivation, and to enable them to obtain it, a division of warrants was authorized by law; the consequence of which has been that locations and entries upon warrants of all sizes, from one to 5,000 acres, have been made upon the land in question, and in surveys of every imaginable shape—surveys even of small tracts of land having, in many instances, a dozen or more offsets and corners. From this view it is apparent, and the fact is so, that the unappropriated lands lie in detached parcels of various sizes and irregular shape, and that they are the refuse or sterile lands of the country.

3d. In answer to the third interrogatory, to wit, whether "there are any, and if any, what is the probable amount of unsatisfied outstanding warrants issued by the State of North Carolina?" we state that we have no accurate means of knowing. Much of the larger portion of them have been satisfied. Doubtless, however, there may be some still remaining, arising from interfering locations, or in the hands of heirs or other persons, who, from ignorance of their rights, or from some other cause, have not heretofore availed themselves of the provision made for their satisfaction. But the quantity of outstanding unsatisfied claims, be they what they may, cannot be material, as affecting the question of relinquishment to the State of these lands; for the State does not ask the relinquishment, except upon condition that she will first satisfy, out of the lands, all the remaining claims of North Carolina which shall be adjudicated to be just and valid, and which are properly chargeable upon the lands.

4th. In answer to the fourth interrogatory, to wit, "would the land by its sale, after satisfying the whole of the military warrants of North Carolina, pay the expenses of surveying the land by the general government in such manner as to bring the vacant land into market?" we state that, in our opinion, any sale which could be made by the United States would not defray the expenses of such survey and sale; and we beg leave to assign the following reasons as going to sustain that opinion: the United States never having surveyed the country or caused it to be run off into townships, ranges, and sections, there are but two modes which she could adopt were she now to attempt to bring these remaining refuse lands into market, to wit, first, by establishing a land office in the country and causing it to be run off into

townships, sections, and quarter sections, according to the present land system of the United States. Suppose this heavy expense to be incurred, and the country to be thus surveyed by the United States, the committee will perceive, from our answer to the second interrogatory, how impossible it would be, even then, to ascertain and bring into market these detached remnants, lying as they would do on both sides of range and section lines, and in every variety of size and shape. Secondly, the only remaining mode by which the United States could attempt to bring these lands into market, would be by making an actual survey, if indeed that be practicable, of these remnants of land, lying as they do in many instances, in very small bodies between the lines of appropriated tracts, and surrounded by them, and in the irregular and various shapes before described. When the bodies of unappropriated land are larger they are invariably of the poorest land; much the greater part of which would not be worth appropriating at any price, not even at one cent per acre.

Upon this point also, as well as upon some of the other points contained in the interrogatories propounded, we beg leave to call the attention of the committee to the several official statements herewith furnished, made by the several surveyors south and west of the congressional reservation line, and heretofore presented to Congress, from which it will be seen that the opinions we have intended here to express are amply sustained.

We are of opinion that the estimate of value made by Mr. Graham, late secretary of state of Tennessee, is even larger than could now be realized from the lands by the State, and especially considering that since the date of his report some North Carolina warrants have been located upon the best of the land, which was unappropriated at the date of his report.

In conclusion, we state that the State of Tennessee, having her land offices already established in the country, could, as she has done north and east of the congressional reservation line, without incurring any additional expenses of surveying, permit these vacant lands to be entered at some very low rate, and that in doing so she would derive some small profit, which the United States, never having surveyed the country, and having no land offices in it, could not.

W. Fitzgerald.	Felix Grundy.
John Blair.	C. Johnson.
John Bell.	W. Hall.
Hugh L. White.	J. C. Isacks.
James K. Polk.	James Standifer.

General Hall, one of my colleagues, had the politeness to present me this day, January 5, 1832, with the letter of the honorable chairman of the Committee on Public Lands, requesting information on certain points touching the public domain of the United States lying south and west of the congressional reservation line, in the State of Tennessee. He also presented the foregoing responses to the several questions contained in the letter of the chairman, above alluded to, which had been signed by all the members of Congress from Tennessee except myself. My concurrence was requested. I have only to say, I know nothing of the *facts* stated in the foregoing answers to the interrogatories propounded by the chairman of the Committee on Public Lands. I am not in the habit of subscribing to *statements* of others as *facts* unless I know them to be so myself.

With much deference to my colleagues, however, I will make free to express a hope that if the committee should deem it proper to legislate on the subject of these lands that they will remember the poor occupants, who have no other means of subsistence but what they derive from the cultivation of these lands.

Very respectfully,

THOMAS D. ARNOLD.

Hon. CHAS. A. WICKLIFFE,
Chairman of the Committee on Public Lands of the House of Representatives.

MIDDLEBURG, *January* 26, 1828.

DEAR SIR: Yours of the 24th ultimo has been received and is now before me, in which you request from me some opinion as to the probable value of the unappropriated land in the western district. To this subject my mind has been turned for a considerable time past, and in particular for the last summer and fall. During that period I have travelled in almost every direction through the district, and from the strictest observation, as well as the opinions of various gentlemen of respectability and information, I am irresistibly brought to the conclusion that if a relinquishment should be made to the State (at the price she will be able to sell these lands) she will not realize 12½ cents per acre on an average for one half the land; and even in making this calculation I take into view considerable quantities of land which could not be sold for that sum, but in consequence of their being situate so convenient to many small tracts as to afford outlet, timber, &c. But, sir, if the whole amount of unappropriated land could be sold for 12½ cents per acre it would still fall very far short of making up the deficit in the common school fund contemplated to be given to Tennessee by the act of Congress of 1806.

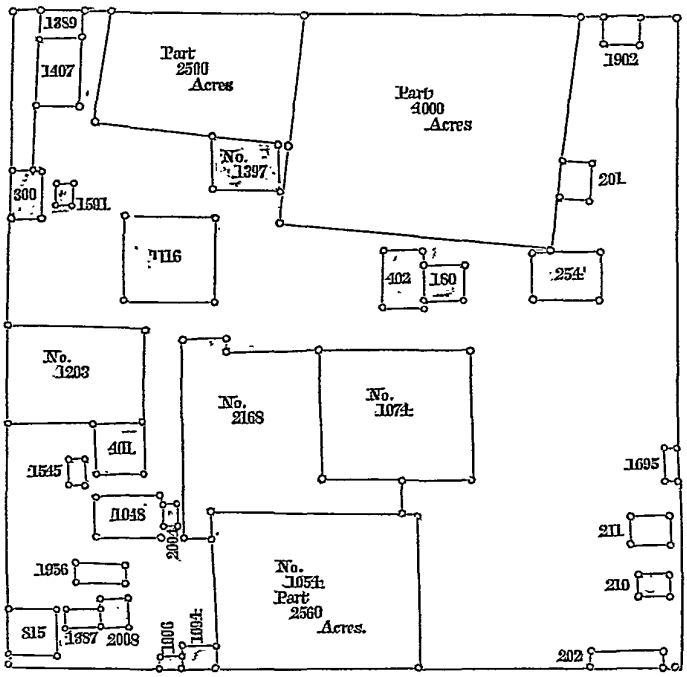
I am not at all surprised at the great difficulty that exists in the minds of many of the eastern gentlemen on the subject of our lands, the manner in which we do and have heretofore obtained our titles being so widely different from the practice of the general government in the disposition of the public lands, which are sectioned off and numbered, and entered by sections or quarter sections, leaving no remnants or scraps, as is and has been the practice with us from the commencement under the law which authorized any person holding a warrant issued by the State of North Carolina, be its size what it might, (say from one to five thousand,) to select any spot unappropriated, and there settle his warrant without any respect to what might be the quality or quantity of the remnant left between him and any other claimant; and thus it is that the most valuable land has been selected and the inferior quality left yet unappropriated. It would be useless for me to say further on this subject, as I am well aware of your thorough knowledge of the matter, as well as your zeal for the promotion of education. Placing full faith and confidence in the intelligence and liberality of Congress in making donations for so laudable an object as the encouragement of *common schools*, I entertain no doubts as to the result, so soon as they are convinced of the real value and true situation of the land thus asked as a donation.

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

ADAM R. ALEXANDER.

Hon. JAMES K. POLK.

R. E. C. Dougherty, surveyor of 12th district, as to quantity and quality of land in this district.



MARCH 15, 1828.

DEAR SIR: I received your favor of the 24th of December, 1827, on the 12th instant, and hasten to give you as much information on the subject as I am able. The section represented above contains more vacant land than an average one does. There is, I think, about four or five hundred acres of vacant land in this district, and it is my honest opinion that if this State had a right to the vacant land she could not in fifteen years make it average ten cents per acre. There are not more than three or four thousand acres that could be sold for fifty cents per acre, and the balance, in time, people might enter at the present prices of entering land east and north of the reservation line, which is one cent per acre; but for the United States or the State of Tennessee to undertake to bring this land into market in the common way that the United States make their lands ready for market, I am certain the amount of sales would not half pay the expenses of making the lands ready for market, as the vacant land lies in such detached parcels, and that part that is most valuable is in the smallest bodies; where there are three hundred acres in one body that is so compact as to justify any person to settle on it, it is not worth anything. All the lands in this district that appear to me to be fit for cultivation are lying in narrow strips, from ten to sixty acres, and from ten to seventy or eighty poles wide. Wherever you find a body of land in the western district vacant, you will universally find it not worth the taxes.

I am, dear sir, respectfully, your obedient servant,

R. E. C. DOUGHERTY,
P. Surveyor of the 12th Surveyor's District, Tennessee.

Hon. JAMES K. POLK.

22D CONGRESS.] No. 982. [1ST SESSION.

INSTRUCTIONS RELATIVE TO THE PROOF TO BE RECEIVED IN SUPPORT OF DONATION CLAIMS IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1832.

TREASURY DEPARTMENT, *January* 23, 1832.

SIR: In compliance with a resolution of the House of Representatives of the 11th instant, "directing the Secretary of the Treasury to furnish the House, for the use of the Committee on Public Lands, with a copy of all the instructions given by said department to the register and receiver of public moneys in the Territory of Arkansas, of a date subsequent to October 17, 1828, respecting the proof to be received by said officers in support of donations to land granted to sundry citizens of Arkansas, by an act of Congress of May 24, 1828," I have the honor to transmit a communication from the Commissioner of the General Land Office, which contains the information requested by the resolution.

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

LOUIS McLANE, *Secretary of the Treasury.*

The Hon. the SPEAKER *of the House of Representatives of the United States.*

GENERAL LAND OFFICE, *January* 23, 1832.

SIR: In compliance with your directions, on referring to me a resolution of the House of Representatives of the 11th instant, "that the Secretary of the Treasury be directed to furnish this House, for the use of the Committee on Public Lands, with a copy of all the instructions given by said department to the register and receiver of public moneys in the Territory of Arkansas, of a date subsequent to October 17, 1828, respecting the proof to be received by said officers in support of donations to land granted to sundry citizens of Arkansas, by an act of Congress of May 24, 1828," I have the honor to transmit herewith copies of the following documents, numbered one to four, inclusive, as comprising all the instructions required by said resolution, which the records of this office afford, viz:

No. 1. Letter from the Commissioner of the General Land Office to the register and receiver at Batesville, dated March 23, 1829.

No. 2. Letter from same to same, dated May 8, 1829.

No. 3. Letter from same to receiver at Batesville, June 11, 1829.

No. 4. Letter from same to same, dated July 22, 1829.

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

ELIJAH HAYWARD.

Hon. LOUIS MCLANE, *Secretary of the Treasury.*

No. 1.

GENERAL LAND OFFICE, *March* 23, 1829.

GENTLEMEN: Your letter of the 8th of December last, from some cause, was not received by me until within a few days. This I very much regret, as, on examining the cases of Wm. Bean, No. 2, and of Nancy Meeks, No. 9, I am of opinion that they are not admissible under your instructions. The evidence clearly shows that neither of them were heads of families. The law requires no property qualification, and their possession of such could not give any right to a donation which every separate member of a family over twenty-one years of age would not have. If the parent and child, over twenty-one years of age, have a joint interest in the settlement, they would be entitled to a joint interest in the donation, and the law does not contemplate more than one for each *family.*

The case of Josiah Jenkins would seem to be a fair and legal one. You do not say whether you have required of the applicant a detailed statement, on oath, of the grounds of his claim; this I think important.

My communications to you of the 26th and 27th of August last, the latter enclosing the correspondence with the War Department, were considered as sufficiently indicating the course you were to pursue, both as to the commencement of your adjudications and as to the period within which the settlers were to remove from the ceded lands, in order to entitle them to a donation. The acting governor, I understand, has issued the proclamation referred to in those communications.

Colonel Brearly, in corroboration of some of the facts stated in the communications forwarded to you, has informed me that several persons who *travelled through* Lovely's purchase with him, had sold their right of donation for fifty dollars, and some of them had indeed made a second sale for a less sum. The persons who purchase, must of course have some expectation of establishing a claim to a donation.

Mr. Ingham having been requested, I believe by Mr. Sevier, to re-examine the decision of the Attorney General, communicated to you on the 19th of January, has concurred in the correctness of that opinion.

Very respectfully, &c.,

GEO. GRAHAM.

The REGISTER and RECEIVER *at Batesville, A. T.*

No. 2.

GENERAL LAND OFFICE, *May* 8, 1829.

GENTLEMEN: Your letter of the 31st of March has been received to-day, and also a list of 256 claims which have been confirmed by you under the provisions of the act approved May 24, 1828.

By a letter from the register and receiver at Little Rock, dated the 3d of April, I am informed that 79 claims have been confirmed at that office, under the provisions of the act referred to, making, altogether, 345 claims confirmed up to the 1st of April. This number exceeds the number of families which, from the information received from the Indian agent, I had any reason to believe were settled within the territory ceded to the Indians at the date of the act of May 24, 1828.

I am informed by the land officers at Little Rock that you had dispensed with the personal attendance of the settler claiming this donation. This will have been so entirely at variance with your instructions, that I cannot doubt but that they have been misinformed on that subject. My letter of the 23d of March will have advised you that the principle on which you had admitted the claim of Mr. Wm. Beans and that of Nancy Meeks, was considered as inadmissible. I have therefore to request that you will forward a list of all the cases where you have admitted the right of donation under similar circumstances, or where the party was not at the head of a family. It is presumed that no cases of this description will have been acted upon by you after the receipt of my letter of the 23d of March last.

No patents for donation claims will be issued on the certificates forwarded by you, until the list above required shall have been received, and until it shall have been distinctly known whether or not you have dispensed with the personal attendance and examination, on oath, of the person to whom a donation has been granted. If, unfortunately, you should in any cases have dispensed with such attendance and examination of the claimant, on oath, you will transmit a list also of such claims, and you will suspend the issuing of certificates for any of the claims included in either of the lists required until further directions. The

parties may, however, designate the lands they wish to enter, with an understanding *that the certificate will issue for that particular* tract of land, should the claim be ultimately decided to be valid.

Your claim for compensation for services rendered under the act of May 24, 1828, shall be submitted to the Secretary of the Treasury.

Very respectfully, &c.,

GEO. GRAHAM.

The REGISTER and RECEIVER, *Batesville, A. T.*

No. 3.

GENERAL LAND OFFICE, *June* 11, 1829.

SIR: Your letter of the 5th of May, in answer to one from this office of the 23d of March, has been received, and submitted to the Secretary of the Treasury, who does not consider the reasons assigned by you for deviating from the principles of the law and the instructions from this office, as satisfactory, and has therefore directed "that the locations be suspended until the land officers have revised the proceedings that are not substantially in conformity to the instructions."

I submit for your information the following extract from my report to the Secretary of the Treasury: "As to the first reason assigned, I can only say that all the original laws granting pre-emptions expressly require that the claimants should file a written statement; and as these acts give to the persons authorized to receive such statements the power to administer oaths, it is to be presumed that they would have required the sanction of an oath, at least in doubtful cases.—(See Land Laws, new edition, pages 383, 484, 485, and 631.")

Very respectfully, &c.,

GEO. GRAHAM.

JOHN REDMAN, Esq., *Receiver, Batesville, A. T.*

No. 4.

GENERAL LAND OFFICE, *July* 22, 1829.

SIR: Your letters of the 6th of May and 6th of June having been submitted to the Secretary of the Treasury, I am instructed to inform you that he deems it necessary that the original instructions should have been adhered to, and that the personal attendance and statement of the case, rendered under oath of the claimant, cannot be dispensed with. You will therefore give notice to the parties that a re-examination of each case, where application has been made at your office for donation rights, will take place before any patent can issue.

With great respect, &c.,

GEO. GRAHAM.

JOHN REDMAN, Esq., *Receiver, Batesville, A. T.*

22D CONGRESS.] No. 983. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 25, 1832.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of Antoine Cruzat, reported:

That petitioner claims about three acres of land by virtue of a settlement right; that the land is situated in the parish of East Baton Rouge, in the State of Louisiana. The proof shows that the petitioner actually inhabited and cultivated the said tract of land from the year 1805 until the year 1812, since which time the said land has not been in the possession of the petitioner. The committee called upon the Commissioner of the United States General Land Office to state whether the petitioner's claim, as made out by the evidence, brought his claim within the provisions of the acts of Congress passed, granting donations to actual settlers in the State of Louisiana, on or before the 15th of April, 1813, and received for answer that, agreeably to the construction of the law in question at that department, his claim was embraced by the laws alluded to. The committee therefore report a bill.

22D CONGRESS.] No. 984. [1ST SESSION.

ON CLAIM FOR REVOLUTIONARY BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 25, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Samuel Woodcock or Woodstock, reported:

The petitioner sets forth that he enlisted in the army of the United States in the year 1775, in Captain Knapp's company, in Colonel Reed's regiment, in the Massachusetts line, for eight months, and afterwards in the same company and regiment for one year, and in the month of July, 1777, enlisted for during the war in the company of Captain Joseph Allen Wright, in Colonel Philip B. Bradley's regiment, in General Huntington's brigade; he further states that he was at the taking of Cornwallis, after he returned to the Connecticut line, in the 2d regiment, and he was discharged on the 31st day of December, 1782, for which service he claims bounty lands. It is proven by Samuel Waugh that he served in the same company with the said Woodcock or Woodstock for nearly three years. The petitioner produces a certified copy of his discharge, given him by George Washington, commander-in-chief of the armies of the United States, who certifies that he, said petitioner, is entitled to the provision made by Congress for invalids of the army by the resolve of the 23d of April, 1782, which resolve is, that all such sick and wounded soldiers of the armies of the United States who shall be in future reported by the inspector general, or the inspector of a separate department, and approved by the commander-in-chief or commanding officer of a separate department, as unfit for further duty, either in the field or in the garrison, and who shall apply for a discharge in preference to being placed or continued in the corps of invalids, shall be discharged, and be entitled to receive as a pension five dollars per month in lieu of all pay and emoluments. The committee have not been able to find any law which entitles the petitioner to bounty lands. The committee, therefore, ask to be discharged.

22D CONGRESS.] No. 985. [1ST SESSION.

ON CLAIM TO LAND IN THE MISSISSIPPI TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 25, 1832.

Mr. DAVIS, of South Carolina, from the Committee on the Judiciary, to whom was referred the petition of David Shaver, senior, David Shaver, junior, Thomas Majors, George C. Cowan, and James S. Mays, reported:

These claims are predicated on a grant from the State of Georgia to Zachariah Cox and Mathias Maher, and other associates, called the Tennessee Company, issued by virtue of an act of the legislature of that State, passed on the 24th day of January, 1795, and form a part of what are usually called "the Yazoo claims." The legislature of Georgia, at a subsequent session, to wit, on the 13th of February, 1796, passed another act declaring null and void that of January 24, 1795, because, as was therein alleged, the same was made without constitutional authority, and fraudulently obtained, and ordered it to be expunged from the public records. The last-mentioned act further declared all grants, rights, claims, &c., &c., issued, deduced, or derived from the act of January 24, 1795, null and void.

By the articles of agreement and cession, between the United States and the State of Georgia, entered into on the 24th day of April, 1802, ceding and relinquishing to the United States the lands within the same, south of the State of Tennessee and west of the Chattahoochie, it was provided that all the lands so ceded, after satisfying a payment contracted to be made to the State of Georgia, of ($1,250,000) one million two hundred and fifty thousand dollars, and certain grants made by the British government of Florida and the government of Spain, should be considered as a common fund for the benefit of the United States, except a portion of the said lands not exceeding five millions of acres, the proceeds of which were to be set apart and reserved for the purpose of satisfying, quieting, or compensating any claims which might be made to any part thereof.

On March 31, 1814, Congress passed a law allowing persons claiming lands under grants issued by virtue of the act of the legislature of Georgia, of January 24, 1795, to exhibit and record such claims, and on their being approved in the manner specified, to receive certificates of stock, payable without interest, out of the moneys arising from the sales of the public lands in the Mississippi Territory; and by the ninth section of this law it is provided, that if any person claiming lands under the act of Georgia, of January 24, 1795, shall neglect or refuse to compromise and make settlement of such claim in conformity with the provisions of this act, the United States shall be exonerated and discharged from all such claim or claims, and the same shall be forever barred; and no evidence of any such claim shall be admitted to be pleaded or allowed to be given in evidence in any court against any grant derived from the United States.

The petitioners claim under deeds of conveyance from Samuel May, and all of them bearing date within the last six or seven years. Samuel May derived his title from the original grantees, Zachariah Cox and Mathias Maher, by a deed dated the 18th day of August, 1797, being eighteen months after the enactment of the law of Georgia, of February 13, 1796, declaring the grant to Cox and Maher fraudulent and void.

The committee are induced to believe, from this brief legal history of the claims submitted, that the petitioners are not entitled to relief from Congress; because,

1st. They, as well as Samuel May, from whom they claim, were, (or must be presumed to be,) purchasers with notice of the fraudulent nature and character of the claim.

2d. Because the petitioners have neglected or refused to comply with the provisions of the act of Congress, passed March 31, 1814, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory."

22D CONGRESS.] No. 986. [1ST SESSION.

ON CLAIM FOR MILITARY BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Abraham Forbes, reported:

That said Forbes was a citizen of the United States, and removed to Upper Canada prior to the last war; that he joined the troops of the United States, and was employed as a spy, and had the entire confidence of the officers of the United States, and performed many valuable and important services to the United States in that character; that he had been promised a handsome remuneration by Colonel Christie, whose premature death, perhaps, prevented any communication to the government in behalf of said Forbes; that he acted with the United States troops until the close of the war, and was honorably discharged. It further appears that before the war he was independent in his circumstances, and that when his family was sent to the United States there were sent over a few boxes of his goods of but little value; and he alleges that his other property was confiscated, but of this fact no evidence is furnished the committee. The committee are of opinion that the important and faithful services rendered the United States by Forbes entitles him to greater liberality from the government than the provision made by the act of 1816 for the benefit of Canadian volunteers, and that he ought to be placed on an equal footing by the government with Westbrooke, for whom provision has been heretofore made, and with Dr. Crosby, in whose behalf a bill has been introduced during the present session of Congress. They therefore introduce a bill allowing 640 acres of land.

22D CONGRESS.] No. 987. [1ST SESSION.

APPLICATION OF INDIANA FOR DONATIONS OF LAND TO ACTUAL SETTLERS UPON CONDITION OF SETTLEMENT.

COMMUNICATED TO THE SENATE JANUARY 30, 1832.

A JOINT RESOLUTION of the general assembly, soliciting of Congress a donation of lands to actual settlers in indigent circumstances.

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 such amendment to the present land law of the United States as shall authorize a donation to all white actual settlers, who are not the owners of any land, of a tract of land of such size as Congress in its wisdom may direct, to be located in districts wherein the land shall have been in market ten years, upon the condition that such donee shall make specific improvements, and actually reside on the same for the term of five years.

H. H. MOORE, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved January 16, 1832.

N. NOBLE.

22D CONGRESS.] No. 988. [1ST SESSION.

APPLICATION OF INDIANA FOR PERMISSION TO SELL HER SALINE RESERVATIONS.

COMMUNICATED TO THE SENATE JANUARY 30, 1832.

A JOINT RESOLUTION on the subject of the saline reservations.

Be it resolved by the general assembly of the State of Indiana, That our senators in Congress be, and they are hereby, instructed, and our representatives requested, to continue their best exertions and influence in Congress to procure the passage of a law to authorize the State of Indiana to sell, in manner and for the purposes heretofore represented, the saline reservations, to which the said State has claims.

Resolved, That the governor, without delay, transmit to each of our senators and representatives in Congress a copy of the foregoing resolution.

H. H. MOORE, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved January 13, 1832.

N. NOBLE.

22D CONGRESS.] No. 989. [1ST SESSION.

ON APPLICATION OF THE RECEIVER AT DETROIT FOR EXTRA COMPENSATION.

COMMUNICATED TO THE SENATE JANUARY 30, 1832.

Mr. KING, from the Committee on Public Lands, to whom was referred the petition of J. Kearsley, receiver of public moneys at Detroit, reported:

That by an act of Congress passed the 2d of March, 1821, purchasers of public lands were authorized to relinquish, by legal subdivisions, any portion of the lands held by them and transfer the amount paid on such relinquished lands to other lands by them held; and it was made the duty of the registers and receivers to carry this act into execution in such manner as might be directed by the Secretary of the Treasury, allowing them as compensation for the labor thus imposed on them the sum of fifty cents for each tract relinquished, to be paid by the person relinquishing. It subsequently appearing to the satisfaction of Congress that the compensation allowed by the above-recited act was not sufficient to remunerate these officers for the extra labor performed by them, on the 22d of May, 1826, an act was passed authorizing the Secretary of the Treasury, under the direction of the President, to make such further compensation as, in his opinion, should be reasonable and just, not to exceed the amount expended for clerk hire, and one-half of one per cent. upon payments made by relinquishments, with a proviso that in no case should the amount paid to these officers exceed in one year the sum of three thousand dollars. Under this act the petitioner was paid the one-half of one per cent. on the payments by relinquishments, estimating the land at $2 the acre, in addition to the half dollar paid by the individual availing himself of the advantages of the law on each tract relinquished. The committee are of opinion that this alone would have been sufficient compensation for any extra duty performed by these officers, the compensation increasing with the increased labor; and the statement of the petitioner, that he could not avail himself of the provisions of the law of 1826 as respects clerk hire, cannot, in the opinion of the committee, vary the case; they therefore submit the following resolution:

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

22D CONGRESS.] No. 990. [1ST SESSION.

ON APPLICATION FOR A CHOCTAW RESERVATION UNDER THE TREATY OF DANCING RABBIT CREEK, OF SEPTEMBER 27, 1830.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 30, 1832.

Mr. PLUMMER, from the Committee on Public Lands, to whom were referred sundry petitions of the chiefs, headmen, and principal warriors of the Choctaw nation, reported:

It appears from the representation of the petitioners and other satisfactory evidence adduced before the committee, that Joseph Dukes, a native Choctaw, was a resident and citizen of the Choctaw nation, in the State of Mississippi, at the time of the treaty entered into and concluded between the United States and the Mingoes, chiefs, captains, and warriors of the said nation, at Dancing Rabbit creek, on the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty, has a small

family, and, in the language of the treaty, was at that time a "Choctaw head of a family." That he was, while an infant, left a poor and destitute orphan, and was taken into the missionary family at Mahew, where he and his wife (who is also a Choctaw) have received good English educations, and where they resided at the time of the treaty. Dukes is about twenty-one years of age; both he and his wife have sustained good moral characters, and are calculated to make useful members of society. He has for the last three years devoted his time and attention to the improvement of the condition of his red brethren, by acting in the capacity of an interpreter and translator of the Choctaw language for the mission, which has prevented him from accumulating any property for the support of his family. By the provisions of the fourteenth article of the treaty before referred to, each Choctaw head of a family is entitled to a reservation of six hundred and forty acres of land; each unmarried child of the family over ten years of age, to one-half that quantity; and each child under ten years of age, to one hundred and sixty acres, on condition of their intending to become citizens, and residing on the same for five years; which reservation was, by the stipulations of the treaty, to include their then present improvement, or a portion of it. In consequence of Dukes's residing in the missionary family, he could not be considered as having any improvements of his own, and therefore did not come within the provisions of the fourteenth article of the treaty. For the same reasons he did not come within the purview and meaning of the nineteenth article, nor was his case provided for by any general or special provisions contained in the treaty. The petitioners, therefore, pray Congress to grant unto the said Joseph Dukes a section or six hundred and forty acres of land, to be located on any of the unappropriated and uncultivated lands within the limits of that section of country to which the Indian title was extinguished by the aforesaid treaty. The committee are aware that the reservations already granted are so large and numerous as to be prejudicial to the interests of the United States, as well as to the State of Mississippi and her citizens, but cannot pass unnoticed the high claims of so meritorious an individual as Dukes. If the committee understood the object and policy of the government in granting reservations to the Indians, the grants were not considered in payment or part payment for relinquishing their title to the lands, because the payment was otherwise provided for; but the reservations under the fourteenth article of the treaty were for the purpose of securing to those who were desirous to remain and become citizens of the States a home on the land which they inherited from their ancestors, who had occupied the same from time immemorial. The object of the government was not to drive them forcibly from the place of their nativity and compel them to seek an asylum in the western wilds, but only to provide in that distant land for those who chose voluntarily to go, and also to guarantee a freehold interest in the soil to those who chose to remain and become amenable to our laws. The question, therefore, before the committee is not whether we shall give to this humble individual a tract of land to induce him to remain among us, but whether the general government will deprive him of a home and drive him from the land of his fathers, merely because he has devoted his time and attention to the amelioration of the condition of his countrymen, instead of cultivating the soil for his own benefit and accumulating property, when other less meritorious individuals are permitted to take reserves, remain among us, and enjoy all the rights, immunities, and privileges of citizens. The committee do not hesitate to recommend the granting of the prayer of the petitioners, and therefore report a "bill for the relief of Joseph Dukes."

22D CONGRESS.] No. 991. [1ST SESSION.

IN RELATION TO ISSUING SCRIP FOR UNLOCATED VIRGINIA MILITARY LAND WARRANTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 31, 1832.

Mr. IRVIN, from the Committee on Public Lands, to whom was referred the resolution of the House directing them to inquire into the expediency of issuing scrip for the unlocated warrants granted by the State of Virginia to her officers and soldiers in the revolutionary war, on State or continental establishment, reported:

That, during the revolutionary war, the State of Virginia furnished fifteen regiments to the army on continental establishment, and, during the same period, kept up a military force more immediately for the protection of the State, consisting of infantry, artillery, cavalry, sailors, and marines. The extent of this force the committee has been unable to ascertain, but it is believed to have been very considerable.

On October 3, 1779, an act was passed by the legislature of Virginia ascertaining the proportions or quantity of land to be granted at the end of the war to the officers and soldiers of the line of that State on State and continental establishment, and to the officers and seamen of the navy who should serve to the end of the war, or in case of soldiers and seamen who should enlist for and serve the period of three years.

On October 5, 1780, another act was passed by the legislature of that State ascertaining the quantity of land to be given to the general officers on continental establishment, and increasing the land bounty given by the act of 1779 to the officers on State and continental establishment one-third.

Under the provisions of these acts the following land bounties were promised to the officers, soldiers, seamen, and marines of that State, to wit:

	Acres.
To a major general	15,000
To a brigadier general	10,000
To a colonel	6,666⅔
To a lieutenant colonel	6,000
To a major	5,666⅔
To a captain	4,000

	Acres.
To a subaltern	2,666⅔
To every non-commissioned officer who enlisted for and served to the end of the war	400
To every soldier and seaman under like circumstances	200
To every non-commissioned officer who enlisted for and served three years	200
To every soldier and seaman under like circumstances	100

To every officer of the navy the same quantity of land was allowed as to an officer of equal rank in the army.

Other acts were passed by the legislature of that State on the subject of bounty lands, but they are deemed unimportant to the present inquiry.

By the act of October 3, 1779, a district of country lying west of the Alleghany mountains and south of Green river was set apart to satisfy the military bounty land warrants issued by the State of Virginia. The lands lying within this district were subject to be located up to the —— day of ——, 1792, when the State of Kentucky became an independent State and was admitted into the Union. After that period no further locations were made within the limits of that State, which embraces the district of country set apart for that purpose.

On March 1, 1784, the State of Virginia ceded to the United States the lands of that State lying northwest of the Ohio river. In the deed of cession it was provided that in case the quantity of good land on the southeast side of the Ohio, upon the waters of the Cumberland river and between the Green river and Tennessee river, which had been reserved by law for the Virginia troops on continental establishment, should, from the North Carolina line bearing in further upon the Cumberland than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the Ohio, in such proportions as had been engaged to them by the laws of Virginia. In the same deed 150,000 acres were reserved for General George Rogers Clark and the officers and soldiers of his regiment who marched with him when the posts of Kaskaskias and St. Vincent's were reduced, and to the officers and soldiers who thereafter incorporated themselves into that regiment. The district reserved, between the Scioto and Little Miami rivers, is estimated to contain about 3,700,000 acres.

From a statement herewith exhibited from the Commissioner of the General Land Office, and marked A, it appears that warrants have been issued by the State of Virginia for 6,046,147 acres of land. Of these warrants about 1,800,000 or 2,000,000 of acres were located in the State of Kentucky previous to 1792; 3,233,123 have been located in the district reserved for that purpose in the State of Ohio; and 150,000 acres of resolution warrants are supposed to have been located in the States of Kentucky and Ohio, which, estimating the quantity located in Kentucky at 1,900,000 acres, will leave unlocated 763,026 acres of warrants already issued.

By an act of Congress of May 30, 1830, the Secretary of the Treasury was authorized to issue scrip, at the rate of $1 25 per acre, for 260,000 acres of warrants of the State line, and for 50,000 acres of warrants for services rendered by the officers and soldiers in the continental army. These quantities have been satisfied by scrip, which leaves unprovided for warrants to the amount of 453,000 acres. To satisfy these warrants with scrip would require the sum of $566,000, which, so far as the government is concerned, is equal to the payment of the amount in money, with the exception of interest that might accrue between the issuing of the scrip and the time of its return through the land offices to the treasury. Some few instances may have occurred in which the holders of scrip have applied it to the entry of lands; but the general mode of disposing of it has been to take it to the land offices, and there, by giving a small premium, exchange it with individuals for their money, who come to enter lands.

In the month of November last there was no return to the Commissioner of the General Land Office of the quantity of warrants issued in that month; but in the month of December following warrants were issued for 39,333 acres. As yet only 7,120 warrants have been granted, embracing more than 6,000,000 of acres; but how many more will hereafter be granted the committee would not venture a conjecture. Under these circumstances the committee are of opinion that it would be highly inexpedient to issue scrip for these unsatisfied military claims. But as the State of Virginia, by a liberal cession of her lands to the United States, has placed it out of her power to redeem her promises made to her officers and soldiers for services rendered, not for the benefit of that State alone, but for the Union, the committee are of opinion that it is nothing more than justice to permit these warrants to be located on a part of the public lands; and for that purpose herewith report a bill.

GENERAL LAND OFFICE, *January* 25, 1832.

SIR: In compliance with your request of the 23d instant, I have the honor to state that the number of warrants issued by the State of Virginia for services rendered in the Virginia line on continental establishment, and in the State line and navy; also warrants issued in conformity to resolutions of the general assembly of that State, amounted to 7,120 on the 1st instant. The number issued up to the 30th October last amounted to 6,998, containing a quantity of 6,046,147 acres.

The quantity which has been granted to the officers and soldiers of each line, as well as by resolutions, is given in the statement, marked A, herewith.

The copy of the statement marked B contains the quantity, situation, and value of the unlocated lands in the Virginia military reservation received from the surveyor, but the estimate of the value I conceive to be entirely too low, and am of opinion that the land is worth on an average fifty cents per acre.

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

ELIJAH HAYWARD.

Hon. WM. W. IRVIN, *House of Representatives.*

A.

Statement showing the quantity of land granted by the State of Virginia for military services rendered in the continental line, State line, and navy; also the quantity in warrants issued in conformity to resolutions of the general assembly; the quantity located in Kentucky; the quantity located and patented, and the quantity located and not patented in Ohio; the quantity of land appropriated for each line by the act of May 30, 1830, and the amount remaining unsatisfied up to October 30, 1831.

Quantity in warrants issued up to October 30, 1831.	Quantity located in Kentucky.	Quantity located and patented in Ohio.	Quantity located in Ohio not patented, estimated.	Quantity appropriated by the act of May 30, 1830.	Quantity remaining unsatisfied.	Remarks.
				Continental line.		
4,209,628	800,000	3,183,123	50,000	50,000	126,505	During the month of December last warrants; amounting to 9,333 acres, were issued at Richmond, and no return having been received for November, I am unable to state the quantity granted for that month.
				State line and navy.		
1,650,000	estimated from 1,000,000 to 1,200,000	.....	.....	260,000	.....	During the month of December last the quantity in warrants issued amounted to nearly 20,000 acres, and no return for the previous month.
				Resolution warrants.		
186,519	.....	.....	.....	.....	.....	This is the whole amount of warrants of this description issued up to 1st of February, 1822, the quantity of which patented in Ohio or in Kentucky cannot be given, but may fairly be estimated to 150,000 acres.

B.

Statement showing the quantity, situation, and probable value of the vacant lands in the Virginia military district in the State of Ohio.

Acres of vacant land.	County.	Face of the country.	Water-courses.	Probable value.	Aggregate value.
				Per acre.	
151,000	Scioto.....	Broken and mountainous.	Waters of the Scioto and Ohio rivers, and of Scioto Brush creek.	3 cts.	$4,530 00
69,000	Pike.....	Broken and mountainous.	Waters of the Scioto, Sunfish, and Ohio Brush creek.	4 "	2,760 00
60,000	Adams	Hilly and broken...	Waters of the Ohio river and Ohio Brush creek.	5 "	3,000 00
15,000	Ross.....	.....do.....	Waters of the Scioto river, Indian, Crooked, and Paint creeks.	5 "	750 00
9,600	Brown.....	Level and wet.....	Waters of the east fork of the Little Miami and White Oak.	10 "	960 00
7,000	Highland....	Level and part broken.	Waters of the same, and Brush and Paint creeks.	7 "	490 00

B—*Statement showing the quantity, &c., of the vacant lands in the Virginia military district*—Continued.

Acres of vacant land.	County.	Face of the country.	Water courses.	Probable value.	Aggregate value.
				Per acre.	
4,000	Hardin.....	Level and wet.....	Waters of the Scioto and Big Miami rivers.	20 cts.	$800 00
1,200	Clinton.....	.....do.....	Waters of the east fork of the Little Miami.	20 "	240 00
200	Logan.....	.....do.....	Waters of Rush creek.....	25 "	50 00
317,000					13,580 00

ALLEN LATHAM, *Surveyor of the Virginia Military District.*

CHILICOTHE, *November* 30, 1831.

GENERAL LAND OFFICE, *December* 27, 1831.

SIR: Agreeably to your verbal request on Saturday last, I have endeavored to form an estimate, from the best sources of information within reach, of the quantity of the unsatisfied outstanding warrants, and of warrants to be issued by Virginia for services in the continental and State lines during the revolutionary war, but have to remark that such estimate must, from the nature of the case, be imperfect, from the fact that we do not know, with certainty, the amount of warrants located in Kentucky for State-line services. The result of the estimate is as follows:

	Acres.
For the continental line.....	226,000
For the State line.....	250,000
For resolution warrants.....	60,000
Aggregate.....	536,000

With sentiments of great respect, your most obedient servant,

JNO. M. MOORE, *Chief Clerk.*

Hon. C. A. WICKLIFFE.

WASHINGTON CITY, *January* 23, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, asking a statement of the number of the battalions or regiments furnished by the Commonwealth of Virginia on continental and State establishment, and of the persons in her naval service during the war of the revolution, for the information of the Committee on Public Lands.

I regret that there are no documents existing in the public offices of the United States or Virginia which enable me to furnish the information desired. The State raised and placed on continental establishment, in pursuance of the requisitions of the continental Congress, fifteen regiments. Of these, nine, which were first raised, consisted of ten companies each, of sixty-eight men rank and file. It is believed that they were filled, though there is no doubt that many of the officers and men left the service before the passage of the first of the acts by which Virginia promised land bounties to those engaging in her military service. Of what number the other six regiments consisted I have been unable to ascertain.

For the number of the corps on State establishment, I respectfully refer the committee to the memorial of Thomas W. Gilmer, esq., commissioner on behalf of Virginia, presented to the House of Representatives on the 19th December ultimo.

Besides these, there were raised the celebrated legion commanded by Lieutenant Colonel Lee, and two southern expedition regiments, which were with the continental forces in the southern campaigns; but it is impossible to form more than a conjectural estimate of those officers and soldiers who were entitled to a fulfilment of the solemn engagements of the State entered into at a time of great public emergency. I regret that it is not in my power to give more efficient aid to the committee in the prosecution of this inquiry, which, it appears to me, does not affect the rights of the officers and soldiers or the obligations of the government.

I find that the executive of Virginia have issued seven thousand one hundred and twenty military bounty land warrants, granting about six millions of acres of land. Of these, many claims have been divided, so that the number of warrants does not show precisely the number of persons whose just demand on their country have been satisfied. From the high average, however, I think we are justified in arriving at the conclusion that the unsatisfied claims are principally those of common soldiers. The difficulties which now attend the successful prosecution of these claims, and which are daily increasing, leave no doubt that few more can be established, according to the requisitions of law, which are, and have ever been, faithfully observed by the executive of Virginia.

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

J. B. MASON.

Hon. WM. W. IRVIN.

22D CONGRESS.] No. 992. [1ST SESSION.

ON CLAIM TO A MILITARY BOUNTY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 1, 1832.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of Amos W. Brown, reported:

That the petitioner states he is a natural-born citizen of the United States; that about four years before the declaration of the late war between the United States and Great Britain he removed to the province of Upper Canada, and from and after the declaration of war he returned from Canada to the United States, and voluntarily joined the army, and in April, 1813, received a lieutenant's commission, under Colonel Daniel Dana, in the 31st regiment, and that he served as such lieutenant in said regiment, serving part of the time as adjutant of said regiment until the close of the war, in virtue of which service he claims the benefit of the act of Congress of March 5, 1816, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," which act was amended by an act of March, 1817, both of which said acts expired by limitation on the 3d of March, 1818. The petitioner further showeth that in July, 1815, after the close of the war, and before the passage of the first aforesaid act, he returned to his former residence in Canada, where he remained until the year 1819, and until after the expiration of said acts, when he returned to the town of Pottsdam, in the county of St. Lawrence and State of New York, where he has ever since resided; that in consequence of which absence in Canada he did not avail himself of the benefits of said acts. The averments, as set forth by said petitioner, are clearly proven by Colonel Daniel Dana, to whose regiment he belonged, as also by the affidavit of Henry H. Brown.

S. Cooper, assistant adjutant general, states that the records show that Amos W. Brown was appointed second lieutenant in the 31st regiment of infantry on the 30th of April, 1813, and promoted to first lieutenant 11th of January, the year 1814, and disbanded in June, 1815.

William Gordon, an officer in the Bounty Land Office, War Department, states that the records in said office do not show that land bounty was ever granted to the said Amos W. Brown. The committee therefore report a bill granting the said Amos W. Brown three hundred and twenty acres of land.

22D CONGRESS.] No 993. [1ST SESSION.

IN RELATION TO PROVISION FOR THE MORE SPEEDY ISSUING OF PATENTS AFTER SALES OF PUBLIC LANDS.

COMMUNICATED TO THE SENATE BY THE CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS FEBRUARY 2, 1832.

GENERAL LAND OFFICE, *January* 23, 1832.

SIR: In consequence of my own feeble health, and the sickness of several of my clerks, and previous calls of committees of Congress on this office for information and reports, I have been unable sooner to reply to your favor of the 12th instant, enclosing a resolution of the Senate of the 9th, on the subject of revising the act of the 25th of April, 1812, so as to provide for the more speedy issuing of patents for lands sold.

Two propositions are presented for consideration by your letter and the resolution: *first*, the best mode by which patents for lands can be issued without requiring the signature of the President; and, *second*, what further legislation is necessary to provide for the more speedy issuing of patents after the sales of the public lands.

In answer to the first proposition, I have the honor to communicate herewith a copy of a correspondence on that subject between the Hon. Jonathan Hunt, of the Committee on Public Lands in the House of Representatives, and this office, marked A, B, C, to which, on mature reflection, I have nothing to add.

The second proposition, of equal importance to the public service, has been occasioned by the magnitude of arrears of business in this office, which had for a long time been accumulating before it became my duty to administer its concerns, and the great increase of sales of the national domain during the last two years, creating embarrassments and impediments to the discharge of its current duties which the diminished force of this office was incompetent and unable to surmount. To me, personally, it is a source of constant and poignant regret that I am not furnished the means of discharging my official duties with that promptness which the public service requires and the interest and convenience of individuals imperiously demand. Whatever may be the pleasures of official station to others, to me its highest qualification consists in a prompt, vigilant, active, and faithful discharge of duty, with fidelity to the government, and with the approbation and satisfaction of parties interested. This it has been physically impossible for me to accomplish with all the personal industry and exertion in my power and that of the clerks with which I have been provided during my administration of the affairs of the General Land Office. These matters have been truly exposed in the two annual reports of the operations of this office which it has been my duty to make to the government. To remedy these evils, and to secure to individuals their just claims upon the government, which have been delayed from the causes above mentioned, I would respectfully propose the passage of the enclosed *project* of a bill, marked D, which, in my opinion, would accomplish every object contemplated in the second proposition which you have been pleased to submit to my consideration.

In the bill submitted providing for clerks in this office it will be seen that one clerk is contemplated

at $1,700 per annum. This is intended for the *chief clerk*, and the compensation named is that which has been heretofore allowed for that situation. I would respectfully recommend that it be increased to two thousand dollars, to be in proportion to others whose duties are much less and whose labor is not half as great as that required of the same situation in the Land Office. My chief clerk, in addition to other qualifications, must have a particular knowledge of the laws and parts of laws having any relation to or connection with the land system of the United States, including private land claims of every description, the variety of military bounty lands, all reservations contained in Indian treaties, and donations to States, corporations, and individuals, and the manner and form in which these laws are executed. He is also required to possess a knowledge of all the details of office duty, through all the ramifications of its multiplied concerns, and, under the Commissioner, has a general superintendence over all the clerks in the department, and the books and files of papers which constitute its archives. In addition to which, among other duties, he is charged with the immense miscellaneous correspondence of the office, frequently requiring a very laborious examination of the laws, circulars of instructions, previous decisions of the Secretary of the Treasury on the same subject, and the rules and principles settled by the Supreme Court of the United States. To accomplish this arduous duty the time allotted for office business is not sufficient, and he is often compelled to devote his mornings and evenings, before and after office hours, to the public service, without any additional compensation therefor. For these reasons and many others which I could enumerate, I am well convinced that the talents, labor, and industry necessary to the discharge of these duties are greater than are required of any other chief clerk under the executive department of the government, and I know of no good reason why he should not receive equal compensation. I have great pleasure in stating that the present chief clerk in this office merits my entire approbation, and the suggestion herein made to increase his salary is not only without his request and solicitation, but without his knowledge, and is considered an act of justice on the part of the government to a faithful, laborious, and meritorious public servant.

I propose to have one clerk at fifteen hundred dollars per annum, who, it is designed, shall have charge of all the fiscal operations of the office, a general superintendence of the posting and records of entries of lands sold at the several land offices, the preparation of the tract books, and to be charged with all the correspondence with the registers and receivers in relation to their duties connected with the sales of the public lands, and their monthly and quarterly returns therefor. As the accounts of all the land officers, and of the public surveys, are audited by the Commissioner, and transmitted directly to the First Comptroller of the Treasury, without being submitted to the examination of any other bureau, this clerk will be required to possess all the qualifications of the First Auditor of the Treasury Department; and in addition thereto an intimate and familiar acquaintance with all the land laws of the United States for the sale and disposition of the public domain, and with all the details of business connected therewith. A person thus competent cannot be procured for a less sum than the one suggested. This office and individuals interested in its operations have greatly suffered for the want of such an officer.

The bill contemplates seven clerks at $1,400 each; one of which it is intended shall act as an assistant of the chief clerk; one to be placed at the head of the bureau of military bounty lands, including the issuing of scrip therefor; one at the head of private land claims; one to have charge of the accounts of the several receivers of public moneys, to test their accuracy and detect all errors therein; one to be placed at the head of the posting accounts of lands sold, by whom the accuracy of the proceedings of the registers are to be tested, their errors detected, and the mode by which such errors, under the laws of Congress, are to be corrected, to be stated for the examination and consideration of the Commissioner; one to superintend the issuing of exemplification of records, and the copy of title papers on which patents are founded, to supply the loss or destruction of the originals, and in cases where the original documents are not permitted to be taken from the files of the office, and copies are necessary to be used in the administration of justice; (this has now become a very heavy business for the office, as daily requisitions are made for such authenticated documents, in addition to those required in the administration of justice and in the settlement of intestate estates, by persons interested, and to whom they are indispensable for the security of private rights;) and one to be placed at the head of the board of examiners, whose duty it is to compare the title papers with the patents, and the record of the patents, before the signature of the President is requested, or the seal of the office, or signature of the Commissioner, is permitted to be affixed.

Twelve clerks at $1,150 are proposed: one of these will be required all the time with the chief clerk, three in the bureau of bounty lands, one in the bureau of private land claims, two to prepare the indexes of lands sold and of the patents therefor, and five in posting the entries of lands sold, and in stating and adjusting the accounts of the receivers therefor.

Of the ten clerks at $1,000, two will be employed as examiners; two for miscellaneous services in the office of copying and recording, which do not come under any of the heads above mentioned, but which are of daily requisition, and very important to the public service; and six to be employed in writing and recording patents.

I have recommended, as will appear from the proposed bill, the employment of one draughtsman at $1,500 per annum, and two assistant draughtsmen at $1,150 each per annum. Heretofore the office has had one draughtsman at $1,150, and one assistant, paid out of the contingent fund, at $1,000. It is my duty to state to you that this branch of the public service is now greatly in arrears, and that I have no person who is competent to superintend and take charge of its duties. The talents and acquirements necessary for this service cannot be procured for the compensation allowed by law. I have tendered the situation to several whom I believed to be competent, who have declined its acceptance on the ground that the pay was inadequate. But I can procure a gentleman every way qualified for $1,500 per year. Under these circumstances, I deem it indispensably necessary for Congress to make the provision proposed, to secure to the government and to the rights of individuals the prompt and correct discharge of this part of public duty.

The messenger and two assistant messengers named in the bill are already employed in the office, though one of the assistants is paid out of its contingent fund.

I have also proposed a special appropriation of $5,000 to assist in bringing up the arrears of the office, and in writing patents out of the office. Without this appropriation the injury which must inevitably result to individuals and to the public service will become a subject of reproach throughout the valley of the Mississippi, and of future vexation and embarrassment to all subsequent operations of this office. And it should be remembered in the consideration of this subject that, on the first of this month, one item of the arrears of this office consisted of *thirty-five thousand patents* for lands sold, and that,

without this appropriation, it will be augmented to more than *sixty thousand* by the first day of January next.

It should be remembered that the duties of the clerks in the General Land Office, with few exceptions, are of a peculiar character, demanding a high degree of talent and a greater labor of investigation than are necessary for the other executive departments of the government. Comparatively, there is very little that is merely mechanical, except the writing and recording of patents for lands sold; and when it is considered that the land titles of nearly three millions of people depend upon the accuracy with which the business of this office is conducted, the importance of the subject will be forcibly presented to every impartial mind, and to the justice and decision of Congress.

There are now forty-four land offices, with a register and receiver for each, and six surveyors general, whose operations are all to be examined, and the accuracy of whose proceedings are to be tested and ascertained by the General Land Office before the government can definitively act thereon. To accomplish all this, with the other duties, and to protect the government from frauds, and from the negligence, heedlessness, and errors of its numerous subordinate agents, is an immense labor of the highest importance and greatest responsibility.

With this view of the subject, and impressed with the reflection that this department of the government is now paying into the treasury *three millions of dollars per annum*, I respectfully submit this communication to your particular examination, and candid and impartial consideration.

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

ELIJAH HAYWARD.

Hon. WILLIAM R. KING, *United States Senate.*

22D CONGRESS.] No. 994. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 2, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Luther L. Smith, reported:

That the petitioner claims title to a tract of land containing two hundred and seventy-nine arpents of land, situate in the parish of West Feliciana, in the State of Louisiana, by virtue of a grant executed, originally, in favor of Vicente Sebastian Pintado by Morales, the intendant general of West Florida, and bearing date of May 22, 1810. The territory in which the land was situated had been previously ceded to the United States as a part of Louisiana, as has been uniformly contended by the American government, and consequently the grant has no intrinsic validity; but according to the several acts of Congress relative to land titles in that part of the country, the claimant would have been entitled to a confirmation of his title, with proof of cultivation, on or before April 15, 1813. There is no such evidence before the committee; but it appears that the petitioner purchased in good faith, has been in possession since about the year 1818, and has made very valuable improvements; that he is still in possession; and that his claim was pending before Congress when the pre-emption law of May 29, 1830, was passed. Under these circumstances, the committee are disposed to allow the petitioner to purchase the land of the United States at the minimum price of one dollar and twenty-five cents per acre, and report a bill to that effect.

22D CONGRESS.] No 995. [1ST SESSION.

ON CLAIM TO LAND IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 6, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of D. D. Robert, which has been regularly presented at every session since 1817, reported:

The petitioners claim various tracts of land near Kaskaskias, in Illinois. The same tracts of land were claimed by them before the commissioners under the act of Congress of March 26, 1804, for the adjustment of land claims in the district of Kaskaskia, and rejected for want of proof of actual improvement and cultivation before March 3, 1791. The original claim was in the name of various persons; and no evidence of any grant is offered to the committee, except for one in the name of Henry Brawney. On September 17, 1783, Brawney presents a petition to the commandant, at that time acting under the authority of the State of Virginia, praying for a grant of land. The commandant answers "that, not knowing the intentions of the State concerning the concession of lands, yet willing, as much as depends on him, to facilitate all the good citizens of the country, and willing to follow the traces of his predecessors, he accords to the petitioner the three arpents of land solicited." He annexes the condition that the petitioner shall conform to any law to be afterwards enacted by the State, and that he shall, within a year and a day, improve or *work on* the same land; on failure whereof the land shall revert to the State.

The authority of the commandant is shown in that character; but the letter of Patrick Henry, at that time governor of Virginia, does not confer the authority to grant lands.

The excuse for not having made a settlement before 1791 is the continued hostility of the Indians. But they show no effort to settle and cultivate the lands. If, after the cessation of Indian hostilities, the claimants had gone into possession, they would have presented themselves with some show of equity.

The committee are of opinion that the claimants show no right to the land whatever, either in law or equity, and recommend that the claim be rejected.

22D CONGRESS.] No. 996. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 6, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Garriques Flaujac, reported:

That the petitioner had a valid Spanish grant for three thousand two hundred arpents of land on the Bayou Grosse Tête, in Louisiana, which was confirmed by act of Congress; that the land was sold by authority of the United States; instead of prosecuting suits against the purchasers, the petitioner applied to Congress for relief. On May 20, 1826, an act of Congress passed, and was approved, authorizing the petitioner to locate the same quantity of land on any unappropriated lands in the southwestern district of Louisiana in one body, so far as should be practicable. In pursuance of this act of Congress, the surveying department proceeded to locate the claim, and it has been done in a manner of which the petitioner now complains. In consequence of the great number of private claims in that section of the country, which are scattered over the whole face of the country, it was found impossible to locate the tract in question literally in one body, and render anything like justice to the claimant. The officer charged with the survey thought himself bound, as far as possible, to comply with the terms of the act of Congress, and has, in the opinion of the committee, done injustice to the claimant. The committee have seen a copy of the survey, and think that the land is run out in such a way as to be in a manner useless to the party claiming. The intention of Congress undoubtedly was to make the claimant an adequate compensation for the land which was sold while it was his acknowledged property. This does not seem to have been accomplished, and the committee report a bill for his relief.

22D CONGRESS.] No. 997. [1ST SESSION.

ON CLAIM TO THE CONFIRMATION OF A LAND TITLE IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 6, 1832.

Mr. MARSHALL, from the Committee on Private Land Claims, to whom was referred the petition of Thomas Reynolds, reported:

That the petitioner prays for a donation of 640 acres of land, situated at Point Hazard, on Bell's river, now in the county of Nassau, in the Territory of Florida. He alleges that there was a Spanish grant for the land to Spicer Christopher, deceased, which, however, is not produced, nor its loss proved or accounted for. That Spicer Christopher devised the same land to his son, William G. Christopher, who inhabited and cultivated it for some years, and died in 1815, leaving his family upon the land. That in 1817 the petitioner intermarried with Eliza Christopher, the widow of William G., the resident on the same tract, and removed to it himself, and continued to occupy it until 1826, since which time it has been in the possession of his tenants. He claims the donation on the ground that he was in the actual possession and cultivation of the land on the 22d day of February, 1819, being then the head of a family, and upwards of 21 years of age. All these facts are sufficiently sustained by proof, except the existence of a Spanish grant for the land; with regard to which, one witness states that he paid for several royal grants of land given by Spicer Christopher to his children, and thinks one of them was for the land in question. The will of Spicer Christopher, dated in February, 1806, devises this land as testator's plantation, called Point Hazard; and it is probable, from the evidence, that the devisee, William G. Christopher, took possession in 1806. If, from these circumstances, a grant is to be presumed, the committee is clearly of opinion that the confirmation should be for the benefit of the heirs of William G. Christopher; and, if there was no grant, it is equally clear that the meritorious consideration for a donation of the land, on account of inhabitancy and cultivation, proceeded from, and should enure to the benefit of the Christophers, and ought not to be transferred to a stranger, because, having married the widow of William G. Christopher, the natural guardian of his children, he happened to be upon the land with them on the 22d day of February, 1819. The omission to have this claim presented to the commissioners for confirmation is, in the opinion of the committee, sufficiently accounted for, it appearing that Reynolds, supposing a grant for the

land to be among the papers of the estate, had directed it to be laid before the commissioners, and was led to believe that it had been before them and was confirmed, but discovered, after the adjournment of the commissioners, that another grant to Spicer Christopher, for land devised to another of his sons, had been presented and confirmed instead of a grant for this land. And the committee is further of opinion that, in a claim like the present, of infants, founded upon a possession commencing in 1806 and continued to the present time, a total omission on the part of those who might have acted for them ought not to bar their rights nor to prevent them from experiencing the same liberality which the government has extended to others. Under these views of the subject they report a bill for the benefit of the legal representatives of William G. Christopher.

22D CONGRESS.] No. 998. [1ST SESSION.

ON APPLICATION FOR RIGHT OF PRE-EMPTION TO LANDS GRANTED FOR THE ENCOURAGEMENT OF THE CULTIVATION OF THE VINE AND OLIVE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 6, 1832.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the memorial of sundry citizens of Alabama, asking an amendment of a law of Congress, passed February 19, 1831, so as to permit the memorialists to pay for certain lands described in said memorial, reported:

That the petitioners allege that they are a small portion of the individuals represented by Charles Villar, in a contract made with the Secretary of the Treasury of the United States on the 8th day of January, 1819, for a tract of country, say four townships of land, situated in the State of Alabama; said lands granted to the memorialists and their associates for the encouragement of the cultivation of the vine and olive; that, for reasons and misfortunes heretofore stated to Congress, the memorialists and their associates failed to comply with their part of the contract entered into with the government; and the government in its generosity not being disposed to take advantage of the delinquency of the petitioners and their associates, in their liberality passed several laws for the relief of the memorialists and their associates: the last of which acts was passed February 19, 1831, by the provisions of which no person was permitted to pay for his land unless he was actually occupying and cultivating the tract of land at the time of the passage of the law; and although the said law enabled the greater portion of the grantees to perfect their titles to their lands, yet the memorialists were not embraced. The petitioners state, as a reason why they were not enabled to avail themselves of the provisions of the law alluded to, that many of them were mechanics; that the lands were heavy timbered and they weak-handed, and pressed by their necessities to pursue that branch of industry best calculated to procure for their families a subsistence; others had, just previous to the passage of the law, built houses upon their lands, and commenced improving them by cutting down the timber and fencing in their grounds; but as cultivation was required by the law of 1831, memorialists were excluded from the benefits of the law. Another portion of the petitioners state, that some short time after the original grant was made their ancestors died, and that they, the legal heirs, were unable to settle their deceased fathers' portions until recently. Petitioners state that they are few in number; that but a small portion of the original grant remains undisposed of, and pray that they may be permitted, as their associates have heretofore been, by the government to pay one dollar and twenty-five cents per acre for their lands, and receive patents for the same; all of which statements have been fully examined into by the committee, and they are unanimous in the opinion that the prayer of the memorialists should be granted, and have reported a bill accordingly.

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

The undersigned on behalf of themselves and others, persons interested in the lands sold to the Tombeckee Association, by a contract made between Charles Villar, their agent, and the Secretary of the Treasury of the United States, on the 8th of January, 1819, under the provisions of the act of Congress passed the 3d March, 1817, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," and being entitled to lands under said contract, beg leave, while they avail themselves of this opporunity of expressing their gratitude for the favors heretofore received, to address your honorable body for the purpose of praying that the relief heretofore extended to them in certain classes of cases under said contract may be made more general, so as to extend to and comprehend all those cases not heretofore provided for.

Your memorialists would respectfully represent that, under the provisions of said law and contract, one class of the allottees have entitled themselves to patents for their tracts, by reason of their compliance with the conditions imposed; that this class comprehends the greater portion of the allottees, and, as might be expected, the most valuable tracts of the lands granted. For this class no further legislation would be necessary to insure them a title. That another class of cases existed, where, by a failure to comply, the allottees forfeited their right by the strict terms of said contract, but who were relieved against the uncertainty of their titles by the liberal provisions of the act amendatory of the original act, passed the 19th of February, 1831 But your memorialists would respectfully suggest that there is a third class of cases, where the allottees (inasmuch as they do not fall within the strict terms of the contract, and cannot avail themselves under the particular terms and technical constructions which will necessarily be given by the proper department to the said act of 1831) are, strictly speaking, not en-

titled to patents, and are yet subject to the uncertainty of their titles; and although those cases may not be very numerous, and notwithstanding that in general they comprehend the least valuable tracts of land, yet, among them, on investigation, there will be found to exist many cases of great hardship, and such as would evidently entitle each to relief in the liberal spirit of your honorable body.

Your memorialists will not undertake to enter into a detail of all the reasons which have prevented a strict compliance with the contract, they being as multifarious as the cases themselves; the mind, however, will readily suggest a great number of causes sufficient to have prevented it. In the first place, no one could ever suppose that, on upwards of four hundred allotments granted to so many different persons, *each* would be enabled, in fact, to make a settlement on his portion. Human affairs are too uncertain, and the intentions of men too liable to be frustrated by accidents and unforseen events to admit of such an idea. Upon many of the tracts a number of farms have been opened instead of one, while others are without any. Many, having allotments of their own, have preferred for reasons of interest or convenience to purchase and settle on parts of those of their neighbors, and upon the whole there is, in fact, a *much greater* quantity of land cleared and in cultivation than is required by the contract, and probably more settlements made than were necessarily required. Again, it is not to be supposed by any one having the slightest acquaintance with lands, that a large body of lands, howsoever fertile or advantageously located, can be divided into upwards of four hundred allotments, so that each one should be found fit for cultivation of any kind, much less that of particular foreign plants, requiring particular soils; some tracts are fit for one purpose, and some for another, and many tracts will find their particular use in the course of time, when the country will be further improved, and which are not now in use. No wilderness was ever, in 14 years, converted into a country so densely, uniformly, and regularly settled all over its face as this contract requires; some tracts are naked prairies without any timber; some too poor for cultivation, but heavily timbered; some hilly, some overflowed, &c., yet each having its present or future use or value. Those tracts have been considered as property in the hands of the holders; they have been bought and sold, divided out among children, acquired by marriages, divided and subdivided, given in payment of debts, some in part only, some entire, and credits have been given on the faith of them; they have been the subjects of a multitude of contracts of various kinds. Cases could be presented where, strictly speaking, the contract has not been complied with, and which are not embraced within the relief granted, and yet where the allotments have been purchased for particular purposes, where large sums of money have been paid for them, and which are of great value to the holders, and the loss of which would be of serious injury, such as where one owning a small tract of rich land, without timber or water, has purchased an adjoining one, so as to procure those advantages to his farm, yet which he has not actually cultivated; or where a piece of swamp land has been purchased for the timber only, or of land for pasture, or to obtain access to a road, or creek, or river, or to extend his clearing when time would permit, or even to make the shape of his tract more regular, or the farm more valuable or convenient. There are cases where the lands have been in controversy between different claimants, and where neither party could risk expensive improvements till the decision of lengthy law suits; also, some where lands have been sold at public sale by order of the orphans' courts to pay debts, after lengthy legal proceedings between the heirs and creditors, during the pendency of which there was no one entitled properly. Some cases where holders have died, and where much time has elapsed before absent heirs or creditors were informed of their rights and could find it convenient to assert them. Some holders have found themselves too poor to establish farms, and have pursued other occuptions in the country till they became able to settle at home. There are some cases where allotments had been purchased and lands cleared and prepared for cultivation, but which, when the act of 1831 was passed, were not in *cultivation*, that is, *planted*, and therefore not within that act. By the report of Mr. Adams, it will be seen that there are many cases where the conditions are reported as being complied with in part, such as where settlements were made, not within, but after the first three years as required by the contract; some, where vines were imported and planted, but died on account of having arrived too late in the season; some, where the vines were lost at sea, and other cases where matter of excuse is shown to account for the non-compliance. There are some cases where allottees or persons who purchased of them came to the country expressly to settle their tracts, and who, upon examining them, found them, at the time, not worth settling upon, owing to the then new state of the country, for want of roads, water, or other cause, but which now, on account of the further improvement of the country, have become worthy of settlement, by means of which the owners may be now enabled to repair their losses heretofore sustained. During many years a large portion of the prairie lands were considered worthless for the want of water, for the mode of obtaining water on those lands by boring is a late discovery. Many who were unable to effect their settlements within the first three years would afterwards have done it, but after that failure were never safe in doing so, and were expecting that Congress would make some provision whereby they would be relieved from the doubt and uncertainty they labored under; but when the act of 1831 passed, it provided only for those who had gone on to settle, risking the uncertainty, but did not embrace those who would have been willing to do so, had they known it would have been available. Had the provisions of that act fixed a limited time within which they would be allowed to make their settlements, then, being relieved from the forfeiture and being made safe in so doing, they would cheerfully have made improvements. The state of improvement of the grant would have been very different, had those doubts and uncertainties not existed.

The last act will be found to embrace, by its letter, those only who *occupy and cultivate;* therefore *a mill, a storehouse, dwelling house,* or other improvement, howsoever valuable or costly, would not bring its owner within that act. By it *cultivation* is indispensable.

Your memorialists also beg leave further to state, as an inducement to the granting of their request, that, by the enactment of a general law embracing all cases, your honorable body will be relieved from a multiplicity of petitions and memorials of various individuals, who will each come before your honorable body with their grievances, each representing the hardship of his particular case; the investigation and consideration of all of which would consume a great portion of the time of your honorable body, which otherwise would be employed on subjects of much greater national importance, and worth more than the whole subject of their applications. And your memorialists will here take occasion to repeat that the remaining class of allottees, for whose benefit such relief is prayed, is inconsiderable in number, and consists of that portion of the lands, in general, the least valuable; and they can, they think, most positively, and without fear of contradiction, say that no injury would result to the government; but, on the contrary, a benefit, a saving of expenses. For, should those remaining tracts be declared forfeited and exposed to public sale, the government would never obtain for them more than $1 25 per acre, immaterial what their

real value might be. Your memorialists boldly say this, because experience proves it; and, by referring to the lists of sales of the public lands made in July last at public auction, and which are immediately adjoining, it will be seen that none go over $1 25; the remaining value, if any, goes into the hands of the speculators, but not to the government. The expenses to the government would be greater, and no benefit realized; whereas, on the other hand, many individuals would be seriously injured and disappointed. Another benefit would be to avoid the great difficulties, controversies, and confusion which must arise between the claimants and the officers of the government, land officers or commissioners, whose duty it will be to investigate the various cases laid before them, and the difficulty of discriminating and deciding who are entitled and who are not. Those investigations will be tedious and multifarious, and will lead to difficulties, will create trouble, expense, lawsuits, and more legislation than the extent of the subject deserves. For all which reasons, and many others too tedious to mention, your memorialists pray that an act may be passed by which all those who hold allotments may become entitled to patents for them by making settlements thereon on or before the —— of ———, 183 , and paying therefor $1 25 per acre.

Your memorialists would, with due respect, further remark that the term fixed for the payment of the lands granted under said act of Congress is near at hand, and that, on the 3d March, 1833, a very large sum of money is required to be paid into the land office for them. In this state, by reason of the low price of cotton for several years back, the newness of the country, the great expenses necessary to open the wilderness, and the immense drains occasioned by reason of all the ready money being absorbed by the land officers, your memorialists feel that it would be extremely difficult to raise such a sum of money in their settlement. Many would be obliged to sacrifice their property, greatly to their injury, to obtain a sufficiency of money to pay for their lots. For the reasons before stated, many are only in the commencement of the improvement of their farms, and all the expenses are heavily bearing upon them. In consideration of all which, your petitioners pray that, in the spirit of liberality which has been so greatly manifested of late towards the purchasers and settlers of public lands, you may be pleased to grant an extension of the same by allowing payments to be made for all those lands in five annual instalments, from and after March 3, 1833; and, as in duty bound, your memorialists will every pray, &c.

J. B. Herpin,
A. Batré.
J. O. H. W. Bell.
William Jones.
James McFarlane.
J. A. Stollenwerck,
By his agent, L. A. Stollenwerck.
Simon Chaudron.
R. F. Witherspoon.
R. P. Frierson.
T. Gray.
Wm. Purnell.
James Key.
Robert W. Wethers.

M. Hobson.
S. W. Elcaro.
Stith Evans.
John Cocke.
George Goodsum.
F. Stollenwerck.
Francis Teterel.
Jon. Raversis,
Agent of the Tombeckbee Assoc'n.
Corneille Roudet.
John B. Roudet.
Amand P. Pfister.
J. R. Witherspoon.
George N. Stewart.

A. S. Follin.
John Marrast, *for others.*
L. A. Stollenwerck.
Jh. Beylle.
A. G. Deseours.
Theodore Noel.
William Hopper.
Kennan Bennett.
D. W. Travis.
Nelson Andrews.
Jas. B. Scott
Durrell White.
James May.

DECEMBER 12, 1831.

22D CONGRESS.] No. 999. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 6, 1832.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of James Bradford, reported:

That on the 23d of May, 1804, a patent was issued by the Spanish government to P. R. Delogny for 427 arpents of land in the parish of West Feliciana, fronting on the Mississippi, three-fourths of a mile below the mouth of Bayou Sarah. That on the 30th of September, 1807, the said P. R. Delogny gave notice, by advertisement, of his title, and called on all who made claim to assert it. That on the 19th of May, 1810, the said Delogny caused the said tract of land to be surveyed and divided into three lots, by the surveyor general. That on the 20th of May, 1810, the said lots were sold at auction, and John Murdoch became the purchaser. That in 1813 or 1814 the said Murdoch filed with the commissioner of land claims the notice of his claim. That Murdoch died intestate, and the land was sold by the court of probates of the parish in which it was situate, and Alexander Murdoch became the purchaser, who subsequently sold the same to the petitioner. That the title to the said tract of land does not appear to have been confirmed either to the original possessor or any intermediate holder, and that no conflicting claim appears to be asserted to the said piece of land. It also appears that the said land has been occupied and cultivated previous to the year 1813.

The committee report that, under the circumstances, the title of the United States, if any, ought to be released, and therefore report a bill for his relief.

22D CONGRESS.] No. 1000. [1ST SESSION.

APPLICATION OF THE TERRITORY OF ARKANSAS FOR A GRANT OF LAND FOR A PENITENTIARY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 6, 1832.

To the honorable 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 from the infancy of the colony, the remoteness of its situation, and the allurements which all new countries present to refugees from the rigor of the laws of other countries, and the still greater rigor and marked disapprobation of society, and the many facilities it presents for the perpetration of almost every species of crime known to the law, and the conviction of your memorialists of the justice and propriety of graduating punishment in a ratio with the magnitude or enormity of the crimes committed, humbly and respectfully solicit your honorable body to grant, for the purposes of a penitentiary, to be erected at the seat of government for the Territory, any quantity of land that, in your wisdom, you may deem adequate to the purposes mentioned, to wit: such lands as have been returned by the surveyors as unfit for cultivation in this Territory.

These lands, it appears to your memorialists, are, under existing circumstances, of no benefit to the general government, nor to the Territory. But if our memorial should receive that respectful consideration which its importance would seem to demand from your honorable body, and grant the donation prayed for, to be selected and disposed of by an act of the legislature of the Territory, your memorialists believe that a small quantity of arable lands, say from fifty to one or two hundred acres in each township thus returned as unfit for cultivation, might be obtained and sold for the minimum price of the government land of the United States.

Your memorialists further believe that from the lands thus returned a sufficient quantity could be selected for the purpose aforesaid, and that a penitentiary in Arkansas would tend greatly to ameliorate the condition of its citizens, by confining offenders against the laws of the country, and directing their labors in such vocations as would enhance the territorial revenue, and at the same time be a more appropriate expiation for all offences, less than capital, against the dignity and laws of our Territory. All these your memorialists respectfully ask, and, as in duty bound, will ever pray, &c.

WILLIAM TRIMBLE, *Speaker of the House of Representatives.*
CHARLES CALDWELL, *President of the Legislative Council.*

Approved November 7, 1831.

JOHN POPE.

22D CONGRESS.] No. 1001. [1ST SESSION.

APPLICATION OF THE TERRITORY OF ARKANSAS FOR INDEMNITY TO SETTLERS WHO LOST THEIR IMPROVEMENTS BY THE TREATY OF 1817 WITH CHEROKEE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 6, 1832.

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

The general assembly of the Territory of Arkansas humbly represent to your honorable body: That in the year 1815 a number of bold enterprising men settled on lands then belonging to the United States, lying between the waters of White river and Arkansas. At the time their settlement was made it was supposed that this land would never be ceded away, but, much to their detriment, a treaty was concluded in the year 1817, between the United States and the Cherokee nation of Indians, by which this section of country was given to that nation. The relentless Cherokees, fond of wreaking their vengeance upon the white man, precipitately drove from their homes these hardy and worthy adventurers. Added to the bold demands of the savages was the order from the War Department of that government which owed them protection, and for whose independence many of their forefathers had bled and died; there was no alternative left but the immediate abandonment of their homes, rendered doubly dear by the protection which they afforded them from the dangers of the wilderness. Driven again into the forest, without food and almost without raiment, the loss of their homes and their stock reduced them to a chilling poverty, from which the most unremitting perseverance and industry have barely released them. The reacquisition of the land by the United States was their only hope for remuneration; but when this took place the improvements of which they had been dispossessed, and which ought naturally to have reverted to them, were completely devastated by the unrelenting savages. Having settled after the expiration of the preemption law of 1814, their losses were remediless. When we reflect upon the course which has been pursued towards other citizens of the Territory who have been deprived of their homes and possessions by Indian treaties, it becomes a matter of astonishment that these bold adventurers and worthy citizens should be so long neglected. A claim so strong rarely ever existed, and the magnanimity of this great government will certainly permit it no longer to slumber.

WILLIAM TRIMBLE, *Speaker of the House of Representatives.*
CHARLES CALDWELL, *President of the Legislative Council.*

Approved November 2, 1831.

JOHN POPE.

22D CONGRESS.] No. 1002. [1ST SESSION.

ON CLAIM TO LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 7, 1832.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of George McDougall, reported:

The petitioner prays Congress to confirm to him a tract of sixty acres of land situated in the Miami reservation, in the State of Ohio, assigned to him by St. Michael and Loranger, to which the commissioners appointed to adjust land claims in the district of Detroit decided that the said St. Michael and Loranger had a pre-emption right. The committee have carefully examined the memorial, the evidence, and the documents in the land office relating to this claim: by act of April 25, 1808, entitled "An act supplemental to an act regulating the grants of land in the Territory of Michigan," every head of a family who, prior to the 26th of March, 1804, and at the passage of the act, inhabited and cultivated a tract of land in said Territory not claimed under a legal French or British grant, or under the act to which this is a supplement, should be entitled to the pre-emption on becoming a purchaser of the United States of such tract, not exceeding one section, at the rate which other public lands in the Territory are ordered to be sold, viz: two dollars per acre. Under this law, St. Michael and Loranger presented to the commissioners for the Detroit district a pre-emption claim to sixty acres of land, which was allowed by them, and a certificate issued accordingly. The original grantees paid in part consideration for this tract of land two instalments of thirty dollars each; the first on the 31st of December, 1808, and the second December 26, 1810. It is satisfactorily proven by a number of witnesses, that the land in question was at the time of entry considered by the commissioners and the neighborhood generally to be within the Territory of Michigan, and it was not until after the payment of the second instalment that it was ascertained to be in the State of Ohio. So soon as the mistake was discovered in the land office the holder of the certificate was notified that no patent would be granted for the land. The petitioner bought the land from St. Michael and Loranger, after the second payment had been made; for what sum does not appear. After petitioner bought the claim he tendered the residue of the purchase money, which was refused by the register and receiver upon the ground that the land was in the State of Ohio and not in Michigan Territory, and consequently out of the jurisdiction of the commissioners appointed to settle land claims in the Territory of Michigan. The committee cannot resist the conviction that St. Michael and Loranger must, from the facts in this case, have known that the land had already been disposed of, or rather reserved from sale by the government, as it was situated in, and formed a part of, the great Miami reserve. It seems, from an examination of the several acts of Congress confirming land claims in the Territory of Michigan, that Congress was apprised that the commissioners for the Detroit district had transcended their powers, as the act provides that the lands confirmed shall lie in the Michigan Territory. In several other cases, similarly situated, the purchasers have received their money back; the land claimed was sold by the United States some years since, part at $32 per acre and the residue at $2 per acre. It does not appear whether petitioner has expended anything in the improvement of the land or not. The country had not been surveyed at the time the commissioners sat for the Detroit district, they therefore could not know the locality of any tract of land; and as the purchasers must have known that the land was not subject to entry, therefore the committee are of the opinion that St. Michael and Loranger attempted a fraud upon the government and cannot now claim any advantage by the contract made by the government. The petitioner has the right to apply and receive his purchase money back under existing laws; no legislation is necessary. The committee report that, in their opinion, the claim is unjust and ought not to be granted.

22D CONGRESS.] No. 1003. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE SENATE FEBRUARY 7, 1832.

Mr. PRENTISS, from the Committee on Private Land Claims, to whom was referred the petition of Nathaniel A. Ware, reported:

The Spanish government, by a patent dated June 22, 1791, granted to Alexander Moore a tract of land containing 2,364 arpents, equal to 2,000 acres; which tract, according to the map of the survey thereof, annexed to the patent, lies east of, and contiguous to, the Mississippi river, and is embraced in township No. 14, of range No. 2, in the land district west of Pearl river. The tract of land so granted to Alexander Moore was subsequently conveyed by him to James Moore; and James Moore having regularly entered his claim for the same, the board of commissioners west of Pearl river, on the 5th of September, 1805, confirmed his title thereto. James Moore having deceased, it appears that his executors, on the 16th of February, 1831, by virtue of a power given them in and by the last will and testament of the said James, for the consideration of $8,000, expressed in the deed, conveyed to the petitioner all the right and title which the said James, in his lifetime, had in or to the tract of land so confirmed to him in the manner above mentioned. It is shown by the certificate of the surveyor of public lands south of Tennessee that two attempts have been made by experienced surveyors, under his instructions, to make a survey and

location of said tract of land, according to the original grant; but owing to the changes made by the river upon the natural objects referred to in the original survey, and to the imperfect manner in which the original lines were marked, it has been found impracticable, after the most diligent search and examination, to identify or ascertain the original boundaries so as to make the survey. It further appears that there is no doubt whatever in relation to the spot where the original survey and location were made, and that a considerable portion of the land lying in that place, and, of course, embraced in the original grant, has been sold by the United States to different individuals, who are now in actual possession of the same.

Upon these facts, the committee are of opinion that the prayer of the petitioner ought to be granted; and they accordingly report a bill for his relief.

22D CONGRESS.] No. 1001. [1ST SESSION.

APPLICATION OF MISSISSIPPI FOR A DONATION OF LAND FOR THE IMPROVEMENT OF THE RIVERS OF THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 7, 1832.

A MEMORIAL to the Congress of the United States of America.

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

The memorial of the legislature of the State of Mississippi would most respectfully represent: That whereas, by a treaty recently ratified with the Choctaw tribe of Indians, and the probable formation of a be thrown open to settlement by the citizens of the United States, when this State will have accomplished similar one, at a period not far distant, with the Chickasaws, an extensive tract of country will shortly that which has been and must be to every new State so grand a desideratum, and to which this State has been so long looking, with the most pleasing and gratifying anticipations, as the only medium through which she might be enabled to arrive at that political importance and consequence in the *Union* which, from her extent and numerous local advantages, she is destined at some time to occupy, from the exchange of her present unfortunate and degraded population of red men for a numerous, hardy, and industrious one of free white men, and her consequent municipal government throughout her chartered limits, she is very naturally directed to the development of some of her many advantages and natural resources through the medium of internal improvements.

Your memorialists would therefore most respectfully represent to your honorable body that, from the very great extent of waste and unappropriated lands within the limits of this State, amounting to sixteen millions of acres or thereabouts, and the state of comparative infancy and vassalage in which she has so long been confined, and the many disadvantages and inconveniences under which she has been compelled to labor, consequent upon the occupancy of those lands by the Indians, together with the munificent and liberal policy heretofore pursued by the general government towards the other new States of this confederacy similarly situated, she cannot but indulge the hope that an equal degree of liberality and munificence will be extended towards her for the purposes of internal improvement above adverted to. Your memorialists would further represent to your honorable body, that from the great number of navigable streams, and others that are susceptible of being made so, that intersect in various directions the public domain which is hereafter to be disposed of by the general government, the same would be very much enhanced in value were the navigation of those streams improved, or a liberal donation of land made to this State for that purpose, so that their future improvement would be rendered certain. The increased value given to those lands, and the consequent invitation given to competition for them when brought into market, would in all probability secure to the general government an amount of money not much diminished by such donation; and taking into consideration the great diminution of the national debt, and its certain extinguishment at no distant date, under the ordinary operations of the government, without the aid of those lands, together with their great extent, amounting to near three-fifths of the whole State, and the embarrassments and obstructions heretofore presented by the quantity of those lands and the manner in which they have been occupied, have always presented, to anything like internal improvement in this State, and a development of her natural advantages by limiting her population to not much more than a large county, your memorialists are the more encouraged to hope that the above premises will receive a favorable consideration by your honorable body.

The expediency of a government disposing of her public domain in the manner heretofore pursued by ours is, to say the least of it, doubtful. A retrospect of the policy pursued by most other governments on this subject, (of which history furnishes many examples,) shows that ours is almost, if not quite, without a parallel in relation to her public lands. The ownership of the soil by the government, and the consequent host of tenantry incident to such a state of things, cannot, under any aspect of the subject in which it may be viewed, be favorable to our republican institutions, and to that attachment of the people to the government, and interest in its prosperity and perpetuity, which is necessary to its stability and successful progress. It may be said that our government is peculiarly situated in respect to her public lands, and such is conceded to be the fact. Extensive tracts of waste and unappropriated lands were donated, and in other ways granted to the general government by many of the States, on the achievement of our national independence, no doubt for the purpose of paying off the debt of the nation, so laudably incurred in our glorious struggle for emancipation; and were the discharge of this debt not so nearly accomplished, and the capability of the government speedily and entirely to extinguish it under its ordinary operations, without the aid of those lands, made clearly manifest, then would it be more proper and reasonable that they should be husbanded and vigilantly guarded by the general government as an indispensable treasure, to be disbursed alone for the purposes for which they seem in part to have been originally confided to the general government. But as this state of things does not now exist, or at least but in a very small degree, it would seem to your memorialists that they should be disposed of on terms the most favorable to indi-

viduals and to the new States in which they may be situated, for the purpose of relieving them from that unimproved state of nature and backwardness in the scale of improvement to which the circumstances of their former occupancy has necessarily confined them.

Your memorialists, on reviewing the many and extensive grants of land made to several of the States of this union similarly situated to our own, cannot refrain from indulging the hope that the prayer of the foregoing memorial will receive a favorable consideration by your honorable body.

Your memorialists would therefore most respectfully pray your honorable body to grant to this State one million of acres of land out of the many millions contained within its limits, for the purposes of improving the navigable streams in this State; and your memorialists will, as in duty bound, ever, &c.

Resolved, That his excellency the governor of this State be requested to transmit a copy of the foregoing memorial and resolution to each of our senators and to our representative in Congress.

Resolved, That our senators in Congress be instructed, and our representative be requested, to use their best exertions to carry into effect the provisions of the foregoing memorial.

JNO. L. IRWIN, *Speaker pro tem. of the House of Representatives.*
A. M. SCOTT, *Lieutenant Governor and President of the Senate.*

Approved December 19, 1831.

GERARD C. BRANDON.

22D CONGRESS.] No. 1005. [1ST SESSION.

ON CLAIMS TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 7, 1832.

Mr. C. JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Robert Weatherhead, reported:

The petitioner states that he became the purchaser of a part of a tract of land in Lafayette county, Missouri, patented by the United States to John Block, for 640 acres, on a New Madrid certificate, lying in north range 25, township 51, west of the fifth principal meridian line, and section 30; and that, in laying down said tract of land by metes and bounds, the surveyor or locator stopped short of the east sectional line or boundary of section No. 30, leaving on the east boundary of said section a strip of land about 30 poles wide, and the whole length of said sectional line, and asks permission to purchase the same, for the convenience and advantage of the tract of land purchased by him, and upon which he resides. The committee do not see any impropriety in permitting said Weatherhead to purchase at the minimum price said tract of land, and report a bill accordingly.

22D CONGRESS.] No. 1006. [1ST SESSION.

ON CONDITION OF THE OFFICE OF THE SURVEYOR OF THE PUBLIC LANDS SOUTH OF TENNESSEE.

COMMUNICATED TO THE SENATE FEBRUARY 9, 1832.

SURVEYOR'S OFFICE, *Washington, Miss., November* 9, 1831.

SIR: I think it a duty which I owe to myself, to you, and to the people of this State, to give you some information as to the state of the office of "surveyor of the lands of the United States south of the State of Tennessee." I have the more confidence in addressing you on this subject, because you are acquainted with the general history of the office from its organization. It is known to you that the first surveyor general, Mr. Briggs, had not the advantage of a *practical* knowledge of surveying, nor of conducting such business, though he was a fine scholar and a great theorist. He had charge of the office from some time in 1803 to the latter part of 1806, when he resigned, and Seth Pease, esq., succeeded him.

To show you the state of the business when Mr. Pease took charge of the office, I beg leave to enclose a part of Mr. Pease's communication on the subject to Mr. Gallatin, then Secretary of the Treasury, dated at this place, December 16, 1807, as found on record in his letter book, page 169.

You will perceive that Mr. Briggs had, from the beginning, given the surveying of nearly or quite all the settled part of the State west of Pearl river to Charles Defrance and George Davis, who were authorized by Mr. Briggs to appoint as many sub-deputies as they might think proper to assist them, but the returns to this office were to be made in the names of Messrs. Defrance and Davis, respectively; that Mr. Briggs, through a mistaken opinion, advised them that they might charge four dollars per mile on the boundaries of each private claim, where the owner was subject to the expense, which was equal to eight dollars per mile on all lines which were common to two or more claims; and a considerable number of the claims and some public land, I believe, was surveyed under these circumstances. Mr. Gallatin gave it as his opinion that the charge was improper, and the mode of charging was changed to two dollars per mile to each claimant in lines dividing their claims, making four dollars per mile for the lines actually

measured and marked as the law provides. During this term of three or four years large advances were made by Mr. Briggs to Messrs. Defrance and Davis, who were also inexperienced in practical surveying, and in the management of such a complicated difficult business. A number of sub-deputies were employed, many of whom had no practical experience in surveying, and some, it is believed, were unqualified for want of education. All this, with the aid of some dishonest surveyors, threw the work into derangement from the very origin of it, and it has never been, nor ever will be, got into the order it should have been.

Mr. Pease, in his letter, remarks that posts only were set at the corners, and no trees marked to aid in perpetuating such corners, so that they were soon lost, as the most durable wood, even of large size, in this country will last but a few years as posts, "but, the work being credited on the books, he thought it best for the public good in many instances to dispense with scrupulous nicety; the alternative would have been attended with great expense to the public and delay of the sales." After Mr. Pease had passed this mass of irreclaimable work, Mr. Freeman, in a few of the last years he held the office, became intemperate in his habits, careless in many instances, and overbearing, and perhaps partial, in others; made a great many alterations for the worse, it is believed, in many instances; and there are, I believe, about *eighty* township maps of the settled part of the State sent back for corrections before patents will be issued, which maps are *now lying in this office for that purpose.* Having applied to the register, Mr. Benjamin L. C. Wailes, for information, he reports to me in writing that there were about 1,427 claims confirmed in this State west of Pearl river by the board of commissioners, for which 787 plats had been returned to this office, leaving 664 plats of private claims yet to be prepared perhaps for that office. In the years 1828 and 1829 it appears to have been the object of the then surveyor general, Mr. Turner, perhaps in compliance with unceasing demands from Louisiana, to almost cover the country with surveyors, many of whom had but little experience in the business, where the surveying was of the most costly nature to the government and exceedingly intricate to perform. The two offices of principal and deputy surveyors for the eastern part of Louisiana have suffered, it is believed, from inexperienced and sometimes incompetent persons having charge of them, and the very frequent changes which have taken place in them. There seems to have been no settled system for proceeding, no forms to keep the field-notes nor make return of them, and, in some instances, not the necessary understanding of the proper forms to make the surveys themselves and number the tracts, so as to prevent confusion. I believe that no appropriation for surveying was made by Congress in 1830, by which a vast mass of business has been accumulated in this office at this time in the examination of surveys made within the last two years.

The accounts known of, and those supposed to exist, and contracts not yet completed, are believed to amount to nearly sixty thousand dollars at this time. This is, perhaps, three or four times as much as any surveyor general in this office ever had on his hands at one time, and that of the most intricate tedious nature to adjust. On examining the office, it is found that there remain of the old surveys of this State the field-notes of about 326 full townships and 133 fractional townships, equal to about 66 full ones, making 392 townships yet to be recorded. It is understood from the clerks which have been engaged in this kind of business that to record the field-notes of *three* of these townships per week would be as much as could be done. This work alone, then, will require one clerk constantly employed 131 weeks, equal to about two years and seven months. It would require another competent clerk about as long to record the maps and put them in good order. Most of the township maps which have been considered as recorded in this office were copied on a copying glass, on thin paper, and stuck by wafers or paste in the record books among the field-notes, which makes them difficult of access, and not sufficiently substantial for the purposes intended. The maps are much oftener referred to than the field-notes, and should be placed in a book or books to themselves in such order as to take one range entire through the *district* to which they belong, and then the next range entire, in numerical order, so that a label on the back of the book would show what particular maps were recorded within.

The records of field-notes should be in the same order, by districts. The maps and notes which are recorded are so intermixed in the few record books, without any regard to the district they belong to, and whether east or west, north or south of the basis lines from which they are numbered, that it is a very tedious business to find them. The maps, in most instances, have had erasures and alterations, and plats of private claims inserted in them, which claims were not known of at first, till many of them are not now fit for records, and ought to be renewed entire. Many of the maps are not signed, and even the district they belong to omitted, and we have only to take it for granted that they are official because they are in the office. The field-notes returned by the deputy surveyors in many instances, I believe, are not signed. There are notes of surveys of different districts, and indeed of different States, mixed in the same small books, or sheets of paper tacked together, of different dates, without the slightest reference on the outside as to the townships. My knowledge of the names of water-courses, or the handwriting of the persons, &c., may enable me to make some use of these loose scraps and perishable materials, but without record books to arrange and record them, and clerks to do it, they will soon be perfectly useless. Washington county, that was once in this State, has been nearly all included in Alabama State, yet there is a small part of it left, but it has lost its name; still the field-notes and maps bear that name, without, in some instances, distinguishing the district to which they belong as "east of Pearl river," and north or south of the thirty-first degree of latitude. There is now another Washington county in this State, and persons may have the handling of the books and papers of this office in time who may make great mistakes from these names. There is a propriety and necessity of arranging all the books and papers, and adding notes of explanation to some and renewing others. The sooner this business is done the better. There are two large record books here which I think were ordered by Mr. Davis, then surveyor general. They are full, however, and should be laid by, like monuments, to be looked at, but not handled. I think Mr. Davis once told me it was for the sake of economy they were made. This sort of mistaken economy, which dispensed with record books and clerk hire, has, I think, been carried to that extent here that will finally economize the government out of some thousands of dollars to regain the information which might have been had and preserved by a few hundred dollars in record books and clerk hire.

You will probably begin to think that the bad state of the business of the office is entirely owing to a want of due exertions, management, and care of those who had charge of the office. There has been a most extraordinary want of system and care as to forms and plans of carrying on the work; a want of care in designating the districts on the respective field books, as well as particular townships, whether north, south, east or west of the respective basis lines from which they are numbered, without which the returns, in fact, are useless. There has been a most extraordinary want of a suitable uniform mode of taking field-notes in the woods and signing them with the proper names of the deputies, the chain-carriers,

and the approval or disapproval of the surveyor general; also in arranging the field books in such order that all the notes relating to any one township could have been put together and kept so without being interspersed in many loose pieces of paper, and scattered in many parcels. The notes and maps of about twenty-four townships east of Pearl river, the surveys of which were paid for from 1821 to 1824, are not found in this office nor at the General Land Office. It is expected, however, that they may be with the late principal deputy surveyor for the district east of the island of New Orleans. The principal deputy surveyors have, in some measure, I believe, been treated as officers independent of this office, and accounts made by them were paid without requiring the return of field-notes and maps from them.

The government, or the representatives from this State, I think, have been blameable in the following respects: It has been a constant complaint against the government since my acquaintance with the business, which has been since the year 1804, that a sufficient number of clerks were not provided for to keep up the records; that the necessary books, stationery, and contingent expenses were not allowed. The several boards of commissioners for adjusting claims in this State and Louisiana, as well as the registers and receivers, when acting in that business, were complaining on these grounds as related to themselves. The mass of business in all these offices has exceeded previous expectations, yet sufficient relief was not afforded. A few hundred dollars in due time in these matters might have been of more service than as many thousands when it is too late. The government did furnish this office with some books and stationery, but the offices of the principal deputy surveyors of Louisiana, which were constituted by law as branches of this office, were not furnished with the necessary stationery. After complaining about two years, as principal deputy surveyor of the southwestern district of Louisiana, I was allowed to procure record books for field-notes and the township maps, but had to pay out of my private funds for paper and all other materials for the office. The paper and other stationery at the first outset cost me $110; the transportation then to Opelousas cost about $50. There were many surveyors to instruct as to the mode of surveying and other duties, which I could not get time to do in writing, and therefore made general instructions, as far as practicable, which I caused to be printed, and which cost $50. This expense, too, was refused by the government, and I paid it. No office rent, nor office furniture, I believe, was ever allowed me, or very little. By these means it has happened, in a great measure, that there was nowhere suitable houses procured, and the necessary furniture, as desks and cases for the safe-keeping of the papers and books. It is yet so; there is not half sufficient furniture here for the safe-keeping of the papers. The mice, roaches, and crickets, all have free access to them; and the mice may and do make beds out of old field-notes. Roaches are very destructive to papers, and cannot be kept out without close cases. Office rent must come out of the salary of the officer; his firewood and office furniture, and many other expenses, are considerable in this country. A small house, therefore, must be put up with, and, to get room, the papers are thrown into old boxes and put out of the way; the roof leaks, perhaps, and injures the books and papers, and at last the government is the loser for too much economy. For an office requiring so much room, and of so much importance to individuals as well as the general government, as are all the offices of the surveyors general, rent to a moderate and reasonable amount, say ten dollars per month, at least, should be paid by the government. It would not be complained of by the nation, but applauded. I have often heard persons express their surprise at the penurious, mistaken economy of the government in relation to public offices.

I beg leave to draw your attention, especially, to the manner of obtaining the information necessary for this office from the two registers' offices east and west of Pearl river. It is known to you that the claimants were required by law to file with the registers all their title papers; the papers were recorded there, or such as were necessary for deciding on and adjusting the claims. The titles of this State were, many of them, in the Spanish language; a translator was appointed for the use of the commissioners, but not for the surveying department; nor has there been any provisions that I know of for this State to enable the surveying department to get the proper information from the registers' offices. It is impracticable to procure the information from the claimants, because of their absence from home, their engagements in business, and sometimes their want of willingness to attend to it, or to have the matter investigated, and refusal to pay the expense of a survey or resurvey. The titles of minors, too, cannot always be come at. It is therefore necessary that application should be made to the registers. If there is no law requiring them to give the information, they may put it off until it will suit their convenience; besides, it is grating to the feelings of public officers to be always begging favors of other public officers, without paying them for what is considered extra duty. In this respect, it appears the representatives from Louisiana have been much more attentive to the interest of their State than those of Mississippi. There was an act of Congress passed on the 18th April, 1814, entitled "An act concerning certificates of confirmation of claims to lands in the State of Louisiana, requiring the respective registers to furnish the principal deputy surveyors of their district with a list of all confirmed claims, whether reported and confirmed by act of Congress or otherwise, together with the proper descriptions of the tracts to be surveyed, wherein the *quantity, locality, and connexion, when practicable, with each other, &c.;* which tracts were to be surveyed, or resurveyed, if necessary, at the *expense of the government*, and not, as was generally the case in this State, at the expense of the claimant. This very judicious and equitable course enabled the surveyors in that State to progress in the most speedy and correct manner with the surveys, both public and private; and the attention of the surveyor general at this office has been several years principally drawn to that State. It is absolutely necessary that the deputy surveyor should have all proper information from the title papers, and sometimes oral testimony, to enable him to make correct surveys or resurveys; and like information is indispensably necessary to enable the head of the department to judge of its correctness when done. It is, therefore, surprising that this information has never been put into the power of the surveying department of this State, except by driblets, at the pleasure of the claimants, or as the surveyors might beg it from the registers. It is indispensable, too, that the Spanish language, relative to the *locality, quantity, and boundaries*, should be translated for the surveyor, and a true copy of every Spanish plat, or other plat, filed in the register's office, should be furnished to the surveying department. The register should be authorized to employ a translator to assist him, and he should be paid, as well as the translator, a reasonable extra compensation for that service. It would not now be necessary, I presume, to get out a great many extracts and copies; but for all claims not yet properly surveyed and laid down in the township maps, these extracts and copies should be required, as well as the adjoining claims, in cases where it was necessary for proper connexion. Until this course is taken, the surveys of this State will remain uncertain and unsettled, and now and then a piece of land, sold by the United States as public property, and perhaps well improved by the purchaser, may be taken by confirmed claims.

The surveying department has no means of knowing how many claims have been confirmed, nor where they are situated. For want of the proper information from the register's office, a good many surveys, it is believed, have been returned in the names of the occupants, and not, as they should have been, in the name of the person to whom they were confirmed; and consequently the patents cannot be issued, though the survey itself may be correct. An entire list of all confirmed claims should now be furnished, with their proper numbers, and the names of the original claimant, as well as that of the confirmee, that we may ascertain which has been surveyed and which has not. From the register's own account, furnished to me in writing, it would seem that not many more than half the surveys of claims have been returned to this office. It is certainly time that some investigation should be had in this business, before patents can safely be issued for confirmed claims or lands sold by the government as public land.

I beg leave now to suggest to you the absolute necessity of appropriating a reasonable sum for at least two or three competent clerks, in addition to the two now allowed by law in this office. In the present deranged *chaos* state of the papers in the office, and the recording being several years in arrears, it would be folly to think of doing anything with it without the necessary assistance. I take it for granted that the people of this State will urge the immediate surveying of the county lately acquired from the Choctaws. There will be more than ample employment for myself and the two clerks now allowed to examine and prepare the returns of surveys which will probably be made in that district. If the government should comply with the wishes of the people, it will be best to allow a sufficient number of clerks to record the surveys and keep the business up. There is no advantage in delay in that matter. I can superintend and force the work to great advantage to the government by having proper aid. It is worse than useless to delay it from year to year for want of a few hundred dollars in clerk hire, with the necessary record books. If the work is pressed on me, as has been the case very generally heretofore with my predecessors, too fast for proper examination, it must then, from necessity, pass, as they passed it, with a slight superficial examination, and the recording must be laid aside. I dread this state of things in the office.

I enclose a map representing the townships in the three districts which have been laid out in this State, and have colored those townships of which the *field-notes* have been recorded; you may, therefore, at one view, see what is yet to be recorded to bring up the business. The President has shown every disposition to hasten the settlement of the country by his active and liberal measures in treating with the Indians, and aiding them to remove. The present Commissioner of the General Land Office, Mr. Hayward, has shown his zeal in forwarding these views, and his desire to see the land titles of this State upon a safe and unchangeable foundation, by sending a competent agent from the General Land Office to investigate the state of this office and to ascertain the reason why patents cannot be safely issued. Mr. King, the agent, has examined the office thoroughly, overhauling the old tattered papers which have, perhaps for years, lain quiet in old drawers and boxes, and will, I believe, on your application, give you a full and fair account of the state of the business; he will aid you all in his power, with the influence of Mr. Hayward, to put the office on a proper footing. I beg leave to suggest to you the propriety of communicating with Mr. Hayward and his agent, Mr. King, on this subject. There has uniformly been too much business pressed on this office for the number of clerks employed.

You will be pleased to present this for the information of your honorable colleague, Judge Ellis, who, I believe, on being made acquainted with what is necessary, will give you his active support for the benefit of the State and general government. I send a copy for the Hon. Mr. Plummer.

I am, sir, with great respect, your obedient servant,

GIDEON FITZ, *Surveyor of United States lands south of Tennessee.*

Hon. GEORGE POINDEXTER, *Senator in Congress.*

NOTE.—The communication from Mr. Pease to Mr. Gallatin, above referred to, is withheld on account of its length.

22D CONGRESS.] No. 1007. [1ST SESSION.

ON CLAIM TO LAND IN ALABAMA UNDER A GRANT FROM GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 9, 1832.

Mr. DAVIS, of South Carolina, from the Committee on the Judiciary, to whom was referred the petition of John Rhea, reported:

This is another Yazoo case. The petitioner claims, under a grant from the State of Georgia to Zachariah Cox and Matthias Maher, between twenty and thirty thousand acres of land in the now State of Alabama, which claims were regularly relinquished to the United States under the act of 1814, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory." The claim of the petitioner is embraced in the second class of cases, so designated and decided on by the board of commissioners; and, as the committee fully concur with the board on the grounds on which the same was adjudged and determined, they subjoin the decision for the information of the House. The committee ask to be discharged from the further consideration of the claim.

DEPARTMENT OF STATE, *Washington, February 7*, 1832.

SIR: In compliance with your request, as chairman of the Judiciary Committee, I am directed by the Secretary to communicate, for the use of the committee, the papers on file in relation to the claim of John

Rhea, on account of the Yazoo lands. These papers are numbered, in red ink, from 1 to 17 inclusive, and the committee will please to return them to this department, to be restored to the files, the claim having been surrendered to the United States agreeably to the terms of the law providing for their settlement.

Accompanying the papers is the decision of the commissioners in relation to the class of claims to which, it is believed, that of Mr. Rhea belongs.

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

DANIEL BRENT.

WARREN R. DAVIS, Esq., *Chairman Judiciary Committee.*

YAZOO CLAIMS.

Decision of the commissioners respecting certain classes of claims.

The board of commissioners, having taken into consideration the claims under and in the name of the Tennessee Company, has finally adjudged and determined thereon. Abundant time has been allowed to all interested parties to produce competent evidence, and no benefit can be expected to result from any further delay in pronouncing its decision.

The claims under this company consist of two classes. The first class comprises those claims that are founded on the scrip originally issued by the grantees from Georgia, Z. Cox and M. Maher, and under the deeds which were substituted for the scrip on the payment of the consideration money.

Secondly. The second class consists of those claimants who claim under certain deeds executed by Z. Cox of portions of the territory designated by metes and boundaries.

It is the judgment of the board that the right of the first class of claimants to indemnification has been fully established. The grant of the State of Georgia to Z. Cox and M. Maher and their associates, in fee simple, as tenants in common, and not as joint tenants; the division of the property of the company into four hundred and twenty shares; the issue of scrip to that amount to their several associates, whereby the members of the company were identified; and that the execution of deeds to those scrip-holders who had paid up the consideration money, entitling each of the grantees to 1-420th part of the territory, fully substantiate the right of this class of claimants to indemnification, and the board would have decided at an earlier period on their case if it had not wished to allow every opportunity to the second class of claimants to collect all possible evidence in their behalf.

It is, however, the opinion of the board that the second class of claimants, under deeds executed by Z. Cox, is not entitled to indemnification. No evidence has been exhibited that Z. Cox was ever authorized, as original or special agent of the company, to execute such conveyances. Even if Cox and Maher, the grantees named, had been authorized to execute such conveyances, it has not appeared that Z. Cox was ever authorized alone. The only authority that has been produced in his justification is a power of attorney from M. Maher to Z. Cox, A. Harper, and A. Jackson, whereby two of the attorneys were required to join in all acts performed on his behalf. These attorneys never united with Cox in the execution of these deeds, and never sanctioned them by any act, even if the power from M. Maher had been strictly pursued. It is the opinion of the board the claim of the grantees, by metes and bounds, would not have been supported unless evidence had been produced that Z. Cox and M. Maher were duly authorized by the company to make such conveyances. The mere circumstance of their names being mentioned in the act of Georgia, and in the sale, cannot be construed to be such a power as would have authorized them, after the grants made to their associates, which was the performance of their trust, to annul or invalidate their own conveyances by subsequent grants to others.

The board does not think there is any foundation for the argument of the counsel of these claimants that the members of the Tennessee Company are to be regarded as partners according to the law merchant, and the territory granted as the stock and effects of their trade. That, therefore, the act of Z. Cox, one of the partners, in conveying portions of the territory, must bind his copartners. It is the misfortune of this argument, even if it were sound, that there is no evidence that Cox was a partner or held a single share in the company at the time he made these conveyances; but, on the contrary, his conduct affords the strongest presumption that he had parted with all his legal claims before he executed these deeds. But the board is decidedly of opinion that the position of the counsel is intrinsically unsound. No authority or precedent can be produced that real property was ever considered in law or equity so far like chattel or stock in trade that one shareholder, whether a joint tenant or tenant in common, could convey the whole. Such a position directly conflicts with every principle of law on which the title to real estates in this country is founded.

The fair, obvious construction of the grant from Georgia, and the deed between the parties, also invalidate the position taken by the counsel, and fully prove that the members of the company themselves never considered their property in the territory as subject to this principle of the commercial law. All the title papers make them tenants in common, and provision is made in the deeds (which were issued in lieu of the certificates) for a division of the territory into 420 parts, in order that it might be distributed by ballot among the members. The argument of the counsel would go to show that any one member of the company who held a 420th part could convey the whole of the territory as well as his own share. The same argument would make the deed of any one member equally binding with the deed of Z. Cox.

In consideration, however, of the respectability of the claimants under the deeds from Z. Cox, and the apparent adequacy of the consideration and honesty of the views of the grantees, time was given by the board to enable these claimants, by metes and bounds, to raise an equity in their favor which would be binding on the claims of the other class of claimants. But the board is of opinion that no such equity has been established in their favor.

It was presumed that proof might be exhibited that Cox, or Cox and Maher, had been fully authorized, as agents of the company, to make such particular conveyances, but no such evidence has been, or can be, exhibited; and even if they had been jointly authorized to do so by the company, it does not appear that M. Maher ever constituted Z. Cox an attorney to make such conveyances alone.

It was also presumed that it would appear that Z. Cox had not disposed of all the certificates he originally held in the company at the time he fraudulently executed these. No evidence, however, has been produced that he held these certificates at the date of these conveyances. On the contrary, it may

be justly presumed that, as Cox's sole view in making such sales was to raise money, he would not have resorted to these sales for that purpose, (while he could by fair means have obtained his end;) that he would not have executed such defective conveyances while he had any legal titles to dispose of.

It was also expected that it might appear that these sales were made for the purpose of discharging debts and expenses which Cox had contracted on good grounds for the interest of the company; and with this view the board heard all the allegations of Cox (not as evidence, but as the means of obtaining further information by inquiry) in behalf of these claimants, by metes and bounds. But he has exhibited no accounts to the board to show that such necessary disbursements were made by him for the concern, or that the proceeds of these sales were appropriated to the service of the company. Therefore, on a full view of the subject, the board is compelled to regard the act of Cox in executing these conveyances in the same light in which they regard his withdrawal of ——— dollars from the treasury of Georgia after he had parted with all his title in the company; and they lament the necessity which compels them to decide against the many meritorious claimants under such defective titles.

On the subject of the amount of the indemnification to be allowed to the claimants, a question arose whether a deduction ought not to be made for the 50,000 acres reserved by the —— section of the act of Georgia, as a compensation to the commissioners appointed by the State of Georgia for the purpose of examining the quantity and quality of the land on the Great Bend of the Tennessee river. But the board is of opinion, after a full investigation of the question, that such a deduction ought not to be made. The terms of the act of March 31, 1815, give the indemnification "to the persons claiming" in the name of, and under the Tennessee Company. But the claim of the commissioners to the reserved land is not derived from the Tennessee Company, but is founded on the —— section of the act of Georgia. The patent from Georgia also reserves this land from the grant made to the Tennessee Company. The settlement of this claim must, therefore, be provided for by subsequent act of legislation.

It is therefore adjudged by the board that each of the claimants of the first class is entitled for each scrip, or each deed substituted for scrip, that has been released to the United States, to one 420th part of the indemnification.

22D CONGRESS.] No. 1008. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 10, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of Louis Pellerin, deceased, reported:

That it is shown to their satisfaction, by legal evidence, that, in the year 1764, the governor of Louisiana, Dabbadie, granted, in the usual form, the land claimed to the ancestors of the petitioners, Louis Pellerin, to wit: a prairie, called the *Prairie Basse*, having a front of sixty-three arpents, by a depth of one hundred and twenty-six, equal to a superficies of seven thousand nine hundred and thirty-eight arpents. It appears, by evidence taken before the commissioners at Opelousas, that this land is occupied; but whether by those deriving title from the petitioners does not appear.

The grant being, in the opinion of the committee, a valid one, it ought to be confirmed; and the committee report a bill to that effect.

22D CONGRESS.] No. 1009. [1ST SESSION.

APPLICATION OF INDIANA FOR A DISCRETIONARY POWER TO DISPOSE OF THE LANDS GRANTED TO THAT STATE FOR CANALS, ETC.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 13, 1832.

A MEMORIAL AND JOINT RESOLUTION relative to a survey of the Maumee river, and asking of Congress, in favor of Indiana, discretionary powers as to the disposition of our canal lands lying in the State of Ohio.

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

The general assembly of the State of Indiana respectfully represent that, influenced by the general welfare and stimulated by the grant of land made to this State by the act of Congress of March 2, 1827, of an extent correspondent with the whole length of a canal to connect the waters of the Wabash with Lake Erie, this State has embarked in the disposal of a part of said lands for the purpose of commencing the construction of a portion of said canal lying within her boundaries, trusting that the donation of lands and her mutual interests would equally insure the concurrent action of the State of Ohio in constructing a part of said canal, which must extend through her limits to accomplish the object first contemplated; but owing probably to her engagement in other works of improvement, or for other reasons, the State of Ohio has not thus far ratified a negotiation entered into a year since, under the authority of the legisla-

tures of the respective States by their commissioners by which Indiana offered a relinquishment of the land donated within the boundaries of Ohio to construct that portion of said canal.

Wherefore to enable this State, if it be necessary, under her own authority to effect the extension of the connexion aforesaid with the waters of Lake Erie, which is essential to render the construction of the part of the canal in Indiana of proper avail, this general assembly respectfully solicit that an examination of the Maumee river be forthwith made to ascertain the practicability of effecting a steamboat slackwater navigation to connect the line of canal in this State with Lake Erie, either by a corps of engineers under the authority of the United States or under authority to be given to this State; and that the lands thereupon accruing to this State for the prosecution of said canal, as heretofore provided, through the State of Ohio may be conditionally changed, and the terms of the said grant so modified, and the power of Indiana so far extended that she may at her discretion appropriate the same to the improvement of the Maumee river (a reserved public highway of the United States) as may make its navigation east of the boundary line of this State a sufficient extension of the contemplated connexion of the waters of the Wabash with those of Lake Erie. Therefore—

Resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use due efforts to obtain an accurate examination of the Maumee river, from the bay of Lake Erie to our State line, by a corps of United States engineers, at as early a period as possible, or authority to this State to employ an engineer and effect the same; also to procure such a change in the land donated for the extension of the Wabash and Erie canal, through the State of Ohio, as will enable this State at her discretion to devote the proceeds of said land to the improvement of the river aforesaid.

Resolved, That the governor transmit a copy of the foregoing to each of our senators and representatives in Congress.

H. H. MOORE, *Speaker of House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved January 16, 1832.

N. NOBLE.

22D CONGRESS.] No. 1010. [1ST SESSION.

APPLICATION OF ALABAMA TO REDUCE PRICE AND CHANGE THE MODE OF DISPOSING OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 14, 1832.

MEMORIAL to the Congress of the United States in relation to the public lands.

The general assembly of the State of Alabama would respectfully represent to the Congress of the United States that the most of the public lands now within the limits of this State are of that class which has been offered and not sold. The best lands have all been disposed of through government sales, and it is believed that the present minimum price far exceeds the intrinsic value of the lands now remaining unsold. Your memorialists would, therefore, respectfully suggest the propriety of reducing the price on this class of public lands, and of permitting them to be entered in subdivisions of forty acres, giving to the occupant, for a limited period, a preference in the purchase. This measure, it is believed, would be of essential benefit to our community generally, and particularly to that class of our citizens who have hitherto been unable to contend with the capitalist and the speculator in the market for the best lands. We deem it unnecessary to attempt to illustrate, by argument, the benefits which we think would result, both to our citizens and the government, by the measure here proposed; and we respectfully submit these crude suggestions to the justice and liberality of the national legislature.

Your memorialists would again press upon the consideration of Congress the propriety of abandoning the present mode of disposing of the public lands at auction. This system is believed not to be beneficial to the government, and, in practice, is found to operate injuriously and oppressively upon the purchasers. We again suggest the policy of disposing of the lands, by entry, in tracts of from the lowest subdivision upwards to one quarter section, giving to actual settlers a preference for a reasonable time, and to reduce the price at fixed periods until sold. This system, it is believed, would encourage emigration, hold forth additional inducements to purchase, and accelerate the settlement and cultivation of the public lands, and, by limiting the quantity to one quarter section, it would thwart the cupidity of speculating monopolies. Your memorialists again beg leave to present to your consideration the propriety of authorizing the holders of certificates of lands on which one-fourth of the purchase money has been paid, and the land reverted to the government, to obtain certificates of scrip, receivable in payment for other lands; and also to authorize those purchasers of lands, who have relinquished under the provisions of any of the acts of Congress for the relief of the purchasers of public lands, and who by relinquishment have paid, by certificate, an amount over and above the amount for the lands so paid for, to obtain certificates of scrip to the amount of such overpayment, which may be receivable in payment for other lands. These last-mentioned purchasers, it is believed, have an equitable claim upon the justice of government.

Your memorialists respectfully submit the foregoing suggestions to the justice and liberality of the representatives of the nation, with a full confidence that they will receive that consideration to which they are justly entitled, &c.

Resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That our senators and representatives in Congress be requested to use their endeavors to procure the passage of a law embracing the objects of the foregoing memorial.

Resolved, That the governor be requested to transmit a copy of the foregoing memorial and resolution to each of our senators and representatives in Congress.

Approved January 21, 1832.

22D CONGRESS.] No. 1011. [1ST SESSION.

APPLICATION OF MISSISSIPPI FOR A DONATION OF LAND TO AID IN MAKING ROADS IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 14, 1832.

A MEMORIAL of the legislature of the State of Mississippi.

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

The memorial of the legislature of the State of Mississippi would most respectfully represent: That roads have recently been surveyed and laid out at the expense of this State, leading from the town of Rankin, in Yazoo county, in this State, across the Chickasaw and Choctaw nations, to the town of Memphis, in the State of Tennessee; and another leading across said nations, from Doak's Old Stand, in the county of Madison, to Athens, in the county of Monroe; and said roads pass through the most fertile and valuable lands owned by the United States within the limits of this State; and as the completion of said roads are objects not only advantageous to the interests of this State, but would be of immense value to the United States, opening, as it would, a direct communication between the most flourishing sections of this and the surrounding States of Tennessee and Alabama; and as the resources of this State are necessarily limited, but few of the lands sold by the United States, as yet, yielding any revenue to the State, your memorialists, unable of themselves to complete said roads, would urge before your honorable body the importance, necessity, and justice of aiding them in effecting those very desirable objects.

Your memorialists would further add, that they feel conscious of asking no more than has been previously conceded to other States, when even the benefits directly resulting therefrom to the United States were not as palpable. The States of Alabama and Tennessee have received at your hands appropriations for the purposes of internal improvements; therefore your memorialists are emboldened to hope that you will not overlook their interests, but grant them two townships of land—one for each of the roads above designated—to enable them to complete the same. And your memorialists will, as in duty bound, ever pray, &c.

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 representatives be requested, to use their best exertions to have the objects of the above memorial granted. And his excellency the governor be, and he is hereby, requested to forward a copy of this memorial and resolution to each of our senators and representatives in Congress

JNO. L. IRWIN, *Speaker pro tem. House of Representatives.*
A. M. SCOTT, *Lieut. Governor and President of the Senate.*

Approved December 19, 1831.

22D CONGRESS.] No. 1012. [1ST SESSION.

APPLICATION OF ALABAMA FOR A CESSION OF THE PUBLIC LANDS TO THE STATES IN WHICH THEY LIE.

COMMUNICATED TO THE SENATE FEBRUARY 14, 1832.

JOINT RESOLUTIONS on the subject of the public lands.

Resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That this general assembly approve of the suggestions made by the Secretary of the Treasury proposing, on the part of the United States, to sell the public lands to the States in which they are situated.

And be it further resolved, That our senators and representatives in Congress be requested to use their exertions to procure the passage of an act in pursuance of the suggestions made in the foregoing resolution.

Resolved, That his excellency the governor be requested to forward to each of our senators and representatives in Congress a copy of the foregoing resolutions.

Approved January 21, 1832.

22D CONGRESS.] No. 1013. [1ST SESSION.

ON CLAIM TO A LOT IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1832.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of the representatives and heirs of William Pollard, deceased, reported:

That the petitioners allege that on the 12th of December, 1809, the Spanish commandant of Mobile and West Florida made a grant of a lot of ground lying in the city of Mobile, and bounded on the north by what was, at the time of the grant, called John Forbes's canal, on the west by Water street, on the

south by the King's wharf, and on the east by the channel of the river, to their father, William Pollard, deceased; that their father died in 1815, leaving them infants, unable to prosecute their claim; that under an act passed May 26, 1824, granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals in said city, they conceive their aforesaid claim to have been confirmed, and filed the same before the board of commissioners organized under the act of Congress of March 3, 1827, for the adjustment of land titles in Alabama; that their claim was rejected by the board of commissioners upon the sole ground that no improvements had been made on said lots prior to December 20, 1803, as required by the act of March 3, 1819, and the act of May 8, 1822. And the petitioners insist that their claim to the lot in Mobile is secured to them by the act of 1824, and does not fall within the operation of the acts of 1819 and 1822. A Spanish concession is produced, bearing date December 12, 1809, for the lot, signed by Cayetano Penz, the then commandant at Mobile. From all of which the committee are of the opinion that Congress did intend to embrace petitions by the act of 1824. They are further of the opinion that the petitioners' claim to the lot of ground is founded in equity, and that justice demands that Congress should confirm to the petitioners their title in said lot, and therefore report a bill for that purpose.

22D CONGRESS.] No. 1014. [1ST SESSION.

ON CLAIMS OF THE SETTLERS AT THE OLD MINES, IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 17, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of certain citizens residing in Washington county, Missouri, in a part of it called the Old Mines, reported:

That the said petitioners, being thirty-one in number, state that before the transfer of Louisiana to the United States they had obtained a concession from the Spanish government authorizing them to make settlements in that part of Washington county called the Old Mines; and that, in pursuance of such permission, they actually settled on and cultivated the lands more than two years, when they were informed that the concession to them had been mislaid or lost from the archives of St. Genevieve, where they had been deposited for safe-keeping; and that on the 25th of May, 1803, they presented a petition to the King's lieutenant governor of Upper Louisiana praying for a concession of the lands upon which they had settled, and to allow them four hundred arpents each; and that on the 4th of June, 1803, the concession was granted in one body, directing the mode of partition; and that shortly thereafter the same was surveyed and partitioned. Copies of said partition and plat accompanies said petition, specifying the allotment to each individual; and that their claim and plat was filed with the recorder of land titles in the district of Upper Louisiana.

They also allege that their claim was not confirmed because the lands had been reported by the United States surveyor as mineral lands; and they also allege that, for any purposes of mining, the said section of the country is wholly useless. A copy of an incomplete Spanish grant, and a translation of it, are furnished to the committee—the grant bearing date the 4th June, 1803, and signed by "Carlos Dehault Delassus," granting the lands claimed by the petitioners, and reciting substantially the facts alleged by the petitioners. The papers produced are proven to be copies, and the signature of the several officers are proven to be in the proper handwriting of the several officers. It is also proven that the petitioners were in the actual occupancy and possession of their lands prior to the change of government and ever since, and that the lands are now actually occupied and cultivated by them. The committee are also informed by General Ashley that the lands now claimed by the petitioners are not of any value or importance in consequence of the mineral supposed to be in that region, other mines having been discovered so much more valuable that the mines in that section of the country would be no consideration in the sale of the land.

The committee are of opinion, upon the preceding statement of facts, that the inhabitants of the Old Mines ought to be confirmed in their claims to the several tracts of land as allotted to them by the Spanish authorities in 1803, prior to the change of government, under the provisions of an act of Congress passed the 12th of April, 1814, and 13th June, 1812, sec. 3, (see Land Laws, page 651,) and therefore report a bill for their relief.

22D CONGRESS.] No. 1015. [1ST SESSION.

ON CLAIM TO A PRE-EMPTION RIGHT IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 17, 1832.

Mr. HUNT, from the Committee on Public Lands, to whom was referred the memorial of Josiah Hedges, reported:

That in August, 1821, Josiah Hedges purchased at public sale, at the land office at Delaware, in Ohio, the fractional part of section 19, lying east of and adjoining to the Sandusky river, in township 2 north, and in range 15 east of the first meridian. Between the north end of this fraction and the Sandusky

river there is a small strip or fraction of land, estimated to contain forty-three hundredths of an acre, which was not thought to be of sufficient importance, by the surveyor, to ascertain or report its contents to the surveyor general. At the public sales it was not, nor has it since been, exposed to sale.

In the fore part of the year 1823 Mr. Hedges contemplated the building of a mill on the land he had purchased, and, on an examination of his boundary lines, discovered the small strip of land above described, through which the tail-race of the mill, if erected, must necessarily pass. Finding this to be the case, he shortly thereafter applied to the officers of the land office aforesaid to enter said strip of land, who decided that it then belonged to the tract he had purchased; and of that opinion was the surveyor general, who was consulted on the occasion by the register of the land office. Under these assurances Mr. Hedges constructed a valuable mill, and put it in operation in the beginning of the year 1825, the tail-race of which passes through said strip of land to the Sandusky river.

In March, 1831, Jacob Stem notified the Commissioner of the General Land Office that he had become the purchaser of the southwest fractional quarter section No. 17, in township 2 north, and range 15, to which, he claimed, the strip of land aforesaid was attached, and requested that a patent therefor should not be granted to said Hedges. The Commissioner of the General Land Office had previously determined, as the strip of land aforesaid had not been offered publicly for sale, that it was not subject to private entry; and that Hedges, as he had been in the quiet possession thereof from 1825, and had cut a race through it, was, under the act of Congress of the 24th of April, 1830, entitled to the pre-emption of said strip of land upon making the necessary proofs and application therefor. Under the provisions of that act, an application was made to the register and receiver of said land office to enter said strip of land, and proofs of the occupancy, in manner aforesaid, were presented to said officers, who decided that the digging of a race through, and the occupancy of, said strip of land did not entitle said Hedges to pre-emption, and refused to permit him to enter the same.

It is the opinion of the committee, under all the circumstances, that Josiah Hedges ought to be permitted to enter said strip of land, and, for that purpose, herewith report a bill.

22D CONGRESS.] No. 1016. [1ST SESSION.

ON APPLICATION OF OHIO FOR A GRANT OF LAND FOR THE EDUCATION OF THE DEAF AND DUMB.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 17, 1832.

Mr. IRVIN, from the Committee on Public Lands, to whom was referred the memorial of the legislature of the State of Ohio, asking a grant of land to assist in the education of deaf and dumb persons in that State, reported:

That several acts have been passed by the legislature of that State to establish an asylum for the education of deaf mutes. Under the provisions of these acts an asylum has been established at Columbus, the seat of government for said State. In this institution there are now three well qualified teachers, and nearly thirty pupils; and there is reason to believe that the number of pupils may be doubled as soon as suitable accommodations can be provided. In Ohio lands improved or unimproved are taxed, and the revenue for the support of the State government is principally derived from that quarter. As the United States is a large landholder in that State, exceeding four million of acres, and are exempted from the payment of taxes thereon, the committee are of opinion that they ought, in some manner, to contribute to the amelioration of the condition of this unfortunate description of people; and, for that purpose, herewith report a bill.

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

The memorial of the State of Ohio respectfully represents: That the general assembly of the State of Ohio having represented to the last Congress their desire that a suitable portion of the unsold lands of the United States should be appropriated for the support of schools for the education of the deaf and dumb; and having particularly requested that a township should be granted to the State of Ohio for this purpose, it is deemed proper to ask the attention of the present Congress to this subject. And although the bill reported to this effect failed, it is believed, chiefly, if not entirely, for want of time, and the pressure of other business, it will not be deemed presumptuous to express a hope that the present session of Congress will not pass away without definitive action on this interesting subject, so as to provide, from the common property of the nation, for the education of that unfortunate class among our fellow citizens.

The system of instruction now adopted has been so fully tested by experience that there remains, it is believed, no reasonable doubt of its entire sufficiency and complete success. Many of those who were deprived of the advantages of the ordinary modes of communication and instruction, have been taught and enlightened, and restored to themselves and to the community, in the enjoyment of the blessings and in the performance of the duties of the social state, as intelligent beings.

And should it even be conceded that the system may possibly be yet so much improved that the education of deaf mutes may be more extensively diffused, and conducted at much less expense, still it would be unwise to suspend our efforts on such a contingency, especially as generations may pass away before any material improvement can be made, and it is only by practical efforts that such improvements, if at all possible, can be effected.

If there are in the United States, as we conclude from the last census, (which is obviously defective in the return of the number of deaf mutes,) not less than five thousand of this class, it is plainly a subject of serious moment, worthy of the attention of an honorable, benevolent, and high-minded legislature, to provide for their instruction. Nor can it be supposed the pecuniary value of that portion of the public property which may be necessary for this use will be brought into view with any unfavorable influence upon the decision of the question whether the aid which is sought shall be given. Only two inquiries need be determined in relation to wise legislation on this point: 1st. Is the public aid needed? 2d. Is it proper that this aid should come from the common funds of the nation? As to the first, it is sufficient to say that the expense attending the education of deaf mutes is much greater than the expense of common schools, and that their parents and friends are generally able to defray but a small portion, if any, of this expense. The pupils must be collected from a large tract of country; must be boarded, clothed, and taught at a great cost, or nearly as great cost as at colleges.

Buildings must be erected, apparatus and furniture must be provided, and teachers must be supported; and it is safe to affirm that fifteen or twenty thousand dollars must be invested in property, and an annual income of nearly ten thousand dollars from all sources must be obtained, in order to establish and sustain an asylum for deaf mutes, which shall constantly afford instruction to one hundred pupils, so as to send forth annually twenty-five pupils, thoroughly instructed. One such institution should be established for every two million of our population, in order to afford, to all who are capable of receiving, the opportunity of being educated.

That this expense be defrayed by the pupils or their friends, even with all the aid that can be obtained from voluntary benevolence, will not be supposed by any one, when it is certainly known that nine-tenths of the deaf are found among the poorer classes of society.

If all the States possessed domains of their own unappropriated to other objects, it might be reasonably alleged that they ought to make full provision for the instruction of their deaf mutes from their several funds. But such is the case with very few, if any, of the States; and they can do nothing for this purpose without drawing from the revenue obtained by direct taxation for other objects. That this measure would be impolitic, and ought to be avoided, if possible, every one will admit. It may be justly deemed quite sufficient to provide in this way for the necessary support of all their indigent pupils. And may it not be regarded as being a wise and useful disposition of a small part of the public lands to apply them, so far as they may be needed, to the education of an unfortunate class of our youth, whose case excites commiseration, and has strong claims on public benevolence?

The State of Ohio has established an asylum for the education of deaf mutes, which has been in successful operation for more than two years. There are in the institution three well qualified teachers and nearly thirty pupils, and there is reason to expect that the number of pupils may be doubled as soon as suitable accommodations can be provided. Anxious to place the institution on a solid foundation, with full means to afford its advantages to all who may desire them, the general assembly earnestly request the Congress of the United States to grant to this asylum such aid, by a donation of land, as may meet its wants and comport with the public interests; to be located in one body, on any of the lands of the United States, or in small tracts, in the State of Ohio: Therefore—

Resolved by the general assembly of the State of Ohio, That his excellency the governor be requested to forward a copy of the foregoing memorial, as soon as may be convenient, to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the United States; also, to each of the senators and representatives in Congress from the State of Ohio.

WILLIAM B. HUBBARD, *Speaker of the House of Representatives.*
WILLIAM DOHERTY, *Speaker of the Senate*

JANUARY 5, 1832.

AN ACT to amend the act to establish an asylum for the education of the deaf and dumb, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Ohio,* That there shall be twelve trustees of the Ohio asylum, to be appointed by a joint resolution of both houses, in the manner following: Four shall be appointed at the present session, to hold their offices for one year; four for two years; and four for three years; and in like manner, at every succeeding session, four shall be appointed to hold their offices for the term of three years; and the governor, for the time being, shall be a member and president of the board.

SEC. 2. That the sum of one thousand dollars be, and hereby is, appropriated, out of any moneys in the treasury not otherwise appropriated, to pay the salary of the principal of the asylum and such other teachers as may be necessarily employed therein, to defray the contingent expenses thereof, and to enable the trustees to give such aid as they may think necessary to such pupils as may not be able to defray the whole expenses of obtaining an education in the asylum, to be paid on the order of the president of the board.

SEC. 3. That one indigent pupil from each judicial district shall be supported in the asylum at the expense of the State, to be selected by the board from amongst those persons who shall be recommended by the associate judges of the counties in which they reside, respectively, as being suitable persons, and in indigent circumstances: *Provided,* That the sum expended for the support of each pupil shall in no case exceed seventy-five dollars per annum; and said sum is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, and shall be paid on the order of the president of the board, accompanied by the certificate of the secretary thereof, stating the name and circumstances of the pupil for the benefit of whom the order is drawn.

SEC. 4. That so much of the act to establish the Ohio asylum for the education of the deaf and dumb, and of any other act, as comes within the purview of this act, be, and the same is hereby, repealed.

THOMAS L. HAMER, *Speaker of the House of Representatives.*
ROBERT LUCAS, *Speaker of the Senate.*

FEBRUARY 18, 1830.

22D CONGRESS.] No. 1017. [1ST SESSION.

ON CLAIMS TO SETTLERS BETWEEN THE WHITE AND ARKANSAS RIVERS FOR INDEMNITY FOR IMPROVEMENTS MADE ON THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 21, 1832.

Mr. WICKLIFFE, from the Committee on Public Lands, to whom was referred the memorial of the legislative council of the Territory of Arkansas, asking for indemnity for certain settlers between White river and the Arkansas prior to 1817, reported:

The memorial sets forth "that in 1815 a number of bold and enterprising men, the ancestors of many of whom had bled and died in the revolutionary war and struggle for freedom," had settled upon the public lands between White river and the Arkansas, and made lasting and valuable improvements; that in 1817 the United States, by treaty, ceded this land to the Cherokee Indians, and they were compelled to surrender their improvements to the "relentless Cherokees, who, fond of wreaking their vengeance upon the white man, precipitately drove from their homes these hardy and worthy adventurers upon the public lands."

The memorial asks, in behalf of these men, indemnity for the losses which they sustained.

The committee are not informed what number of persons would come within the purview of the prayer of the memorial, and they are admonished, by the hasty legislation in 1828 upon a similar subject, that it would be unwise to legislate in the dark upon this. Reference is made to the provision of the act of Congress which granted to each head of a family, who resided within the boundary ceded to the Indians by a treaty of 1828, (granting to the Indians certain lands within the Territory of Arkansas,) 320 acres of land, with a right to select it anywhere in the said Territory, as an indemnity for the losses sustained by the said settlers on account of their improvements. Under this law upwards of six townships of land have been granted, and much of it under circumstances creating suspicion as to the fairness of the claims. Congress is now asked to indemnify men, not named or numbered, for improvements, not valued or known, made upon the public lands against law. The furthest Congress has ever gone to protect the actual settler upon the public lands, except in the case above, (and in some sections of the country where the settlers were peculiarly circumstanced,) has been to grant them a pre-emption of purchase.

In the instance stated by the memorial, if there was proof of the claimants and the value of the improvements, the committee could not recommend indemnity, and therefore submit the following resolution:

Resolved, That the prayer in the memorial ought not to be granted.

22D CONGRESS.] No. 1018. [1ST SESSION.

ON CORRECTION OF A MISTAKE IN THE ENTRY OF A QUARTER SECTION OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 21, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of John Slaughbough, reported:

That said petitioner represents that on the 26th of September, 1827, he entered a tract of land at Zanesville, Ohio, and that a mistake was made, and his entry was made upon a tract of land not intended to have been entered. That he intended to enter the southwest quarter of section number twenty-three, township number nine, range number six, in the Zanesville district, but that the entry was made on the northwest quarter of said section. The petitioner states that he is a German, and cannot read or speak the English language; and that he commenced making improvements on the quarter section he intended to enter, and never knew of the mistake until the spring of 1831. He also represents that the quarter section entered by him is of little or no value, and that the half he intended to enter has been taken up since by one Michael Kline, and that a patent has issued to him. He prays to be permitted to enter the same quantity of land in some other part of the same district. The committee are satisfied, from the evidence produced, that the mistake was made as alleged by the petitioner, and therefore present a bill for his relief.

22D CONGRESS.] No. 1019. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 23, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Mary Vallery, reported:

That it is shown by the depositions of several witnesses that Jean Baptiste Vallery, in his lifetime, made a settlement and improvement, previously to the cession of Louisiana to the United States, and with the presumed permission of the Spanish government, on a tract of land situated on the right bank of

Red river, about twenty-one miles above the town of Alexandria. It appears that after the death of the husband, his wife (the petitioner) and family continued to occupy and cultivate said land. If this claim, supported by the evidence before the committee, had been presented to the commissioners for the adjustment of land titles in that part of the country, they would have been authorized by law to confirm the claim as a settlement right, to the extent of six hundred and forty acres. The committee are of opinion that the neglect of the claimant to furnish the evidence to the commissioners should not be considered as a forfeiture of the right; they therefore report a bill for her relief.

22D CONGRESS.] No. 1020. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 23, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of John L. Lobdell, reported:

That on the 12th of December, 1798, Don Manuel Layoso de Lemos, at that time governor of Louisiana, granted by patent, in due form, to Stephen Watts seven hundred superficial arpents of land on the Mississippi, in the district of Baton Rouge, about fifteen miles above the fort, on the west bank of the river, and bounded on all sides by vacant lands. It appears that, by various conveyances and transfers, the said tract of land has become the property of the petitioner, but that heretofore it has not been confirmed either by the commissioners or by special act of Congress, but is liable to be sold as public land. Possession has accompanied the title, which is a patent according to the regulations of the Spanish government, and the property, in the opinion of the committee, is guaranteed to the claimant by the treaty of cession; they therefore report a bill for his relief.

22D CONGRESS.] No. 1021. [1ST SESSION.

ON CLAIM FOR LAND OF THE HEIRS OF AN OFFICER OF THE REVOLUTION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 23, 1832.

Mr. CRANE, from the Committee on Revolutionary Claims, to whom was referred the petition of the heirs of Thomas Wallace, deceased, reported:

The petitioners allege that their father, Thomas Wallace, was a lieutenant in the Virginia line on continental establishment; that he continued in the service of the United States until the end of the revolutionary war, and they ask the commutation of five years' full pay. The commission of Thomas Wallace, as a lieutenant in the eighth Virginia regiment, in the army of the United States, is produced as evidence in support of this claim. It is dated on the 23d day of November, 1779, signed by Samuel Huntington, President of Congress, and countersigned by Benjamin Stoddert, Secretary of the Board of War. In 1781 Lieutenant Wallace was ordered to take command of a company belonging to his regiment, then equipped and under marching orders to the southern army, as appears by a letter dated November 19 of that year, addressed to him as a lieutenant in the eighth Virginia regiment, by Christian Febiger, colonel commandant. On the 28th day of March, 1807, a patent for 366⅔ acres, in the Virginia military reservation, was granted by the United States to Thomas Wallace, in consideration of military services performed by him, as lieutenant for three years, to the United States, in the Virginia line on continental establishment.

The records in the Third Auditor's office do not show that Lieutenant Thomas Wallace served to the end of the war, when he entered or left the service, nor that he received commutation, or was entitled thereto, though his name appears in the account books of the army. Yet, notwithstanding this deficiency of record evidence, the committee think that the presumption is very strong that Lieutenant Wallace continued in service until the end of the war; the patent for his bounty land recognizes him as a lieutenant for three years, and that fact must have been satisfactorily established before the issuing of the land warrant. Three years from the date of his commission will bring the time of his service to November, 1782, at which period the war was virtually at an end. A bill for the relief of his heirs is therefore reported.

22D CONGRESS.] No 1022. [1ST SESSION.

ON CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE SENATE FEBRUARY 24, 1832.

GENERAL LAND OFFICE, *February* 23, 1832.

SIR: The act of Congress, approved on the 20th of April, 1818, entitled "An act for the relief of James Mackay, of the Missouri Territory," provides that the recorder of land titles shall make a report on the claim of the said Mackay, to be laid before Congress by the Commissioner of the General Land Office, and it not appearing from the records of this office that the report required by that act was ever received and submitted, I now have the honor to enclose an extract of a letter from the present recorder of land titles, dated the 31st ultimo, together with a copy of the report of the late recorder, Frederick Bates, upon the claim of Mr. Mackay.

I am, with very great respect, your obedient servant,

ELIJAH HAYWARD.

The PRESIDENT *of the Senate.*

Extract of a letter from F. R. Conway, recorder of land titles at St. Louis, Missouri, to the Commissioner of the General Land Office, dated January 31, 1832.

"SIR: Your letter of the 3d instant was received on the 27th. In compliance therewith I forward to you a certified copy of a special report of the recorder of land titles in relation to the claim of Mackay, under McDaniel, for 1,800 arpents of land, which was made under the act of April 20, 1818. No copy of the documents referred to therein as accompanying the report is transmitted, as none of them are on file in this office, except the letter of Colonel Hammond."

OFFICE OF THE RECORDER OF LAND TITLES FOR THE TERRITORY OF MISSOURI.

On the 2d day of June, 1818, James Mackay, by his attorney, as authorized by act of Congress of 20th April last, filed in this office a writing purporting to be a warrant of survey or concession from Zenon Trudeau, lieutenant governor of the late Spanish province of Upper Louisiana, called western part of Illinois, bearing date the 1st day of February, 1798, for 1,800 arpents of land, granted to James McDaniel, in the following words and figures, to wit: "To Dr. Zenon Trudeau," &c.—(See document A.)

NOTE.—A sworn translation, substituted by me in place of the original, in French and Spanish.

Afterwards, to wit, on the 15th day of June, 1818, being the day assigned for the presentation of subordinate evidence, both written and oral, the said James Mackay appeared personally, accompanied by his attorney, and presented, in support of the claim, a writing purporting to be a plat and field-notes of the survey of said land, on the river Desperes, in the following words and figures, to wit: "Upper Louisiana," &c.—(See document B.)

NOTE.—A sworn translation, substituted as above.

Also, a writing purporting to be a receipt of James L. Donaldson, late recorder of land titles, for sundry papers in relation to the claims of said James Mackay, in which receipt there is found enumerated the said concession or paper, purporting to be a concession to said James McDaniel.

Also, a paper or writing, purporting to be a deed from said McDaniel to said Mackay, recorded by the said James L. Donaldson, book B, page 433, together with the above-mentioned plat of survey; a translation of which deed is in the following words, to wit.—(See document C.)

Bernard Pratte, being duly sworn, says (after examining the concession to McDaniel, as above stated) that the body of the said concession, to wit, the petition and the decree, is in the handwriting of Antoine Soulard, and that the signature to the decree is in the proper handwriting of Zenon Trudeau, late lieutenant governor.

Antoine Soulard, being duly sworn, says that the requette or petition was written by himself, (the witness,) and that he (the witness) saw the late lieutenant governor, Zenon Trudeau, subscribe his own proper name to the decree or order of survey. Witness further states, that more than one year past, walking the street with James Mackay, when near the tavern of Peebles, the said Mackay observed that he would go in and inquire for letters which he expected to receive from his son. On coming out he held in his hand a letter, which, when opened in presence of witness, was found to be without a name, and to enclose the concession to James McDaniel for 1,800 arpents of land; and which concession has always been said to have been mislaid by the late recorder of land titles, or stolen from his office, in the year 1806; which letter is now presented by witness, and is in the following words, to wit: "Captain Mackay: The enclosed has been taken out of the recorder's office from motives not necessary to be mentioned. Better motives induce me to return it. Make no inquiry on the subject, for it will be useless."

On the 13th October, 1818, there was presented at the recorder's office a writing from Colonel Hammond, in the following words, to wit: "Gabriel Long informed S. Hammond that," &c.—(See document D.) Whereupon the recorder addressed a letter to Gabriel Long, as nearly resembling a summons as his powers permitted, desiring his attendance on the 27th of that month, which letter is in the following words, to wit, &c.—(See document E.)

NOTE.—The recorder has never been able to procure the *regular* attendance of the said witness.

Remarks and opinions.

1st. There is no Spanish registry of the order of survey, and it is only in cases as to which no distrusts have been entertained that government has forborne to demand authentic evidence.

2d. The plat of survey is in the name of Mackay, and not McDaniel; the deed of conveyance is dated January 3, 1802; the survey certified March 15, 1803. McDaniel, then, never had a legal possession, and according to the principles which have governed the decisions of this office was not competent to convey.

He has, himself, never made an entry of claim, and indeed he could have no valid pretensions, as the possession of Mackay could avail neither one nor the other. On this ground the claim of Rutgers under Dunn, and a great number of others, to the amount of 50,000 arpents, have been rejected. The act of Congress places this claimant as favorably as he could have stood. If my predecessor had recorded his papers in the year 1806, and judging of the case without reference to the loss or recovery of those papers, it is my opinion that the claim ought not to be confirmed.

Respectfully submitted.

FREDERICK BATES.

Admitting the genuineness of the order or concession, the survey is itself void for want of authority. The surveyor is ordered to put one man into possession under special circumstances, and he surveys for and puts another into possession.

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

RECORDER'S OFFICE, *St. Louis, Mo., January* 31, 1832.

I certify the foregoing (comprising three pages) to be a true copy of an instrument of writing on file in this office, with the following indorsement, to wit: "Mackay under McDaniel, statement, remarks, and opinion."

F. R. CONWAY, *Recorder of land titles in the State of Missouri.*

22D CONGRESS.] No. 1023. [1ST SESSION.

ON THE CLAIM OF A WHITE MAN, AS THE HUSBAND OF A CHEROKEE WOMAN, FOR A RESERVATION OF LAND UNDER THE TREATY OF 1830.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 24, 1832.

Mr. PLUMMER, from the Committee on Public Lands, to whom were referred the memorials of John T Harlan and of Captain Tuckaloona, and others of the Choctaw nation, reported:

The memorialists represent that John T. Harlan, a citizen of the Choctaw nation, in the State of Mississippi, intermarried many years ago with a Cherokee woman, and, in the year 1821, removed with his family into the Choctaw nation, where he has ever since resided. They settled among the Choctaws, by the permission of the authorities of the nation, and were, according to the forms, ceremonies, usages, and customs of the Choctaws, soon afterwards adopted into, and made members of the Choctaw family or tribe; and, by virtue of such adoption, were entitled to, did enjoy, and have ever since continued to enjoy, all of the rights, immunities, and privileges of native citizens of the Choctaw tribe of Indians. The children of said Harlan, nine in number, were, by the Choctaw authorities, recognized as Choctaws from the time of their adoption as aforesaid, and admitted into the missionary schools on an equal footing with the children of the most favored Choctaw families. He is represented as an honest, honorable, but poor man. He settled on a tract of land on Honey island, in Little river, not far from its junction with the Yazoo, where he has, ever since the year 1821 or 1822, continued to live and cultivate a little farm; and by his industry, in a reputable manner, has supported and educated a numerous family, consisting of a wife and nine children, who were dependent on the sweat of his brow for a livelihood. Within six months after the ratification of the treaty made and entered into between the United States and the mingoes, chiefs, captains, and warriors of the Choctaw nation, at Dancing Rabbit creek, on the 27th day of September, 1830, Harlan, on behalf of himself, his wife, and children, signified to Colonel William Ward, the United States agent for the Choctaws, their intention of remaining and continuing citizens of the United States, for the purpose of obtaining a reservation of land for himself and children, under and by virtue of the fourteenth article of the aforesaid treaty. But it seems that the agent rejected the application, and refused to register their names for a reservation. It does not appear on what ground the agent predicated his refusal; but it is more than probable that he rejected the application because he did not consider Mr. Harlan, in the language of the treaty, as a "Choctaw head of a family." It is true that there is among the papers accompanying the memorial a certificate signed by several persons, charging the agent with being "actuated solely by personal and private feelings of enmity towards said Harlan;" but the known integrity of Colonel Ward as an officer, to one of the committee, is sufficient to repel the charge, and forbid the idea of his being actuated by improper motives. It is also stated that Harlan was one of those who aided our country in the war with the Creek nation of Indians. The memorialists ask Congress to pass a law extending to the said John Harlan the same rights and privileges guaranteed by the article of the treaty before mentioned to native Choctaws, and to those who have intermarried with native Choctaws.

The committee do not deem it necessary to enter into an investigation of the tribal laws, usages, or customs of the Choctaws, in relation to the right of the mingoes, chiefs, or captains of the nation, to admit into their territory, on a footing with the natives, a citizen of any other tribe; nor to enter into a repetition of the arguments contained in the report made by the same committee to the House, in favor of Joseph Dukes.—(See report No. 990, January 30, 1832.) It is sufficient for the committee, in the present inquiry, that Harlan, on principles of equity and justice, as well as sound policy, is entitled to the same privileges extended by the 14th article of the treaty to those who were adopted by the authorities of the nation, and intermarried with native Choctaws. The facts set forth in this report, which is nothing more than a simple abstract of the case, gathered from the evidence adduced by the petitioners, are by the

committee submitted to the consideration of the House without comment. If Harlan had married a Choctaw, instead of a Cherokee, he would have been entitled to a reservation, under the treaty, of six hundred and forty acres of land for himself, to three hundred and twenty acres for each unmarried child over ten years of age, and to one hundred and sixty acres for each child under ten years of age. The same reasons which induced the government to grant to the head of each Choctaw family and his children conditional reservations of land, agreeably to the provisions of the 14th article of the treaty above referred to, are, in the opinion of the committee, sufficient for them to recommend the granting of the prayer of the petitioners. The committee therefore report a bill, to be entitled "An act for the relief of John T. Harlan."

22D CONGRESS.] No. 1024. [1ST SESSION.

ON CLAIM FOR LAYING OUT A PUBLIC ROAD IN MICHIGAN THROUGH THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 24, 1832.

Mr. PLUMMER, from the Committee on Public Lands, to whom was referred the petition and accompanying documents of Orin White, Seeley Neale, and J. F. Stratton, reported:

The petitioners represent that they were appointed commissioners under and by virtue of the provisions of an act of the legislative council of the Territory of Michigan, approved November 4, 1829, to lay out and establish a road through the Territory of Michigan, known as and called St. Joseph's road, commencing on the Chicago road, at or near the inn of Timothy S. Sheldon, in the township of Plymouth, in the county of Wayne; thence west, on the most direct and eligible route, &c., to the mouth of St. Joseph's river, on lake Michigan. The commissioners have discharged the duty required of them by the act above named, and marked and laid out the road from the waters of lake Erie on the eastern to the waters of lake Michigan, on the western boundary of the peninsula, a distance of one hundred and fifty miles, through the most fertile and desirable part of the Territory, facilitating the means of transportation between Detroit and the most important point on the eastern bank of lake Michigan, and continuing the national thoroughfare by way of the grand canal and lake Erie, connecting the Atlantic and the great commercial emporium of the Union with the western section of the country. The road runs through the counties of Wayne, Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, and Berrien, through some of which a public road was never before constructed, and over a tract of country where nature has thrown fewer obstacles in the way of constructing a road than can be found within the same distance in almost any other section of the Union. The opening of the road in the heart of a fine rich country has been the means of bringing into notice the most desirable portion of the lands of the government, exhibiting to public view the fertility, beauty, and worth of the soil, developing its resources, inviting emigrants, and thereby enhancing the value of the public domain. The commissioners were engaged in surveying the road, and making out a plat of the same, a copy of which accompanies the petition, about seventy days each. The act authorizing the laying out of the road did not provide for the payment of the expense of surveying and opening the same, but expressly stipulated "that the expenses or damages of laying out and establishing said road shall not be charged upon or paid out of the territorial treasury;" the commissioners were therefore compelled to resort to individual contributions for the purpose of defraying the expense of making the survey. The road has been partially opened by the enterprising citizens, and was passable during the last season for stages and wagons. The petitioners have received nothing for their services. They, therefore, in consideration of the services by them rendered the government and the community, in laying out and opening this great national road, ask permission of Congress to locate one section of the unappropriated lands belonging to the general government, to be located in separate parcels, divided among them in proportion to the services by them respectively rendered.

A majority of the committee are opposed to the granting of the prayer of the petitioners, because it is establishing a dangerous precedent, and one that is not warranted by the former customs and usages of our government. In the opinion of a minority of the committee, who beg leave to make a few suggestions, the facts of the case are in themselves strong arguments in favor of the granting of the prayer of the petitioners. Reason and justice seem to be on their side. The road was opened through the land of the government, therefore unknown to the community only from a geographical knowledge of the country. It cannot be denied but the services of these enterprising individuals have, by surveying and partially opening this road, and the description they have given of the soil and natural growth of the land through which the road passes, enhanced the value of the public domain to ten times the amount of compensation they ask. In short, the information given of the country in the copy of the field-notes of the surveyor, among the papers referred to the committee, is a valuable document, and ought to be highly prized, and considered of more value to the government, by bringing the land into notice, and on account of the information which it contains, than a whole township of land. It is not, in the opinion of a minority of the committee, a sufficient argument against granting to the petitioners the quantity of land prayed for that they rendered the services and performed the labor voluntarily, without any hope or promise of reward from the United States; but it is a strong argument in their favor, and Congress ought to be the more ready to reward them for their disinterested and patriotic services. They did not act as government leeches, gorging themselves on treasury pap, under the pay of the United States; but they devoted their time, expended their money, and sacrificed their private interests for the good of the community.

Our government, by the high duties on imports, encourages the manufacturer; thousands of dollars have been paid out of the public coffers for the construction of roads and the improvement of the country within the limits of individual States; donations of land have been made in almost every State in the Union for charitable purposes; the mechanic arts have been encouraged by extending to artisans exclusive privileges; meritorious and enterprising individuals have received large donations of land, as rewards for their merit and enterprise; and there is no good reason why the same liberality should not be extended to the citizens of a Territory, who are under the especial care and guardianship of the general government, which has been extended to the citizens of a sovereign State; nor is there any good reason why the unassuming backwoodsman should not be rewarded for services actually rendered the country by making surveys as well as the literary and scientific engineer. Important information obtained in relation to our country is as valuable to the government coming from an honest farmer of Michigan as from a graduate of West Point. A national road, constructed by practical men, who have no interests separate and distinct from the good of their country, is of as much importance as one constructed by the aid of the scholastic theories of salaried or per diem officers. There is scarcely a page on our statute book which does not present a precedent more dangerous than the granting of the humble request of the petitioners. Can it be said that it is a dangerous precedent to grant to these individuals six hundred and forty acres of land, worth, by estimate, $800, for services actually rendered by them of much greater value? It will be recollected that our government has millions of acres of land which has heretofore been considered as pledged for the payment of the national debt. That debt is considered as discharged; and the public domain ought, in the opinion of a minority of the committee, no longer to be considered as a source of revenue, to the injury of those hardy emigrants who have been the pioneers of the wilderness. Other governments have rewarded the enterprise and public services of their citizens, and encouraged the settlement and improvement of the frontier borders of their country, by making liberal donations of land. If there has been any good reason heretofore for the pernicious policy pursued by our government in relation to the public lands, that reason has ceased with the extinguishment of the public debt. But these arguments may be considered as irrelevant, inasmuch as the claim of the petitioners is founded on services by them rendered for the benefit of the general government. A minority of the committee, therefore, with due deference to the opinion of the majority, respectfully recommend the granting of the prayer of the petitioners.

22D CONGRESS.] No. 1025. [1ST SESSION.

ON AMOUNT OF DISCOUNTS ALLOWED ON BALANCES DUE FROM THE PURCHASERS OF PUBLIC LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 27, 1832.

TREASURY DEPARTMENT, *February* 23, 1832.

SIR: In compliance with a resolution of the Senate of the 9th instant, directing the Secretary of the Treasury "to communicate to the Senate the amount of discounts heretofore allowed on balances due by purchasers of public lands at the rate of thirty-seven and one-half per cent., under acts of Congress heretofore passed designating the amount of reductions made in each State," I have the honor to enclose a report from the Commissioner of the General Land Office, containing the information required.

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

LOUIS McLANE, *Secretary of the Treasury.*

The Hon. PRESIDENT *of the Senate.*

GENERAL LAND OFFICE, *February* 20, 1832.

SIR: In obedience to a resolution of the Senate of the United States, passed on the 9th instant, in the words following, to wit:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate the amount of discounts heretofore allowed on balances due by purchasers of public lands at the rate of thirty-seven and a half per cent., under acts of Congress heretofore passed designating the amount of reduction made in each State," and which has been referred to this office, I have the honor to report as follows:

Discount of 37½ per cent. allowed at the land offices in Ohio	$407, 282 46
Indiana	205, 390 34
Illinois	35, 954 32
Missouri	98, 366 04
Mississippi	94, 311 96
Alabama	351, 172 71
Louisiana	12, 573 88
Aggregate	1, 205, 051 71

I am, with great respect, sir, your obedient servant,

ELIJAH HAYWARD, *Commissioner.*

Hon. LOUIS McLANE, *Secretary of the Treasury.*

22D CONGRESS.] No. 1026. [1ST SESSION.

APPLICATION OF INDIANA THAT THE PUBLIC LANDS MAY BE SOLD IN FORTY ACRE LOTS.

COMMUNICATED TO THE SENATE FEBRUARY 27, 1832.

A JOINT RESOLUTION relative to the public lands.

Whereas, in the opinion of this general assembly, it is the interest of the general government, as well as of this State, that the public lands within her limits should be disposed of as soon as practicable, as tending to produce the speedy settlement of the same, and to multiply the resources of the country; and whereas a large number of the emigrants to the western States and Territories, as well as the citizens thereof, are, from their poverty, unable to purchase the smallest tracts of land now authorized to be sold at the land offices, but who would be able, by the purchase of smaller tracts, to secure to themselves the blessings of domestic comfort and independence, and thereby create that additional incentive to, and claim upon, their gratitude and attachment towards their beloved country and its free institutions which an interest in its soil can alone produce; therefore—

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 authorizing the sale of tracts of the public lands of forty acres each, by a line running east and west, equally dividing the half quarter sections, and also by a similar division of fractions of greater amount than eighty acres, where practicable.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing preamble and joint resolution to each of our senators and representatives in Congress.

H. H. MOORE, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved January 26, 1832.

N. NOBLE.

22D CONGRESS.] No. 1027. [1ST SESSION.

APPLICATION OF INDIANA FOR A CESSION OF THE PUBLIC LANDS WITHIN THAT STATE FOR PURPOSES OF INTERNAL IMPROVEMENT AND EDUCATION.

COMMUNICATED TO THE SENATE FEBRUARY 27, 1832.

A JOINT RESOLUTION of the general assembly concerning the public lands.

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 obtain by an act of that body a cession from the United States of all the right, title, and interest of the general government to the unappropriated and unsold public lands within our boundaries, upon the most favorable terms to the State that can be obtained, subject to the ratification or rejection of the general assembly of this State, with provision that the proceeds of such remaining public lands, to be sold under the authority of this State, shall be exclusively devoted to the objects of *internal improvements* and *education* by the general assembly of this State; reserving to this State a right to donate to poor persons such portions of the land as may remain undisposed of after being in the market, under our direction, for the period of ten years.

Resolved, That his excellency the governor be requested to transmit copies of this resolution to each of our members in Congress.

H. P. THORNTON, *Speaker pro tem. of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved February 3, 1832.

N. NOBLE.

22D CONGRESS.] No. 1028. [1ST SESSION.

APPLICATION OF INDIANA FOR A DONATION OF LAND FOR A CANAL TO CONNECT THE WABASH WITH THE WHITE RIVER.

COMMUNICATED TO THE SENATE FEBRUARY 27, 1832.

A MEMORIAL AND JOINT RESOLUTION of the general assembly of the State of Indiana to procure means for the construction of a canal to connect White river with the Wabash, at the town of Vincennes.

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

Your memorialists, the general assembly of the State of Indiana, respectfully represent that a connexion of White river with the Wabash at Vincennes would be of great public utility, and would open a most desirable facility to trade, for which a deep solicitude is manifested. The connexion can be formed

below the junction of the two forks of White river, at a much less expense than would be required to clean the channel of the Wabash to the confluence of White river, and it is thought the length of the connecting canal will not exceed fifteen miles. It is also believed that the aid of the national government could be afforded to no similar work of the like extent from which more benefit would be derived, not only in the immediate vicinity of the contemplated connexion, but throughout the upper Wabash country, including all interested in the commerce of the Wabash valley. In Knox county, through which this canal would pass, there is a considerable quantity of unappropriated waste lands, which have been about thirty years in market, and which can only, in the event of an improvement of this kind, be useful: Therefore—

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure a grant of land sufficient to accomplish the object proposed, from the unappropriated land in Knox county, a large proportion of which, now unfit for agricultural purposes, will be redeemed and rendered beneficial by the construction of said canal.

Resolved, That the governor transmit a copy of the foregoing memorial and joint resolution to each of our senators and representatives in Congress.

H. H. MOORE, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved February 2, 1832.

N. NOBLE.

22D CONGRESS.] No. 1029. [1ST SESSION.

APPLICATION OF INDIANA FOR A DONATION OF LAND FOR A ROAD FROM THE SOUTH BEND OF THE ST. JOSEPH'S RIVER TO LIBERTY, IN UNION COUNTY.

COMMUNICATED TO THE SENATE FEBRUARY 27, 1832.

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

Your memorialists, the general assembly of the State of Indiana, respectfully represent that between the southern bend of the St. Joseph's river and the State line of Indiana, in the direction of Hamilton, situate on the Miami canal, in Ohio, there is a vast tract of territory uninhabited, intersected by no navigable streams, and without roads or other facilities of communication; that the territory belongs chiefly to the general government, and unless the means of intercourse are furnished must remain the property of the United States for many years to come, to the great detriment of the State of Indiana; for your memorialists are impressed with the belief that Indiana is no less interested in the sales of the public lands lying within her limits than is the general government, because while the treasury of the one is increased the wealth of the other is equally advanced; our population will be swelled in numbers, and the burden of taxation diminished. Your memorialists would advert to another fact which all experience verifies, that property in the vicinity of roads or navigable streams is much more valuable and commands a greater number of purchasers than property more remote; that for this reason it would be an act not only of profit but expediency on the part of the general government to give a part of the public lands to enable this State to constitute such roads through them as would create a market for the remainder. Your memorialists are also of opinion that a road from the southern bend of the St. Joseph's river to New Castle, in Henry county, thence to Milton, in Wayne county, and from thence through Waterloo, in Fayette county, Brownsville and Liberty, in Union county, to intersect the Hamilton and Oxford turnpike road (now in progress) at the State line between Ohio and Indiana, at or near the northwest corner of Oxford College township, would be eminently calculated to produce the favorable results we have been pointing out. It would enable emigrants to find their way through the wilderness, and be the means of procuring a sale of thousands of acres of land which otherwise may remain without a purchaser for half a century. In addition, also, your memorialists would state that this road would become a great mail route between the northern and eastern parts of the State of Indiana, for which reasons your memorialists would respectfully ask that a quantity of the public lands might be donated to the State of Indiana, equal to each alternate section, two miles in depth on each side of said road where it may run through lands belonging to the government of the United States, to aid in constructing said road.

Resolved, That the governor be requested to forward a copy of the foregoing memorial to each of our senators and representatives in Congress, with a special request that they use their best exertions in procuring the donation contemplated in the preceding memorial.

H. P. THORNTON, *Speaker pro tem. of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved February 3, 1832.

N. NOBLE.

22D CONGRESS.] No. 1030. [1ST SESSION.

ON CONFIRMING A SALE MADE OF AN INDIAN RESERVATION IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 28, 1832.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of James Caulfield, reported:

That on the 20th of April, 1818, an act of the Congress of the United States was approved by the President, granting to Peggy Bailey, sister of Dixon Bailey, a Creek Indian of the half blood, who was slain in the service of the United States at the capture of Fort Mims, the right to enter with the register of the land office, without payment, three hundred and twenty acres of land, so as to include the settlement and improvement of the said Dixon Bailey in the Alabama territory. That Peggy Bailey continued in the actual or constructive possession of said tract of land until the 23d of September, 1828, when the said Peggy Bailey, having determined to migrate to the country west of the Mississippi, did, in conjunction with one Richard Robison, who married the said Peggy Bailey, the only other person interested in said tract of land, through their attorney in fact, Benjamin Hawkins, duly authorized, for and in consideration of the sum of one thousand dollars, sell and convey to the petitioner the said three hundred acres of land. By the laws regulating Indian reservations the petitioner was informed at the proper land office that said land was forfeited to the United States so soon as the said Peggy Bailey abandoned the possession, of which law the petitioner swears he was ignorant at the time of the purchase, and the committee believe such to be the fact from the adequate consideration given by the petitioner for said land. At the ensuing session of Congress a law was passed authorizing friendly Indians holding reservations to sell the same in fee simple upon condition of their removal west of the Mississippi. Peggy Bailey having removed west of the Mississippi, and the petitioner having paid her, in the estimation of the committee, an adequate price for said land, it is believed by said committee that the petitioner comes under the equity of the law now in force as regards all other Indian reservations, and have therefore reported a bill authorizing the petitioner to enter said land at government price.

22D CONGRESS.] No. 1031. [1ST SESSION.

DOCUMENTS RELATING TO SCRIP ISSUED TO SATISFY VIRGINIA MILITARY BOUNTY LAND WARRANTS.

COMMUNICATED TO THE SENATE FEBRUARY 28, 1832.

GENERAL LAND OFFICE, *January* 14, 1832.

SIR: I transmit herewith a statement, marked A, containing in part claims for lost entries on Virginia continental warrants, and which have been satisfied by scrip, with explanatory remarks. Many other claims which are not embraced in the statement are similar in character.

In addition to the same, I also transmit copies of letters from my predecessor, marked B and C, to the surveyor of the Virginia military reservation in Ohio, a copy of the act of Congress approved May 20, 1826, marked D, which has an important bearing on the whole, and several copies of certificates from the surveyor accompanying those claims, which are underlined in red in the statement, the whole of which, I trust, will answer your purpose.

With great respect, sir, your obedient servant,

ELIJAH HAYWARD.

Hon. CHARLES A. WICKLIFFE, *House of Representatives.*

A.

Statement showing several cases where scrip has been issued on lost patents or entries on Virginia continental warrants, the number of the warrant, the quantity, to whom issued, the amount for which scrip has been issued, to whom issued, and the date of the last assignment.

No. of the warrant.	Quantity in warrant.	Name of the person to whom the warrant has been issued.	Quantity for which scrip has been issued.	Name of the person to whom scrip has been issued.	Date of the last assignment.	Remarks.
6160	1,000	J. & M. Hobson, assignee	125			The quantity of 742 acres, for which scrip has been issued to the devisee, was surveyed and patented to Henry Massy in 1826; the survey, however, interfered with a previous entry made in 1787. A certificate of the fact, as required by instructions, (marked B and C,) was furnished by the surveyor; and the authority on which that officer acted in this case is the proviso in the third section of the act of May 30, 1826. (See act herewith.) The certificate is in all respects in conformity to the instructions.
5963	666⅔	....do....	118			
5545	5,333⅓	John Moss	50	Helen Massey, devisee.		
5606	1,333⅓	Wm. Aylett	338			
5473	500	Callohill Minnis	111			
6150	200	William Collins	200	William Collins		This is a similar case to the one preceding, and the scrip was issued to the original warrantee.
6623	2,000	D. Kirkpatrick	500	Thomas Green		This warrant was assigned to Nath. Sawyer, who assigned 1,000 acres to Thos. Green, the whole of which was entered; but 500 acres were lost by prior entries, and declared null and void by the act of 20th May, 1826.
2199	4,666⅔	William Johnson	570	Allen Latham		The whole of this warrant was satisfied. A patent for 1,000 acres was lost, the whole of which was re-entered and again lost. (See act of 20th May, 1826.)
6660	2,000	C. Harrison	500	C. Wallace	Feb., 1831	This quantity was entered on lands *west of Ludlow's line*, on lands surveyed by the United States, and also declared void by the act of May, 1826.
6661	2,000	....do....	500			
6666	2,666⅔	John Evans	1,737	C. Wallace		Of the quantity for which scrip has issued, 1,132 acres were entered on lands *west of Ludlow's line*, and interfering with United States surveys; the balance of 605 acres were patented to M. Bonner, and lost to him by a decision of the court of common pleas for Madison county, Ohio. In this case the lessee of M. Bonner was plaintiff, and Peter Buffenberg, defendant, (in April, 1830.)
2896	200	James Barbour	500	C. Wallace, last assignee.		The whole quantity was patented to S. Gibson; the patent was declared void, and the grantee evicted by a decision of the supreme court of Highland county, Ohio, at the suit of the lessee of Massy's heirs against the patentee; was then re-entered, and again lost by prior entries, and declared void by the act of 1826.
3890	100	Robt. Rankin				
3891	100	Robt. Dallis				
3892	100	N. Preston				
6475	1,266⅔	William Woolfolk	1,233⅓	Amos Kendall & others, executors of the will of Wm. Woolfolk.		Declared void under the act of May, 1826.
6440	3,585	Mary Stephenson	95	Allen Latham	1824	The quantity for which scrip was issued, was heretofore patented to L. Anderson, and lost by a decision of the Supreme Court of the United States in a writ of error: Jackson, *ex dem.* of Anderson, plaintiff, *vs.* Clark & Ellison, defendants in error, &c.
2085	100	Henry Small	100			
6480	200	M. Cummings	200			
6625	2,000	A. Alexander	1,860	Allen Latham	Mar., 1830	Lost by a prior survey patented; declared void by the act of May, 1826; and the surveyor, in his certificate, says that the principle is so decided by the Supreme Court of the United States in the preceding case.
2608	2,666⅔	G. Hite	495	Heirs of Benj. Stephenson.		This claim was admitted, the claimants having been evicted by virtue of a prior grant. (See act of Congress, approved May 7, 1822.
6401	2,000	Allen McLane	2,000	Louis McLane, devisee.		The warrants (each of which is for 250 acres) were entered on lands already surveyed; then withdrawn and satisfied by the issuing of scrip.
6405						
6407						
6408						
6409						
6410						
6413						
6414						

GENERAL LAND OFFICE, *January* 19, 1832.

B.

GENERAL LAND OFFICE, *July* 2, 1830.

SIR: Apprehending that many applications will be made to withdraw all entries that have been made on Virginia military warrants (on which patents have not been issued) for the purpose of obtaining scrip, I request that you will not permit the withdrawal of any entries that may have been made, except in cases where entries may be found to interfere with lands *previously entered.* I also request from you

immediate advice whether or not your office is in possession of the records of the surveys made in Kentucky for the continental line, and whether copies of them have been deposited with the register of the land office at Frankfort, Kentucky.

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

GEORGE GRAHAM.

ALLEN LATHAM, Esq., *Surveyor, Chilicothe, Ohio.*

C.

GENERAL LAND OFFICE, *July* 10, 1830.

SIR: Enclosed you have a copy of the act of Congress approved on the 30th of May last respecting Virginia military claims.

The Secretary of the Treasury having decided that it is indispensably necessary that the certificates required by the third section of that act shall be produced by the applicants previously to the issuing of the scrip, and the provisions of the seventh section of the act making it necessary that you should give a certificate in relation to the warrants issued to the officers and soldiers of the continental line similar to that required of the surveyor of the Virginia State line; I have, therefore, to request that that certificate may be made out in the following manner, to wit:

"I hereby certify that warrant No. ——, granted to ———— as a ———— in the continental line, has been satisfied in whole or in part by the following entries: Entry No. —— for —— acres. Entry No. —— for —— acres, of which —— acres have been surveyed, and that there yet remains —— acres thereof to be located."

This certificate is required by the law to be under the seal of your office; and it must extend as well to the warrants entered in Kentucky, if you have the records of those entries and surveys, as to those entered in the State of Ohio.

In all cases where there may be an application to withdraw an entry in consequence of the loss by a prior or better claim, you will, of course, make a very thorough investigation before you grant a certificate of the loss of the land, and will grant no certificate in any doubtful case except on actual eviction, and you will particularly state in that certificate the No. of the warrant, and the date of the better and prior entry, and the date also of the junior entry.

As there are some cases where through mistake warrants granted for services performed in the State line have been entered wholly or in part in Ohio, I have to request that you will make out a particular list, so far as you possibly can, of all such cases, and forward it to this office with as little delay as possible.

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

GEORGE GRAHAM.

ALLEN LATHAM, Esq., *Surveyor at Chilicothe, Ohio.*

D.

An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the officers and soldiers of the Virginia line, on the continental establishment, their heirs or assigns, entitled to bounty lands within the tract of country reserved by the State of Virginia, between the Little Miami and Sciota rivers, shall be allowed until the first day of June, eighteen hundred and twenty-nine, to obtain warrants, and until the first day of June, eighteen hundred and thirty-two, to complete their locations, and until the first day of June, eighteen hundred and thirty-three, to return their surveys and warrants, or certified copies thereof, to the Commissioner of the General Land Office, and to obtain patents: *Provided,* That no location shall be made by virtue of any warrant obtained after the first day of June, eighteen hundred and twenty-nine, and no patent shall issue in consequence of any location made after the first day of June, eighteen hundred and thirty-two: *And provided also,* That no patent shall be obtained on any such warrant unless there be produced to the Secretary of War satisfactory evidence that such warrant was granted for services which, by the laws of Virginia, passed prior to the cession of the northwestern Territory, would have entitled such officer or soldier, his heirs or assigns, to bounty lands; and also a certificate of the register of the land office of Virginia, that no warrant has issued from the said land office for the same services.

SEC. 2. *And be it further enacted,* That no patent shall be issued, by virtue of the preceding section, for a greater quantity of land than the rank or term of service of the officer or soldier to whom or to whose heirs or assigns such warrant has been granted would have entitled him to under the aforesaid laws of Virginia; and whenever it appears to the Secretary of War that the survey made by virtue of any of the aforesaid warrants is for a greater quantity of land than the officer or soldier is entitled to for his services, the Secretary of War shall certify, on each survey, the amount of such surplus quantity, and the officer or soldier, his heirs or assigns, shall have leave to withdraw his survey from the office of the Secretary of War and resurvey his location, excluding such surplus quantity in one body from any part of his resurvey, and a patent shall issue upon such resurvey as in other cases.

SEC. 3. *And be it further enacted,* That no holder of any warrant which has been or may be located shall be permitted to withdraw or remove the same and locate it on any other land except in cases of eviction, in consequence of a legal judgment first obtained, from the whole or a part of the located land, or unless it be found to interfere with a prior location or survey; nor shall any lands heretofore sold by the United States within the boundaries of said reservation be subject to location by the holder of any

such unlocated warrant: *Provided, That no location shall, after the passage of this act, be made on lands for which patents had previously issued, or which had been previously surveyed, nor shall any location be made on lands lying west of Ludlow's line, and any patent which, nevertheless, may be obtained contrary to the provisions of this section shall be null and void.*

Approved May 20, 1826.

Notice to applicants for patents under the above act.

The Secretary of War has decided that there shall be furnished, from the records of the State of Virginia, such information as will enable him to certify, in the words of the act, that there has been produced "satisfactory evidence that such warrant was granted for services, which, by the laws of Virginia, passed prior to the cession of the northwestern Territory, would have entitled such officer or soldier, his heirs or assigns, to bounty lands."

The information should be regularly certified by the Governor of Virginia.

The law also requires that before a patent can be issued there must be produced "a certificate of the register of the land office of Virginia that no [other] warrant has issued from the said land office for the same service."

TREASURY DEPARTMENT, *General Land Office.*

To the honorable Secretary of the Treasury of the United States:

I, Allen Latham, surveyor of the land set apart for the officers and soldiers of the Commonwealth of Virginia, on continental establishment, do hereby certify that the within patent is wholly lost by interference with William Washington's survey of 2,000 acres, No. 1388, made on warrant No. 2263, on an entry bearing date August 17, 1787, and being, by act of Congress of May 20, 1826, and prior laws, declared void, has been withdrawn. There yet remains to be located 742 acres of said warrants, in the following proportions:

On Captain Thomas Ray's warrant, No. 6160	125 acres.
On Lieutenant Barbs. Arthur's warrant, No. 5963	118 "
On Major John Moss's warrant, No. 5545	50 "
On Colonel Wm. Aylett's warrant, No. 5606	338 "
On Captain C. Minnis's warrant, No. 5743	111 "
	742

Given under my hand and seal of office at Chilicothe, August 20, 1830, and fifty-fifth year of the independence of the United States.

ALLEN LATHAM. [L. S.]

No. 6660.

To the honorable Secretary of the Treasury:

I, Allen Latham, surveyor of the land set apart for the officers and soldiers of the Commonwealth of Virginia on continental establishment, do certify (from a strict and careful examination of the original documents and records of the surveyor's office for said continental line) that on the 22d of December, 1824, a warrant, No. 6660, issued by the register of the land office of Virginia to Cuthbert Harrison, his heirs or assigns, for 2,000 acres of land, due unto the said warrantee in part consideration of his services for the war as a captain in the Virginia continental line, dated December 3, 1824, was filed in this office, and that there yet remains 500 acres thereof of said warrant to be located; said warrant has been satisfied in part by the following entries, viz: No. 13067, for 300 acres; No. 13068, for 200 acres; No. 13088, for 750 acres; No. 12562, for 150 acres; No. 12564, for 100 acres; all which have been surveyed.

I do further certify that an entry, No. 13172, for 500 acres, was made in this office on said warrant on the 7th day of June, 1830, which said entry is lost by interference with the surveys of the United States west of Ludlow's line, and being, by act of Congress of May 20, 1826, declared void, has been withdrawn, and that 500 acres of said warrant, No. 6660, remains unappropriated.

Given under my hand and seal this 18th August, 1830, and fifty-fifth year of the independence of the United States.

ALLEN LATHAM. [L. S.]

No. 6661.

To the honorable Secretary of the Treasury of the United States:

I, Allen Latham, surveyor of the lands set apart for the officers and soldiers of the Commonwealth of Virginia, on continental establishment, do certify (from a strict and careful examination of the original documents and records of the surveyor's office for said continental line) that on the 22d day of December, A. D. 1824, a warrant, No. 6661, issued by the register of the land office of Virginia, to Cuthbert Harrison, his heirs or assigns, for 2,000 acres of land due unto the said warrantee, in full, in consideration of his

services for the war as a captain in the Virginia continental line, dated third day of December, one thousand eight hundred and twenty-four, was filed in this office, and that there yet remain 500 acres thereof of said warrant to be located. Said warrant has been satisfied, in part, by the following entries, to wit: No. 13168, for 400 acres; No. 13066, for 100 acres; No. 12560, for 200 acres; No. 12557, for 800 acres; all of them surveyed.

I do further certify that 500 acres of said warrant were entered in this office on the 7th June, 1830, in entry No. 13172, which said entry is lost by interference with the surveys of the United States west of Ludlow's line, and being, by act of Congress of May 20, 1826, declared void, has been withdrawn; said 500 acres remain unappropriated.

Given under my hand and seal of office, at Chilicothe, this 18th day of August, 1830, and fifty-fifth year of the independence of the United States.

ALLEN LATHAM. [L. S.]

No. 6666

To the honorable Secretary of the Treasury of the United States:

I, Allen Latham, surveyor of the land set apart for the officers and soldiers of the Commonwealth of Virginia, on continental establishment, do certify (from a strict and careful examination of the original documents and records of the surveyor's office for said continental line) that on the 31st day of December, A. D. 1824, a warrant, No. 6666, issued by the register of the land office of Virginia to John Evans, assignee of James Carson, heir-at-law of James Carson, deceased, for 2,666⅔ acres of land, due unto the said warrantee in consideration of said James Carson's services for the war as a lieutenant in the Virginia continental line, dated ninth day of December, one thousand eight hundred and twenty-four, was filed in this office, and that there yet *remain* 1,737⅔ acres thereof of said warrant to be located. Said warrant has been satisfied, in *part*, by the following entries, to wit: No. 12852, for 33⅓ acres; No. 12796, for 30 acres; Nos. 12799, 12827, and 12853, for 100 acres; No. 12795, for 175 acres; No. 12797, for 85 acres; No. 12798, for 25 acres; No. 12846, for 40 acres; No. 12768, for 115 acres; No. 12767, for 60 acres; No. 12766, for 80 acres—all of which have been surveyed; and No. 12849, for 77 acres; No. 12854, for 36 acres, and No. 12855, for 73 acres—the last three not surveyed.

I do further certify that, on the 7th day of July, 1829, an entry of 605 acres was made on said warrant No. 12850, which was surveyed and patented to Matthew Bonner on the 24th of July, 1829, which entry and patent has been lost by interference with David Stephenson's survey, No. 5593, for 360 acres, founded on an entry dated March 14, 1808, and on warrant No. 347, as determined by the court of common pleas of Madison county, in the State of Ohio, at the April term of said court, in the case wherein the lessee of said Bonner was plaintiff and Peter Buffenburg was defendant. The said lessee claiming title under patent, and the said entry and patent, being determined void, has been withdrawn. I do further certify that, on the 7th June, 1830, 1,132½ acres of said warrant were entered in No. 13172, which entry is lost by interference with the surveys of the United States west of Ludlow's line, and being, by act of Congress of May 20, 1826, declared void, has been withdrawn, which leaves one thousand seven hundred and thirty-seven and one-third acres of said warrant No. 6666 unappropriated.

Given under my hand and seal of office, at Chilicothe, this 18th day of August, 1830, and fifty-fifth year of the independence of the United States.

ALLEN LATHAM. [L. S.]

No. 6440.

To the honorable Secretary of the Treasury:

I, Allen Latham, surveyor of the land set apart for the officers and soldiers of the Commonwealth of Virginia, or continental establishment, do certify (from a strict and careful examination of the original documents and records of the surveyor's office for said continental line) that on the 31st day of May, 1821, a warrant, No. 6440, issued by the register of the land office of Virginia to Mary Stephenson, widow and devisee of John Stephenson, her heirs and assigns, for 3,555⅓ acres of land, due unto the said warrantee in consideration of said John Stephenson's services for the war as a major in the Virginia continental line, dated April 20, 1821, was filed in this office, and that there yet remain 95 acres thereof of said warrant to be located. Said warrant has been satisfied, in part, by the following entries, viz: No. 10884, for 217 acres; No. 10701, for 150 acres; No. 11089, for 72 acres; Nos. 1070, 12134-'5-'6-'7-'8, for 400 acres; No. 12124, for 728 acres; No. 10698, for 450 acres; Nos. 12144 and 12145, for 1,005 acres; and No. 10861, for 438 acres; in all, 3,460 acres, which said entries have been surveyed.

I do further certify that 95 acres of said warrant were entered in this office in an entry of 395 acres, No. 12468, on the 10th of June, 1824, surveyed and patented to Larcy Anderson on the 9th November, 1824, and lost by a decision of the Supreme Court of the United States, by a survey of 553 acres in the name of Nath. Massie, made on two warrants that had been previously satisfied, Nos. 3398 and 1950, admitted to record by mistake; said survey is founded on an entry, No. 2744, made July 19, 1796. Said ninety-five acres so lost have been withdrawn and remain unappropriated.

Given under my hand and seal of office, &c., August 17, 1830.

ALLEN LATHAM. [L. S.]

22D CONGRESS.] No. 1032. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 29, 1832.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of John Bills, reported:

That John Bills, of the parish of East Baton Rouge, in the State of Louisiana, sets forth in his petition that he settled upon a tract of land in said parish in the year 1813 containing two hundred and fifty-seven acres; that so soon as the land office was established at St. Helena, and commissioners appointed to grant certificates to actual settlers, he made application, and adduced evidence to said commissioners of his settlement on said land, for the purpose of obtaining a donation for the quantity of six hundred and forty acres, or a less quantity in the event that there did not exist at that time vacant land sufficient to complete said donation; that his title and evidence of settlement were left with said commissioners by him, and were by said commissioners lost or destroyed, thereby preventing him from applying to the successors of said commissioners for a certificate. Petitioner further states that he afterwards applied for and obtained a pre-emption right for one hundred and sixty acres only; that upon actual survey of said pre-emption, the lines divide his improvement, and cut off his gin house and other buildings. Said petitioner prays that the lines may be so run as to secure to him his improvements, or so as to include the balance of the tract of two hundred and fifty-seven acres, for which he is willing to pay the *minimum* price. It was proven by General Thomas, of the House of Representatives, that the facts set forth in said petition, as relates to the settlement and survey, are correct; and, further, that said petitioner has deposited in the proper office the sum required by law to purchase the said one hundred and sixty acres of land. The committee therefore report a bill for his relief.

22D CONGRESS.] No. 1033. [1ST SESSION.

ON THE EXPEDIENCY OF DIVIDING THE DISTRICT OF THE SURVEYOR GENERAL FOR MISSOURI, ILLINOIS, AND ARKANSAS.

COMMUNICATED TO THE SENATE MARCH 2, 1832.

To the Senate:

In compliance with the resolution of the Senate of February 9, 1832, I have received the accompanying report from the Commissioner of the General Land Office, "on the extent and amount of business of the surveyor general's district for Missouri, Illinois, and Arkansas, and the expediency of dividing the said district," which is respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March* 2, 1832.

GENERAL LAND OFFICE, *February* 29, 1832.

SIR: In compliance with a resolution of the Senate requesting the President of the United States "to cause a report to be made to the Senate on the extent and amount of business of the surveyor general's district for Missouri, Illinois, and Arkansas, and the expediency of dividing said district," which you have been pleased to refer to this office to report thereon, I have the honor to state that the duties of that surveying district have relation to about thirty-seven millions of acres of unsurveyed lands, now the property of the United States, to wit: sixteen millions in Missouri, four millions in Illinois, and seventeen millions in Arkansas.

Since the year 1826 there have been surveyed in that district, of which this office has been advised, two million six hundred and seventy-five thousand acres, exclusive of private claims not connected with the public lands. Of these surveys no township plats have been returned to this office for *one million one hundred and seventy-five thousand acres*, in consequence of the insufficient aid furnished by the government. There also remains a large amount of unfinished business in that office, which accrued prior to the period when the present incumbent entered upon its duties, and which has retarded the progress and delayed the returns of the public surveys. The character and amount of arrears prior to the year 1826 are stated in a letter from Colonel McRee to my predecessor, dated May 2, 1826, an extract of which is hereunto annexed, marked A.

In the early part of the year 1827 the present surveyor general reported to this office in detail the amount of labor which would devolve on him during that year, exclusive of the unfinished business which had accrued prior to the year 1825, with copious remarks and explanations showing the difficulties he then had to encounter and the impossibility of discharging all the duties required of him with the means provided for his assistance, as will appear from the documents marked B, C, and D, herewith transmitted.

This office is not in possession of such authentic or official information as to enable me at this time to estimate with probable accuracy the amount and extent of business in that surveying department—the surveyor general, after repeated requests for that purpose within the last three years, having entirely neglected to furnish it—but sufficient, however, is known on the subject to induce the belief that there is

now as great a quantity requiring immediate attention as at any former period since the year 1826, and that the amount of arrears and unfinished business of the office are at the present time as great and as embarrassing as they have ever been.

From the quantity of public lands remaining unsurveyed, and the numerous private claims which are required to be surveyed in connexion with the surveys of the public lands in Missouri and Arkansas, and the increasing amount of unfinished business of the office, I entertain no doubt of the expediency of dividing that district, as a measure called for by the interests of the government and the necessities of the people.

If such should be the opinion of Congress, I would respectfully suggest the propriety of making the Territory of Arkansas a surveying district, and of annexing Illinois to the district now composed of Ohio, Indiana, and Michigan, which would limit the present district to the State of Missouri.

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

ELIJAH HAYWARD.

The PRESIDENT *of the United States.*

A.

Extract from a letter from Colonel 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 demanded 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 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 demands 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."

B.

SURVEYOR'S OFFICE, *St. Louis, January* 25, 1827.

SIR: I have the honor to enclose herewith an estimate of the several descriptions and quantity of work (so far as it can be stated with exactness) which ought to be performed in this office during the present year, exclusive of the unfinished office business prior to the year 1825.

The work specified in the estimate will require two thousand three hundred and seventy-one days' labor (of one person) to perform it in; and much the larger portion of it cannot be postponed without great detriment to the public interest and to that of the community here. Many items are omitted, (which will command the attention of the office, to the exclusion of some that are embraced in the estimate,) because it was impossible to anticipate or make any reasonable calculation of their extent and the labor they will occasion. I am obliged to suspend for the present making several explanatory remarks which ought to accompany the estimate, in order to forward it by to-day's mail, which leaves this within the hour.

I am, very respectfully, your most obedient servant,

W. McREE.

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

C.

Estimate of the quantity of work to be performed in the surveyor's office in St. Louis during the year 1827, *and of the probable time that will be occupied in performing each description specified.*

	Days.	Total.
FIRST.—To examining surveys, resurveys, and corrections, to complete the plats and descriptions, and to finish the examination of the same, of townships and fractional townships surveyed under contract of 1825 and one of 1823, and to make out additional plats and descriptions that will be required for a part of said townships and fractional townships:		
1st. To complete the calculation of the areas and to finish the plats of 34 townships and fractional townships, the surveys of which are complete and no part suspended, will require	8	
2d. To complete the examination of the same will occupy two persons three days, equal to one person	6	
3d. To make triplicate plats of two of ditto, one plain and one river township, and to compare, correct, and certify same, will occupy	8	
4th. To complete the description of said 34 townships and fractional townships, and to finish examination of the same, will require	29	
5th. To complete the calculations of the areas of the fractional sections, and to finish the plats of 21 townships and fractional townships heretofore returned and suspended, will require	34	
6th. To complete the examination of the plats of ditto will occupy two persons six days, one person	12	
7th. To complete the descriptions of ditto, and finish the examination of the same, will occupy two persons 15 days, one person	30	
8th. To complete the calculation of the areas of the fractional sections, and to finish the plats of 39 townships and fractional townships, the surveys of which are suspended in part, will occupy	50	
9th. To complete the examination of the plats of ditto will occupy two persons six days, one person	12	
10th. To complete the descriptions of ditto, and finish the examination of the same, will occupy two persons 20 days, one person	40	
11th. To examine the resurveys and corrections of ditto will occupy	26	
12th. To make out and examine one additional plat of each of ditto will occupy	39	
13th. To make out and examine one additional description of each of ditto will occupy nearly	35	
Total number of days' work to complete the reception of surveys, &c., under contracts of 1825 and 1823	.....	329
SECOND.—Examining surveys (exclusive of resurveys, &c.,) of public land that will be returned during the present year under contract of 1826; making out and examining the necessary plats and descriptions thereof, viz:		
44 plain townships, (see statement A, herewith.)		
1st. Collating the copies with the original field-notes, and correcting the copies, at the rate of six townships per diem, by two persons, is seven days—equal to	14	
2d. Making out four plats of each township will occupy one person three days nearly; (see statement B, herewith,) 44 townships, at three days each, is or nearly	132	
3d. Making out three descriptions of each township will occupy one person (statement B)	102	
4th. Examining, correcting, and certifying the plats: 176 plats will occupy two persons, at the rate of ten per diem, 17½ days—equal to	35	
5th. Examining and correcting the descriptions: 132 descriptions will occupy two persons, at the rate of ten per diem, 13 days—equal to	26	
13 river townships, containing an average of ten miles of meanders in each:		
1st. Collating the copies with the original field-notes, and correcting the copies, at the rate of 4½ townships per diem, by two persons, is three days nearly—equal to	6	
2d. Making out four plats of each township, 52 plats, will occupy one person 83 days, including the calculating and protracting of ten miles, or 85 courses of meanders in each township, (see statement A)	83	
3d. Making three descriptions of each township, in all, 39 descriptions, will occupy one person (statement A)	32	
4th. Examining, correcting, and certifying the plats: 52 plats will occupy two persons, at the rate of eight per diem, 6½ days—equal to	13	
5th. Examining and correcting the descriptions: 39 descriptions will occupy two persons, at the rate of nine per diem, about four days—equal to	8	
48 fractional river townships, averaging in size about the half of a whole township, and containing an average of 5½ miles, or 47 courses of meanders in each:		
1st. Collating the copies with the original field-notes, and correcting the copies, will occupy two persons, at the rate of about nine townships per diem, five days—equal to	10	
2d. Making out four plats of each fractional township, including the calculations and protracting of 5½ miles of meanders, or 47 courses in each. 192 of those plats will occupy one person (statement B)	162	
Amount carried forward	623	329

ESTIMATE—Continued.

	Days.	Total.
Amount brought forward	623	329
3d. Making out three descriptions of said townships will occupy one person (statement B)	66	
4th. Examining, correcting, and certifying the plats: 192 plats will occupy two persons, at the rate of about 15 per diem, 13 days nearly—equal to.	26	
5th. Examining and correcting the descriptions: 144 descriptions will occupy two persons, at the rate of 16 per diem, nine days—equal to	18	
2,546 miles of townships, exterior boundaries:		
1st. Comparing the copies with the original field-notes, and correcting the copies, will occupy two persons seven days nearly—equal to	14	
2d. Making out duplicate general plats of seven districts, comprising 2,394 miles of said exterior boundaries, 14 general plats of exteriors will occupy one person	25	
3d. Comparing and correcting the 14 plats will occupy two persons three days—equal to	6	
Total number of days' work on the survey of 105 townships, and 2,546 miles of exterior boundaries		778
THIRD.—Examining resurveys and surveys, to complete those of townships heretofore surveyed in part (and which will be returned during the present year) under contract, and instructions of 1826; making out and examining the necessary plats and descriptions thereof, viz:		
7 river townships, containing an average of 12 miles of meanders in each, viz:		
1st. Collating the copies with the original field-notes of the resurveys, estimated at	2	
2d. Making out four new plats of each township, including the calculation and protracting of 12 miles, or 102 courses of meanders in each; 28 plats will occupy one person 47 days, including the calculation and protracting of 102 courses of meanders in each township, (see statement B)	47	
3d. Making out three new descriptions of each township will occupy one person, (statement B)	17	
4th. Examining, correcting, and certifying the plats: 28 plats will occupy two persons, at the rate of eight plats per diem, 3½ days—equal to	7	
5th. Examining and correcting the descriptions: 21 descriptions will occupy two persons, at the rate of nine per diem, 2⅓ days—equal to	5	
Resurveys and partial surveys in 70 fractional river townships, averaging in size one-half of a whole township, and containing an average of about eight miles, or sixty-eight courses of meanders in each, viz:		
1st. Collating the copies with the original field-notes of the resurveys, &c., in the 70 townships, estimated to occupy two persons four days—equal to	8	
2d. Making out four new plats of each of said townships, including the calculations and protracting of eight miles meanders each: 280 plats will occupy one person, (see statement B)	266	
3d. Making out three new descriptions of each township: 210 descriptions will occupy one person	96	
4th. Examining, correcting, and certifying the plats: 280 plats will occupy two persons, at the rate of 15 per diem, about 18½ days—equal to	37	
5th. Examining and correcting the descriptions: 210 descriptions will occupy two persons, at the rate of about 16 per diem, 11 days—equal to	22	
Total number of days' work occasioned by resurveys, &c., in 77 river and fractional townships		507
FOURTH.—Collating and correcting plats and descriptions of 20 townships and fractional townships which have been advertised for sale, the plats and descriptions whereof have been made, but not heretofore been sent to the land office, will occupy		15
FIFTH.—Making out instructions for connecting the section lines with the east boundary of Illinois, (north of Wabash,) and making out new plats and descriptions of the townships through which said line runs:		
1st. Preparing and copying letters of instructions and making, for the use of the surveyor, a plat and descriptions of each of the townships, 16 to 27 north, range 10 west of second principal meridian, through which said line runs (12 townships) will occupy	13	
2d. To make four new plats and three new descriptions of each of said townships, after the section lines are connecting with the State boundaries, will occupy	42	
3d. To examine the notes of said connexions, and the new plats and descriptions, will occupy two persons six days—equal to one person	12	
4th. To calculate the areas of the sections made fractional by said line will occupy	3	
Total number of days' work to make out instructions for connecting the section lines with the east body of Illinois, and making new plats, &c.		70
SIXTH.—To make out contracts and instructions for surveying and resurveying out boundaries of the commons, common fields, and towns or villages, and for surveying the town or village lots, out lots, and common field lots, in, adjoining, or belonging to the several towns or villages of Portage des Sioux, St. Charles, St. Ferdinand, Vil-		
Amount carried forward		1,699

ESTIMATE—Continued.

	Days.	Total.
Amount brought forward	.....	1,699
lage-a-Robert, Carondelet, St. Genevieve, New Madrid, New Bourbon, Little Prairie, Arkansas, and Potosi, or Mine-au-Breton, (see estimate —, of 30th of October last, for 1827;) also, to examine and record the surveys of said lots and boundaries, viz:		
1st. To transcribe the descriptions of (say) one thousand lots, &c., from the lists furnished by the recorder, will occupy one person	10	
2d. To examine and correct transcript will occupy two persons one and a half day—equal to one person	3	
3d. Preparing (say) four contracts and letters of instructions for surveying said claims, including the examination of the adjoining surveys, and obtaining the information that may be wanting from the recorder's office, will occupy	24	
4th. To make plats and descriptions of the adjoining surveys for the deputy surveyors will occupy	5	
5th. To examine the surveys will occupy two persons, at the rate of 20 per diem—equal to, for one person	100	
6th. To record the surveys, at eight per day, will require	125	
7th. To examine and correct the record will require two persons, at the rate of 100 per diem—equal to, for one person	20	
Total number of days' work to make out contracts and instructions for surveying and resurveying about 1,000 town lots, &c., and to examine and record surveys of same	.....	287
SEVENTH.—To make out special instructions for the surveying of forty private confirmed claims which were included in the estimate (No. —) of 30th of October last, for 1827; 25 of which are to be surveyed at expense of claimants, and of (say) 10 New Madrid claims—in all, 75; and likewise to examine and record the surveys of said claims, viz:		
1st. Transcribing the descriptions of the 65 private confirmed claims from the lists furnished by the recorder, and making plats and descriptions of the adjoining public and private surveys for the deputy surveyor, will occupy	7	
2d. Copying original Spanish surveys of (say) 20 of said claims will occupy	3	
3d. Preparing and copying letters of instructions for surveying the 65 private confirmed claims will occupy	8	
4th. Examining the surveys, including the calculation of their areas, will occupy two persons six days—equal to one person	12	
5th. Recording surveys will occupy	8	
6th. Examining and correcting record will occupy two persons one day—equal to one person	2	
7th. Copying the locations of 100 New Madrid claims will occupy	2	
8th. Making plats and descriptions of the adjoining surveys for the deputy surveyor, and preparing and copying letters of instructions, will occupy	4	
9th. Examining and recording surveys and examining record	4	
Total number of days' work to make out instructions for surveying of 75 private and New Madrid claims, and to examine and record surveys of same	.....	50
EIGHTH.—Making out special instructions for resurveying (say) 20 private confirmed claims, examining and recording the surveys, viz:		
1st. Copying confirmations, and examining recorder's office, will require	2	
2d. Making plats and descriptions for the deputy surveyor of the adjoining surveys will require	2	
3d. Copying original Spanish surveys will require	3	
4th. Preparing and copying letters of instructions will require	6	
5th. Examining surveys, including calculations of areas, will occupy two persons two days—equal to one person	4	
6th. Recording, examining, and correcting records will require	4	
Total number of days' work to make out special instructions for resurveying 20 private claims, and to examine and record surveys of same	.....	21
NINTH.—Making out from the field-notes, stating, and examining by the minutes of the surveys, the accounts of the deputy surveyors, for executing the following described surveying, viz:		
1st. Eight accounts for surveying the out boundaries of the commons, common field, and towns or villages, and for surveying the town or village lots, out lots, and common field lots, will require for each account two days	16	
2d. Six accounts for surveying, and connecting with the public surveys, 40 private confirmed claims; for connecting with the public surveys the survey of 25 private confirmed claims, which are to be surveyed at the expense of the claimant, and the surveys of ten New Madrid claims, will require one day for each account—equal to	6	
3d. Two accounts for resurveying, and connecting with the public surveys, 20 private confirmed claims, one day for each account	2	
4th. Thirteen accounts for surveys, resurveys, and corrections of townships and fractional townships, surveyed under contract of 1825, and one of 1823, and which		
Amount carried forward	24	2,057

ESTIMATE—Continued.

	Days.	Total.
Amount brought forward	24	2,057
have been suspended in the whole or in part; seven of which will occupy two days each, and six of them will occupy one and a half day each—making in all	23	
5th. One account for connecting east boundary of Illinois with section lines will occupy.	1	
6th. Twenty accounts for surveying, contracted for, or given out, under instructions in 1826, to be returned before the close of the year 1827, two days each	40	
Total number of days' work to make out accounts for surveys and resurveys, contract of 1825 and 1823, and of surveys which will be returned during the present year, under contract of 1826		88
TENTH.—To making out contracts and instructions for surveying seven thousand miles of public lands, viz:		
1st. Fifteen contracts, (in triplicate,) including the time occupied in examining the old adjoining surveys, at two days for each contract, comparing and correcting the same	30	
2d. Making out 12 sketches of exterior boundaries, with the descriptions of the corners thereof, for deputy surveyors, who contract to subdivide townships, estimated at two days each—equal to	24	
3d. Making out (in duplicate) eight sets of special instructions to deputy surveyors, estimated at one and a half day each, will occupy	12	
Total number of days' work to make out contracts, instructions, &c., for the surveying of 7,000 miles of public lands		66
ELEVENTH.—Making out three general connected plats of land districts, for use of land offices, and to complete another that has not heretofore been furnished to the registers, viz:		
St. Louis land district.....132 townships, and 75 fractional townships.		
Salt River land district .....139....do.....33.....do.		
Western land district ..... 90....do.....30.....do.		
To complete unfinished plat of the Sangamon land district .....312....do.....104.....do.		
In all.....673.....242		
Estimated to occupy one person		160
Making an aggregate of		2,371

W. McREE.

SURVEYOR'S OFFICE, *St. Louis, January* 25, 1827.

[Extract]

"SURVEYOR'S OFFICE, *St. Louis, January* 30, 1827.

"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 eight hundred and nine township plats and six hundred and twenty-one 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, or 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 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 became 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 the 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 examination, 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 these contingencies. It may be objected, perhaps, that the public surveys ought not to be of the description that here is 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.

"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 lands 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 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 six hundred and fifty-one 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 six hundred and fifty-one townships, there are six hundred and nineteen of which duplicate plats are on file in this office, but the plats of only seventy-seven are authenticated; and there are thirty-two townships of which only one plat of each is on file, and of these only eight that are authenticated, so that there are thirty-two townships of which new plats must be made, twenty-four of them perhaps in duplicate, and five hundred and forty-two 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 and 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 Musich 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 to 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 of June 2, 1825. Several other registers have already applied for new plats. The register at 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 affairs have 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 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."

22D CONGRESS.] No. 1034. [1ST SESSION.

ON CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 6, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of James W. Branan, Charles Hughes, and Nathaniel Ford, reported:

That they have carefully examined the report heretofore made by the Committee on Private Land Claims to the House, and the House to the same, (for a statement of the facts of the cases submitted to them, see No. 853, page 184,) with this additional statement, that it appears from the answer of Branan, filed in the district court of Missouri, and which constitutes a part of the record submitted to them by the applicant, that shortly after the sale to Branan, in 1821, by Trammel, the said Branan learned that doubts were entertained as to the validity of Trammel's title, and that the same had been fraudulently obtained from the United States, and that in 1825 he executed to said Trammel a relinquishment of all claims upon his covenant of warranty upon Trammel's agreeing to surrender one-third of the consideration money originally agreed to be given for the land; and it further appears that said Hughes and Ford both received conveyances from said Trammel without any covenant of warranty as to title, and that they both knew that a suit had been instituted in the State courts of Missouri by a man named Taylor Bery, probably claiming title under Collins, the real owner of the New Madrid certificate, though there is no proof as to the title he claimed; from these facts, the committee are not inclined to believe that the said purchasers from Trammel are brought to be regarded as innocent purchasers for a valuable consideration without notice, although there is much other testimony of a negative character binding to show they were innocent purchasers.

The committee are of opinion that the suit instituted in Missouri in the name of the United States was properly commenced, and that it ought to be prosecuted, and that the patent, if fraudulently obtained from the United States by Trammel, ought to be rescinded or repealed; and that the questions arising in behalf of the purchasers from Trammel have been made by them before the court, the proper tribunal for their determination, where they can and will be better investigated and more justice done than it would be possible for a committee of Congress, upon the *ex-parte* statements and evidences submitted to them.

The committee therefore recommend a rejection of the claim of the petitioners.

22D CONGRESS.] No. 1035. [1ST SESSION.

RECEIPTS AND EXPENDITURES AT THE SEVERAL LAND OFFICES OF THE UNITED STATES FOR THE YEAR 1831.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 10, 1832.

TREASURY DEPARTMENT, *March* 9, 1832.

SIR: In compliance with a resolution of the House of Representatives of the 23d ultimo, "instructing the Secretary of the Treasury to report to the House the amount of money paid to each register and receiver of the land offices for the last twelve months, including their salary, distinguishing for what paid, also the amount of public moneys received at each land office during the same time," I have the honor to transmit a report from the Commissioner of the General Land Office, which contains the information required.

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

LOUIS McLANE, *Secretary of the Treasury.*

Hon. SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *March* 8, 1832.

SIR: In obedience to a resolution of the House of Representatives of the 23d ultimo, in the words following, to wit: "*Resolved*, That the Secretary of the Treasury be instructed to report to this House the amount of money paid to each register and receiver of the land offices for the last twelve months, including their salary, distinguishing for what paid, also the amount of public moneys received at each land office during the same time," and which you have referred to this office, I have the honor to transmit the accompanying statement, furnishing the information desired.

The period embraced by the statement is the year ending the 31st December last, as the accounts are rendered for the quarter year ending on that day, the returns for the month of January not having been all received.

The act of April 20, 1818, entitled "An act for changing the compensation of receivers and registers of the land offices," allows to each officer an annual salary of $500, and a *commission* of one per cent. on moneys received to a maximum of $2,500, in any one year, for commissions. The register receives his commission on the moneys entered in his office during the quarter. The receiver receives credit for the amount of his commission, as he accounts to the treasury for the money from quarter to quarter. Hence the amount of the register's and receiver's commission, for any given period, will not correspond, except in cases where the receiver accounts within such period for the precise amount of moneys received during the same, and for no previous balance.

The allowance for transporting public money is made under the provisions of the act to that effect, of May 22, 1826.

The allowance for superintending public sales is made under the provisions of the act of April 24, 1820, entitled "An act making further provision for the sale of the public lands."

As the quarterly accounts of the receivers of public money are not yet adjusted for the whole period embraced by the accompanying statement, I deem it necessary to remark that, in such cases, the statement exhibits the allowances which, after a short examination, it is believed will be admitted on the official adjustment. This explanation is considered proper, in case there should be any variance discovered between this statement and the allowances made after the official adjustment of the accounts at this office, and the subsequent revision thereof by the First Comptroller of the Treasury.

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

ELIJAH HAYWARD.

Hon. LOUIS McLANE, *Secretary of the Treasury.*

Statement of the amount of money paid to each register and receiver of the land offices for the year ending December 31, 1831, including their salary, distinguishing for what paid; also the amount of public moneys received at each land office during the same time, rendered in pursuance of a resolution of the House of Representatives of February 23, 1832.

Land office.	State or Territory.	Officer.	Payments made to each officer in the year 1831.					Money received at the land offices in the year 1831.		
			Salary.	Commission.	To receivers, for transporting public moneys to bank.	For superintending public sales of lands.	Aggregate compensation to each officer.	In cash.	In military land scrip and forfeited land stock.	Aggregate receipts.
Marietta	Ohio	Register	$500 00	$200 14	.....	$5 00	$705 14			
		Receiver	500 00	186 54	$66 31	5 00	757 85	$19,224 31	$790 34	$20,014 65
Zanesville	do	Register	500 00	910 17	.....	10 00	1,420 17			
		Receiver	500 00	902 76	79 72	10 00	1,492 48	25,144 45	65,873 41	91,017 86
Steubenville	do	Register	500 00	350 28	.....	10 00	860 28			
		Receiver	500 00	387 12	43 06	10 00	940 18	28,278 56	6,750 03	35,028 59
Chilicothe	do	Register	500 00	411 04	.....	5 00	916 04			
		Receiver	500 00	413 50	76 50	5 00	995 00	30,204 92	10,899 06	41,103 98
Cincinnati	do	Register	500 00	1,510 22	.....	15 00	2,025 22			
		Receiver	500 00	1,510 22	.....	15 00	2,025 22	135,391 79	15,630 46	151,022 25
Wooster	do	Register	500 00	382 22	.....	.....	882 22			
		Receiver	500 00	371 58	148 08	.....	1,019 66	35,154 46	3,067 61	38,222 07
Piqua	do	Register	500 00	92 04	.....	.....	592 04			
		Receiver	438 38	88 25	47 01	.....	573 64	8,142 09	1,061 94	9,204 03
Tiffin	do	Register	500 00	563 12	.....	10 00	1,073 12			
		Receiver	500 00	559 79	257 09	10 00	1,326 88	50,940 92	5,373 81	56,314 73
Jeffersonville	Indiana	Register	500 00	698 65	.....	10 00	1,208 65			
		Receiver	500 00	723 42	10 74	10 00	1,244 16	53,982 60	15,882 47	69,865 07
Vincennes	do	Register	500 00	1,015 21	.....	15 00	1,530 21			
		Receiver	500 00	872 17	248 68	15 00	1,635 85	97,365 93	4,154 60	101,520 53
Indianapolis	do	Register	500 00	1,963 20	.....	.....	2,463 20			
		Receiver	500 00	2,131 49	265 05	.....	2,896 53	136,605 77	59,717 34	196,323 11
Crawfordsville	do	Register	500 00	2,500 00	.....	40 00	3,040 00			
		Receiver	500 00	2,500 00	765 73	40 00	3,805 73	245,974 40	32,790 35	278,764 75
Fort Wayne*	do	Register	375 00	669 31	.....	60 00	1,104 31			
		Receiver	375 00	529 28	240 95	60 00	1,205 23	66,931 01	.....	66,931 01
Shawneetown	Illinois	Register	500 00	302 29	.....	5 00	807 29			
		Receiver	500 00	279 01	125 91	5 00	909 92	24,526 26	5,703 37	30,229 63
Kaskaskia	do	Register	500 00	145 54	.....	30 00	675 54			
		Receiver	500 00	126 53	38 27	30 00	694 80	13,199 74	1,355 00	14,554 74
Edwardsville	do	Register	500 00	1,263 80	.....	10 00	1,773 80			
		Receiver	500 00	1,296 56	36 89	10 00	1,843 45	111,556 86	14,824 53	126,381 39
Vandalia	do	Register	500 00	539 68	.....	30 00	1,069 68			
		Receiver	500 00	673 19	114 84	30 00	1,318 03	43,590 20	10,377 68	53,967 88
Palestine	do	Register	500 00	685 90	.....	15 00	1,200 90			
		Receiver	500 00	674 87	202 65	15 00	1,392 52	67,325 13	1,266 03	68,591 16
Springfield	do	Register	500 00	1,257 69	.....	35 00	1,792 69			
		Receiver	500 00	1,380 68	303 08	35 00	2,218 76	109,288 78	16,481 69	125,770 47
Danville†	do	Register	313 35	120 59	.....	.....	433 94			
		Receiver	313 35	111 42	193 73	.....	618 50	12,059 89	.....	12,059 89
Quincy‡	do	Register	.....	.....	.....	.....	.....			
		Receiver	.....	.....	.....	.....	.....	200 00	.....	200 00
St. Louis	Missouri	Register	500 00	653 44	.....	60 00	1,213 44			
		Receiver	500 00	645 09	.....	60 00	1,205 09	64,531 13	813 35	65,344 48
Franklin	do	Register	500 00	885 12	.....	25 00	1,410 12			
		Receiver	500 00	828 28	257 13	25 00	1,610 41	88,046 54	666 79	88,713 33
Palmyra	do	Register	500 00	1,519 96	.....	35 00	2,054 96			
		Receiver	500 00	1,537 96	399 03	35 00	2,471 99	151,804 11	193 72	151,997 83
Jackson	do	Register	500 00	138 12	.....	.....	638 12			
		Receiver	500 00	156 82	68 86	.....	725 68	13,814 04	.....	13,814 04
Lexington	do	Register	500 00	596 84	.....	10 00	1,106 84			
		Receiver	500 00	470 26	254 18	20 00	1,244 44	59,667 96	16 00	59,683 96
St. Stephen's	Alabama	Register	500 00	1,056 57	.....	60 00	1,616 57			
		Receiver	500 00	1,032 69	126 90	60 00	1,719 59	98,736 43	6,918 60	105,655 03
Cahaba	do	Register	500 00	2,500 00	.....	120 00	3,120 00			
		Receiver	500 00	2,500 00	1,677 32	120 00	4,797 32	589,905 72	5,663 16	595,568 88
Huntsville	do	Register	500 00	2,196 75	.....	15 00	2,711 75			
		Receiver	500 00	2,241 28	449 52	15 00	3,205 80	212,318 74	7,357 42	219,676 16
Tuscaloosa	do	Register	500 00	299 15	.....	15 00	814 15			
		Receiver	500 00	466 41	214 67	15 00	1,196 08	29,819 28	96 10	29,915 38
Sparta	do	Register	500 00	211 18	.....	.....	711 18			
		Receiver	500 00	200 61	77 49	.....	778 10	21,120 31	.....	21,120 31

* No receiver in office, in the fourth quarter of 1831, to pay salary and commission.
† Commissioned in March, 1831. Operations commenced in third quarter same year.
‡ Commenced operations in December, 1831. No changes yet made for salary and commission.

Statement of the amount of money paid to each register and receiver of the land offices, &c.—Continued.

Land office.	State or Territory.	Officer.	Payments made to each officer in the year 1831.					Money received at the land offices in the year 1831.		
			Salary.	Commission.	To receivers, for transporting public moneys to bank.	For superintending public sales of lands.	Aggregate compensation to each officer.	In cash.	In military land scrip and forfeited land stock.	Aggregate receipts.
Washington	Mississippi.	Register	$500 00	$465 65	.....	$60 00	$1,025 65			
		Receiver	500 00	473 61	$25 49	60 00	1,059 00	$41,123 64	$5,442 01	$46,565 65
Augusta	...do.....	Register	500 00	9 50	.....	40 00	549 50			
		Receiver	500 00	14 31	.....	40 00	554 31	950 63	.....	950 63
Mount Salus	....do.....	Register	383 14	1,698 77	.....	60 00	2,141 91			
		Receiver	500 00	1,412 52	236 11	60 00	2,208 63	165,394 25	4,483 63	169,877 88
New Orleans	Louisiana.	Register	500 00	139 09	.....	.....	639 09			
		Receiver	500 00	209 83	.....	.....	709 83	13,910 00	.....	13,910 00
Opelousas	....do.....	Register	500 00	191 11	.....	60 00	751 11			
		Receiver	500 00	235 63	117 95	60 00	913 58	18,074 59	1,037 50	19,112 09
Ouachita	....do.....	Register	500 00	505 91	.....	60 00	1,065 91			
		Receiver	500 00	363 54	265 25	60 00	1,188 79	50,591 04	.....	50,591 04
St. Helena	....do.....	Register	500 00	32 71	.....	.....	532 71			
		Receiver	500 00	29 48	3 56	.....	533 04	3,271 67	.....	3,271 67
Detroit	Michigan..	Register	500 00	2,500 00	.....	.....	3,000 00			
		Receiver	500 00	2,500 00	1,196 30	.....	4,196 30	271,909 04	2,986 91	274,895 95
Monroe & White Pigeon prairie	....do.....	Register	459 94	1,281 22	.....	60 00	1,801 16			
		Receiver	459 94	1,295 05	488 90	60 00	2,303 89	128,122 00	.....	128,122 81
Batesville	Arkansas..	Register	500 00	78 93	.....	60 00	638 93			
		Receiver	500 00	61 90	69 98	60 00	691 88	7,893 88	.....	7,893 88
Little Rock	....do.....	Register	500 00	84 17	.....	.....	584 17			
		Receiver	500 00	11 89	.....	.....	511 89	8,417 46	.....	8,417 46
Tallahassee	Florida....	Register	500 00	346 89	.....	60 00	906 89			
		Receiver	500 00	432 07	262 37	60 00	1,254 44	34,489 86	200 00	34,689 86
St. Augustine	....do.....	Register	500 00	5 48	.....	.....	505 48			
		Receiver	500 00	5 48	.....	.....	505 48	548 30	.....	548 30
Total	.....	.....	42,118 10	65,820 64	9,455 29	2,220 00	119,614 03	3,389,549 50	297,874 91	3,687,424 41

GENERAL LAND OFFICE, *March* 8, 1832.

ELIJAH HAYWARD, *Commissioner.*

22D CONGRESS.] No. 1036. [1ST SESSION.

ON CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 12, 1832.

Mr. HUNT, from the Committee on Public Lands, to whom were referred the petitions of James Porlier, Alexander Gardipier, John B. Vine, and Joseph Jourdain, reported:

By an act of Congress approved the 21st of February, 1823, it was declared "that every person who, on the 1st day of July, one thousand eight hundred and twelve, was a resident of Green Bay, Prairie du Chien, or within the county of Michilimackinac, and who on 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 has continued to submit to the authority of the United States, or to the legal representatives of every such person, shall be confirmed in the tract so occupied and cultivated; provided, however, that no person shall be confirmed in a greater quantity than six hundred and forty acres." Commissioners were authorized to adjudicate on claims arising under the act, and the time limited for the exercise of their powers was the first of November then next ensuing.

James Porlier alleges that in 1811 he purchased of Nicholas Vieux a lot of land for a valuable consideration, situate on the east side of Fox river, designated as lot number eighteen on the plat; and that from 1810 to the present time he has continued in the possession of and cultivated the same; and that late in the fall of 1823 he forwarded to the commissioners at Detroit, appointed under the act of Congress of 1823, a notice of his claim, together with the necessary and proper testimony to support it, which testimony he believes was lost or mislaid, in consequence of which the said commissioner did not confirm the said tract of land.

To support his claim the said James Porlier produces the testimony of Brisque Hoytt and Joseph Ducharme, who say that he did purchase said lot of land of said Nicholas Vieux; that on the said first of

July, 1812, he did occupy, improve, and cultivate the same, and that since that time he has submitted himself to the authority of the United States.

The other petitioners represent that they have individually occupied, improved, and cultivated each a tract of land at said Green Bay since the year 1809 till the present time. That by reason of their absence, and that of their witnesses, they were unable to prepare and forward to the commissioners at Detroit, in season, the necessary proof of their title; and that late in the fall there was no communication open between Green Bay and Detroit, and pray that their respective claims may now be confirmed.

Alexander Gardipier supports his claim by the testimony of Perish Grinon, who declares that said Gardipier from the year 1808 to the present time occupied, improved, and had the possession of his certain tract of land, particularly described in his claim, at Green Bay, and that he has submitted to the authority of the United States.

Joseph Jourdain produces the testimony of Alexander Gardipier and Perish Grinon, which shows that the said Jourdain from the year 1809 to the present time has occupied, improved, and had the possession of a certain tract of land at Green Bay, particularly described in his claim, and that he has submitted to the authority of the United States, and is a citizen thereof.

John B. Vine supports his claim by the testimony of Joseph Jourdain and Alexander Gardipier, who say that in the year 1810, and from that time to the present, said Vine has improved, occupied, and had the possession of a certain tract of land, particularly described in his claim, in the township of Green Bay, and that he has submitted to the authority of the United States.

These claims were rejected by the last Congress upon the above mentioned evidence. The testimony to show that the petitioners continued to submit to the authority of the United States was deemed ambiguous and defective.

By the subjoined letter and memorandum of the Commissioner of the General Land Office it appears that the petitioners, excepting John B. Vine, have, either from a want of knowledge or design, misstated certain material facts, or have not sufficiently explained them, in relation to the exhibition and proof of their claims before the commissioners, under the act of 1823. As said Vine has joined with Alexander Gardipier and Joseph Jourdain in making the representations above mentioned, and referred to in said letter and memorandum, the committee do not consider it expedient to separate his claim, and report against the prayer of all the petitioners.

22D CONGRESS.] No. 1037. [1ST SESSION.

ON CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 12, 1832.

Mr. HUNT, from the Committee on Public Lands, to whom was referred the petition of Paul Ducharme, reported:

In the year 1793 Dominique Ducharme took possession of certain lands upon the Fox river, in the township of Green Bay, which he describes as follows, to wit: Lot number 69, on the west side of Fox river, described on the plat transmitted to Congress by the claimants to land in said township, bounded in front on said river, and on the south by a tract now occupied by Augustin Grinon, being twenty-seven chains and forty-seven links in width, more or less, and eighty arpents in depth, situate at the foot of the Grand Kakalin. Lot number 70, on the west side of said Fox river, bounded in front by the said Grand Kakalin, and on the north or lower side by the lot owned or occupied by the said Augustin Grinon, being eighty chains in width and eighty in depth on the shortest line, containing, by estimation, 640 acres. Also lot number 87, situate directly opposite to the portage around the Grand Kakalin, on the east side of said Fox river, bounded in front on said river, and being thirty chains in width, more or less, and eighty arpents in depth.

The evidence adduced by the petitioner shows that, upon the above described lands, without designating the lots, the said Dominique Ducharme erected a dwelling house, a store, and out buildings, and occupied and cultivated the lots until the year 1800. After he had taken possession of the lands, certain Indian chiefs, then residing there, ceded to him the above premises, by their deed bearing date the ——— day of ———, 1793, and which were afterwards confirmed by other Indians in the years 1796, 1797, 1798, and 1799.

On the 8th of July, 1800, the said Dominique sold and delivered the above mentioned lands to the petitioner, Paul Ducharme, who had then resided there with his brother Dominique Ducharme several years previously to the sale; and upon the purchase took the possession of the same lands, and cultivated them to some extent, though not definitely described, till the year 1813, being the second year of the war, when he was driven off by the Indians hostile to the United States, who burnt his buildings, destroyed his property, and compelled him to flee to Green Bay, eighteen miles distant, for protection. Under the act approved the 11th of May, 1820, for the purpose of ascertaining the rights, and confirming the titles of certain settlers at Green Bay and Prairie du Chien, the petitioner gave notice of his claim, and exhibited to the agent of the commissioners the evidence of his title; but he represents that the commissioners then considered the settlements of Green Bay did not extend to the land upon the Grand Kakalin, and therefore his title was not examined for confirmation. When the act of the 21st of February, 1823, was in operation for reviving the powers of the commissioners, the petitioner was out of the United States, and, as he states, had no notice of the act, or opportunity of presenting his claim. On the 8th of July, 1824, he returned and resumed his residence at Green Bay, where he still continues. He is now 67 years of age, is infirm, dependent entirely upon his own labor for subsistence, and the committee are informed has ever been friendly to the United States.

In addition to the above facts the committee would advert to the second article of the treaty concluded with Great Britain in 1794, which declares that "all *settlers* and *traders* within the precincts or jurisdiction of said posts [relinquished to the United States,] shall continue to enjoy unmolested all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove, with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain them at their discretion." As the aforesaid Dominique Ducharme was a *settler*, in the possession of the above described lands and buildings at the time of the treaty, it would seem that his claim, as well as the title which the petitioner derived from him, should be protected by the express direction of the above article.

By an examination of the records of the General Land Office, and the letter of the Commissioner, which is here subjoined, it appears that the petitioner was under a mistake in representing that the commissioners under the act of 1820, as above referred to, did not consider and examine his claims; for it is there shown that two lots of land at the Grand Kakalin, on Fox river, presumed to be the two lots first above described, and containing 640 acres each, were confirmed to the petitioner; and that another claim made by him, presumed to be for the third lot, as above described, was rejected by the commissioners. It therefore appears that the claims of the petitioner have once been investigated by a competent board; and as the committee are induced to believe that justice has already been done to him, they submit the following resolution:

Resolved, That the prayer of the petitioner be not granted.

GENERAL LAND OFFICE, *February* 21, 1832.

SIR: I return the petition and papers of Paul Ducharme, enclosed in your letter of the 17th instant.

Under the provisions of the act of 11th May, 1820, (Land Laws, p. 776,) Paul Ducharme claimed three tracts of land at the Kakalin, or great rapids of Fox river; and two of those tracts, situated on the west side of the river, were recommended by the commissioners, and confirmed to him by the third section of the act of the 21st February, 1823, (Land Laws, p. 831). At the same time his claim to the tract east of the river was rejected by the commissioners. Under the same law Augustus Grignon claimed, as the assignee of Ducharme, a tract situated between the tracts claimed by and confirmed to Ducharme, which the commissioners recommended for confirmation. and which was therefore confirmed by the act of 1823. Grignon also claimed the lots which were confirmed to Ducharme, but his claims to these tracts were rejected. A copy of so much of the report of the commissioners, and of the accompanying map, as relates to the claims of Ducharme, is enclosed; and by comparing the testimony adduced in support thereof, with the provisions of the second section of the act of 3d March, 1807, (Land Laws, p. 546,) you will be enabled to form an opinion as to the correctness of the decisions of the commissioners.

I also enclose a copy of a correspondence in 1825 between the office of Indian Affairs and this office, respecting the claim of Ducharme on the east side of Fox river, by which it will be seen that the New York Indians also claim the land in question.

By reference to pages 43, 45, and 47 of the document printed as report No. 42, House of Representatives, 1st session 20th Congress, it will be seen that three tracts at the Kakalin, there called the portage of the Big Cockalin, were claimed by Nancy Macrey and Augustine Grignon, whose claims being recommended, but "not to interfere with any confirmations heretofore made," were confirmed by the act of April, 1828. How far these claims may interfere with the previously confirmed claims of Ducharme, if at all, I have not the means of ascertaining.

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

ELIJAH HAYWARD.

Hon. JONATHAN HUNT, *Committee on Public Lands, House of Representatives.*

22D CONGRESS.] No. 1038. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 16, 1832.

Mr. MARSHALL, from the Committee on Private Land Claims, to whom was referred the petition of Isaac Thomas and William M. Wilson, reported:

That the petitioners pray a confirmation of their title to six hundred and forty acres of land in the parish of Rapides, on Red river, at the mouth of Bayou Darro, in the State of Louisiana, which land they claim by virtue of the settlement and occupancy of the same by ——— Palmer and ——— Ratliff, with the permission of the Spanish authorities, prior to the cession of Louisiana to the United States. The petitioners claim as assignees of Palmer and Ratliff through various *mesne* transfers. It appears satisfactorily, from the evidence filed with the petition, that Palmer and Ratliff settled and occupied the land prior to the cession, and that James and Edward McGlaughlin, to whom they transferred it, also occupied it before and for several years after the cession, and that it has since been occupied by their assignees. The committee are therefore of opinion that the title of the present assignees should be confirmed, and for that purpose report a bill.

22D CONGRESS.] No. 1039. [1ST SESSION.

ON CLAIMS OF CERTAIN SETTLERS IN LOUISIANA FOR INDEMNITY FOR THE LOSS OF RIGHTS OBTAINED FROM THE SPANISH GOVERNMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 16, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Eloy Segura and others, reported:

That the petitioners are the surviving descendants of a colony of Spaniards who, at a very early period, were invited from Spain, and settled in Louisiana. They were placed on small tracts of land, which were assigned them by the King of Spain, at a place called New Iberia, and their lands fronted on Lake Peigniers, since called the Spanish lake. The King of Spain furnished them some aid in leaving Malaga, their native country, and seemed solicitous to place them at ease in their new abode. It is a matter not only of historical notoriety but of legal proof before the committee that allotments of land were made to the emigrants, and that they were put in possession by the King's surveyor where the petitioners yet live. But as the lands assigned them were entirely destitute of timber, being an open prairie, and they could not build houses nor cultivate their lands without wood, the Spanish government gave them, collectively, the usufruct, or the privilege of cutting timber and firewood in a cypress swamp, and on a tract of woodland in the neighborhood, called the *Trois isles*.

The little colony continued in the undisturbed enjoyment of that privilege, to them indispensable, until long since the change of government by the cession of Louisiana to the United States. This privilege of the Spanish emigrants not being of such a nature as would authorize the commissioners for the adjustment of land titles in that district to recognize it as a title to land, no steps were taken to obtain the continuance of it from the American government. Still it might be considered as a *species of property*, which seems to have been guarantied by the treaty of cession to the ancient inhabitants of the ceded country. Ultimately, about the year 1821, the wood lands within which that privilege had so long been exercised were sold by the United States, and the Spanish families left entirely destitute of timber. Not supposing it possible that their right could be questioned, they attempted to continue the practice of supplying themselves from the same source, were prosecuted at law for a trespass on the purchasers from the United States, and condemned to pay heavy damages.

These facts exhibit certainly a hard case, and in the opinion of the committee entitle the petitioners to the favorable consideration of Congress. The committee therefore report a bill, giving to each of the petitioners a quarter section of land out of the public domain.

22D CONGRESS.] No. 1040. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 16, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Josiah Barker, reported:

That the petitioner has exhibited two patents or complete titles emanating from the Spanish government for lands situated on the Mississippi, near Manchac. One of them was granted originally to Zachariah Norton, on February 14, 1786, for three hundred and twenty-one arpents and three hundred toises, having a front of four arpents and six toises on the river. The other was granted originally to John Fitzpatrick, on the same day, for six hundred and eighty arpents, superficial, adjoining the first named, and having a front of nine arpents on the river. Both these grants are perfect in form, and conferred title of the highest dignity known to the Spanish law. The petitioner is the undoubted owner, and the lands have always been occupied and cultivated conformably to the title.

The committee therefore report a bill confirming the title.

22D CONGRESS.] No. 1041. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 16, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of J. C. Boudrean, reported:

That as early as 1783 Louis Delahoussaye, having a title to a tract of land on the Vermilion, in Louisiana, of one hundred arpents front, sold the same to Pierre Rousseau, who afterwards conveyed forty-four arpents of the same to Réné Leblanc, fifty arpents to one Dupare, and six arpents front were

exchanged with Joseph Frahan, who sold the same to the father of the petitioner. All except these six arpents front appear to have been confirmed by the commissioners for adjusting land titles in that district. The petitioner, and those under whom he claims, have been in possession since long before the change of government, have regularly paid the taxes, and cultivated the land. If this proof had been laid before the commissioners by the claimant the title would undoubtedly have been confirmed The committee therefore think it ought now to be confirmed, and report a bill to that effect.

22D CONGRESS.] No. 1042. [1ST SESSION.

ON CLAIM OF INDEMNITY FOR A DEFECT IN THE TITLE TO LAND DERIVED FROM THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1832.

Mr. PLUMMER, from the Committee on Public Lands, to whom was referred the petition of Hartwell W. Vick, reported:

That Hartwell W. Vick, a citizen of Warren county, Mississippi, on the 23d day of May, 1818, purchased of the United States, at the land office at Washington, Mississippi, in the land district west of Pearl river, fractional section No. 20, in township No. 18, of range 4 east, under and by virtue of the provisions of an act of Congress passed on the 3d of March, 1803, entitled "An act regulating the grants of lands, and providing for the disposal of the lands of the United States south of the State of Tennessee." The fractional section contained 225.70 acres, which, at the price of $2 per acre, amounted to the sum of $451 40. One fourth part of the purchase money, amounting to $112 85, was advanced for the land, and, according to the stipulations of the act above referred to, another fourth part was to have been paid within two years, another fourth part within three years, and the remaining fourth part within four years from the day of sale. Interest at the rate of six per cent. per annum was chargeable on the three last payments from the day of sale. The land, if not completely paid for within one year after the last payment became due, was to be offered for sale again to the highest bidder; and if it did not sell for the amount due thereon, and interest, the same was to revert to the United States.

On April 18, 1823, Mr. Vick availed himself of the provisions of an act of Congress, passed March 2, 1821, entitled "An act for the relief of the purchasers of public lands prior to July 1, 1820," and took a certificate of further credit, payable in eight equal annual instalments, the first instalment due on March 31, 1822, and the last on March 31, 1829. The entry by Vick was made according to the plat of the United States surveyor, received and approved by the surveyor general, and deposited in the office. In 1828 (and before the last payment became due) a resurvey of the private claims in that township was had, under the authority of the government, by which it was ascertained that the tract of land purchased by Mr. Vick was covered by the private claim of Elihu H. Bay, previously located, and that the sale to Vick was consequently void.

The tract of land which the petitioner entered, as before described, is situated within about half a mile of the town of Vicksburg, on the Mississippi river, a place, in point of commercial importance, second to none on the river above Natchez and below the mouth of the Ohio; which, taken in connexion with the known fertility of the soil in that section of the State, makes the land of great value. The petitioner represents the land to be worth $10 per acre; present value of land $2,257, which would enable him to purchase 1,800 acres of the richest and most fertile of the uncultivated lands at the minimum government price.

One of the committee is acquainted with the lands in the vicinity of Vicksburg, and from his knowledge of their value does not think the before described tract of land overrated by the petitioner. The petitioner also represents, that in consequence of the inability of the general government to comply with her part of the contract by perfecting his titles, he has been deprived of a home for his family, and the means of supporting a wife and children who are dependent on his exertions alone for the means of a sustenance and education. He therefore prays Congress to grant unto him, as an indemnity for the injury he has sustained in consequence of the inability of the United States to comply with her part of the contract, made by the petitioner with the United States on the faith and credit of her public records and officers, two sections of land, to be located on any of the unappropriated lands belonging to the United States within the State of Mississippi.

The bill before the committee, which has been referred to them, authorizes the government to refund to the petitioner the amount of money by him advanced on said tract of land, and interest on the same at the rate of six per centum per annum. If that is all the relief to which the petitioner is entitled, after the government has had the use of his money fourteen years, and in effect turned him and his family out of house and home by the misfeasance of one of her officers, there is no necessity for any legislation on the subject. The purchase money can be refunded to him under the existing laws. If the petitioner is to be deprived of property to the amount of $2,200 by the act of his government, making no other compensation than the little pittance of $112, and interest thereon, he might with propriety doubt the truth of the assertion that the government of the United States is administered "upon principles of equity and justice." The committee deem it inexpedient to grant to the petitioner a donation of land as a compensation for the loss he has sustained, but think it no more than reasonable that the money he has paid, together with interest at the same rate as that exacted from him on the last payments by the government, should be refunded in scrip or land stock, and that he should have the pre-emption right of entering one section of any of the unappropriated lands of the United States within the State of Mississippi.

The committee, therefore, report the bill, with an amendment to that effect.

22D CONGRESS.] No. 1043. [1ST SESSION.

ON A PROPOSITION TO ESTABLISH A LAND OFFICE AT COLUMBUS, MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1832.

Mr. PLUMMER, from the Committee on Public Lands, who were instructed to inquire into the expediency of establishing a land office at Columbus, in the State of Mississippi, reported:

From the knowledge the committee have of the geographical situation of the country, it is, in their opinion, highly important to the interests of the people residing in the northern section of the State of Mississippi, that a land office should be established in that part of the State. A portion of the citizens are now compelled to travel from one hundred and fifty to two hundred miles to a land office. This is a grievance to all classes of society, and an evil which ought to be remedied. It operates peculiarly hard on a poor man and laborer, whose pecuniary circumstances will not admit of his purchasing more than one-eighth of land, to be compelled to leave his business for six or eight days, and expend one-eighth of the price of the land, to deposit his money in the office. The citizens of the counties of Lowndes and Monroe, situated in that isolated portion of Mississippi between the Tombigbee river and the State of Alabama, have heretofore labored under many inconveniences for the want of a land office in that part of the country, which they were compelled to forego in consequence of there not being a sufficient quantity of land in market to justify the expense of a separate land district for these two counties.

The extinguishment of the Indian title to the adjacent lands acquired from the Choctaws by the treaty of Dancing Rabbit creek will, in the opinion of the committee, as soon as they are ready for market, justify the expense of a land office in that section of the State.

Columbus being situated on the border of the Choctaw lands, on the great highway leading from Tennessee and Alabama to the interior of the newly acquired territory, and a point which a great portion of the "land hunters" and emigrants will be compelled to pass in search of land and homes for their families, is, in the opinion of the committee, the most eligible situation to locate the office for that district of the new purchase, to which the counties of Lowndes and Monroe, from their situation, must necessarily be attached. The committee have before them the following communication from the Commissioner of the General Land Office on the subject, addressed to one of their number, which they beg leave to submit as a part of their report:

"GENERAL LAND OFFICE, *March* 3, 1832.

"SIR: In reply to your note of the 1st instant, requesting me to give to you, in writing, my opinion, as expressed a few days since, as to the expediency of establishing any land offices in that section of country recently acquired from the Choctaws, I have to state that at the time of our conversation it was my belief, as it is now, that it was not expedient to establish land districts for these lands until a good portion of them should be surveyed, and the plats examined and certified by the surveyor general, and duplicates of the plats prepared for this and the land offices proposed to be created; and that these surveys could not be made and returned in time to make it advisable to create any such land offices at this session of Congress.

"With great respect, your obedient servant,

"ELIJAH HAYWARD.

"Hon. F. E. PLUMMER, *House of Representatives.*"

The committee agree with the commissioner in opinion that it is inexpedient to establish by law a land office at Columbus during this session of Congress, and therefore offer for adoption the following resolution:

Resolved, That the further consideration of the subject be postponed to the next session of Congress.

22D CONGRESS.] No. 1044. [1ST SESSION.

ON REMISSION OF FORFEITURES FOR NON-PAYMENT BY PURCHASERS OF PUBLIC LANDS IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1832.

Mr. PLUMMER, from the Committee on Public Lands, to whom was referred the petition of Sinclair D. Gervais, reported:

That Edward Cook, of Warren county, Mississippi, on December 27, in the year of our Lord 1817, became the purchaser of fractional section twenty-five, in township fifteen, of range four east, in the land district west of Pearl river, containing, by estimate, four hundred and sixty-two acres and eighty-seven hundredths of an acre, at the rate of two dollars per acre—whole amount of purchase money nine hundred

and twenty-five dollars and seventy-four cents. He paid one-fourth part of the purchase money or first instalment, amounting to two hundred and thirty-one dollars and forty-three cents, at the time of the purchase, and took a credit on the residue according to the provisions of the statute in such case made and provided. On September 19, 1821, George Arnold, assignee of the said Edward Cook, signed and filed in the register's office of the district of lands offered for sale at Washington, Mississippi, his declaration, in writing, and obtained a certificate of further credit on the balance due, under and by virtue of the provisions of the act of Congress, passed March 2, 1821, entitled "An act for the relief of purchasers of public lands prior to July 1, 1820." On July 3, 1829, the said tract of land became forfeited, and reverted to the United States for non-payment of the balance of the purchase money, under and by virtue of the provisions of the act aforesaid. The petitioner represents that the said George Arnold assigned the certificate of further credit to Seth A. Griffith, under whom the said Sinclair D. Gervais claimed title to said tract of land, by a purchase made at an advanced price, previous to the reversion of the land to the United States, as aforesaid. The petitioner also represents that by a resurvey of the lands in township No. 15, in which the fractional section before described is situated, by order of the surveyor general, and subsequent to the time of the purchase made by him from Griffith, he found, by the running of the lines, the land not to be so valuable as he had anticipated.

The petitioner therefore prays Congress to pass a special law authorizing the register of the land office at Washington, where the purchase was made, to issue to him a certificate for the sum of $231 74, it being the amount of money advanced for said tract of land by the original purchaser; and that the said certificate, when so issued as aforesaid, may be received and credited as cash in payment of any public lands which have heretofore or may hereafter be sold by the United States. All of the allegations herein stated and set forth are, in the opinion of the committee, supported by competent and satisfactory evidence, excepting the statement of the transfer of the certificate of further credit by Arnold to Griffith, and the purchase of the petitioner from the said Griffith. By the provisions of an act of Congress, passed May 23, 1828, entitled "An act for the relief of purchasers of the public lands that have reverted for non-payment of the purchase money," the relief prayed for by the petitioner in this case was granted to all purchasers of public lands on which a further credit had not been taken, under the provisions of the act of March 2, 1821, before referred to. And the committee know of no good reason why the same relief granted to that class of purchasers, by the act of 1828, should not be extended to those purchasers who availed themselves of the further credit granted by the act of 1821.

The Committee on Public Lands have reported a general bill granting relief to all persons similarly situated with the petitioner, which, in the opinion of the committee, renders it inexpedient to report a special bill in this case.

22D CONGRESS.] No. 1045. [1ST SESSION.

ON CLAIM OF INDEMNITY FOR A DEFECT IN THE TITLE TO LAND DERIVED FROM THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1832.

Mr. PLUMMER, from the Committee on Public Lands, to whom was referred the memorial of Jesse Bell, of Mississippi, reported:

The memorialist represents that on the seventh day of December, in the year of our Lord one thousand eight hundred and eighteen, his father, William Bell, purchased of the United States, at the land office at Washington, Mississippi, a tract of land situate in the county of Wilkinson and State aforesaid, known and designated on the map as surveyed and returned to the register's office of that land district by the surveyor in the employ of the government as fractional section number fifteen, in township number two, of range number four west, in the land district west of Pearl river, containing, by estimate, five hundred and fifty-five acres, and paid therefor the sum of eight hundred and thirty-six dollars and eighty-four cents, the full amount of the purchase money for said tract of land, at two dollars per acre, exclusive of the discount allowed by law. The last payment was made on the 12th of January, 1829, and the register of the land office at Washington issued a final certificate for said tract of land, and transmitted the same to the General Land Office on the 22d of April following. William Bell, since deceased, by his last will and testament devised said tract of land to the memorialist, Jesse Bell, and his brother, Thomas Bell. On the 24th day of January, 1832, the said Thomas Bell, one of the devisees, assigned and transferred, by a deed of conveyance of that date, all of his right, title, and interest in and to said tract of land to the memorialist, who, by the will and transfer as aforesaid, has become, and is, entitled to all the legal and equitable interest in and to said tract of land which was vested in said William Bell during his lifetime. By a resurvey of the lands in that township, made by authority of the surveyor general of the "public lands south of Tennessee," in February, 1831, it was found that the tract of land purchased by the said William Bell, and now claimed by the memorialist, was covered by the confirmed claims of John Collins, Charles Percy, and Thomas Wilkins, who held under and by virtue of previously located Spanish grants. There is before the committee, duly certified, record evidence sufficient to convince them of the truth of the statements. The memorialist also states (and has adduced in support of his statement the affidavit of Peter Smith, a respectable citizen of Wilkinson county, Mississippi, taken before a notary public) that he has made valuable improvements on the land, and that the said tract of land, in its improved condition, is worth at this time the sum of two thousand six hundred and twenty dollars. The memorialist therefore prays Congress to pass a special law authorizing him to surrender his certificate to said tract of land, so purchased by his father in his lifetime and claimed by other persons as aforesaid, and to locate in lieu

thereof one section of any of the unappropriated lands belonging to the United States within the State of Mississippi. The committee deem it unnecessary to enter into any argument in support of the equitable and legal right which the memorialist has to claim, at the hands of the general government, a remuneration for the injury which he has sustained by the sale of a tract of land to his testator, made by the officers of government, to which the United States had, at the time, no legal or equitable title. The facts speak for themselves. The mistake was not occasioned by the error or negligence of the memorialist or his testator, but by the erroneous survey and plat of the township returned to the office by the surveyor in the employ of the United States. The purchase was made on the faith of the public maps, records, and officers, with full confidence in the ability of the government to perfect the titles; and the government is bound, by every principle of law and justice, to make satisfaction to the grantee in as full and ample a manner as though he had been a private individual, and had transferred the land by a deed of conveyance, warranting the title. The section of land which the memorialist asks as an indemnity for the incapacity on the part of the United States to perfect the titles, is worth, at the minimum price, $800. The amount of money paid for the land, as before stated, $836 24, exclusive of interest and the discount allowed by law, which, taken in connexion with the enhanced value of the land by reason of the improvements made thereon, renders, in the opinion of the committee, the granting of the prayer of the memorialist no more than an act of justice on the part of the general government. Therefore the committee report a bill for the relief of Jesse Bell.

22D CONGRESS.] No. 1046. [1ST SESSION.

ON CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 20, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of William Ovington and others, reported:

The petitioner, William Ovington, represents that sometime in the year 1817 Joseph F. Rattenbury, then a resident of East Florida, obtained from the Spanish authorities a grant or cession of 50,000 acres of land, on condition that the same or a portion of it should be settled and cultivated within two years; and that grants in the usual form were executed on February 26, 1818; and that the delay in the execution of the grant occurred in consequence of a desire on the part of the governor of East Florida to have his authority to make such a large grant examined into and confirmed by the King of Spain; that immediately after, Rattenbury left Florida for the purpose of complying with the conditions of the grant; that upon his arrival in Philadelphia a bargain was made, October 16, 1818, between said Rattenbury and James Alexander, by which one moiety of the grant was conveyed to Alexander, he agreeing to comply with the conditions of the grant; and that in the fall of 1818 said Alexander proceeded from New York to East Florida, taking with him men, live stock, and such necessary supplies as were required to insure success to the settlement; that upon his arrival at St. Augustine he procured orders of survey from the proper authorities and land surveys of different tracts of land to be made in East Florida to the amount of fifty thousand acres, which were duly registered in the proper offices in East Florida; and that Mr. Alexander immediately took possession and commenced improvements, and obtained from the Spanish authorities official documents recognizing the performance of the conditions of the grant; and that Alexander died in Florida in 1820; and that since that time the agents of the said Alexander and the petitioners have continued in the possession of the lands, although the improvements on the land have made but little progress, from an apprehension that their title might not be confirmed under the treaty with Spain in 1818.

The petitioner urges upon the statement of facts, that the 8th article of the treaty of 1818, which declares all grants void made after the 24th January, 1818, did not intend to embrace such a case as that of the petitioner, whose grant was made in good faith, and the conditions of it complied with, without any knowledge of the existence; and that the 8th article of the treaty was intended to apply to the grants issued by Spain to the Duke of Alegon, to Count Punver Rosteo, and to De Vargas; and refers to the correspondence between Mr. Adams and Don Onis, and the Count De Neuville, and also to the correspondence between Mr. Forsyth and the Spanish government, and also to the President's message of the 7th December, 1819. The claim was also filed with the board of commissioners, who declined acting, as their powers were limited to the confirmation of grants made before the treaty. Petitioner also alleges that Alexander expended six thousand six hundred and twenty dollars, and that four thousand one hundred and sixty dollars was advanced to him by the petitioner.

Petitioner also alleges that said Alexander died, leaving a last will and testament, devising his real and personal estate to the wife of the petitioner, his sister; that she has since died, leaving four children, Henry A. Ovington, James A. Ovington, Susan Benedict, wife of Samuel W. Benedict, and Anna J. Taylor, wife of John N. Taylor; and that the petitioner is the only surviving executor of Alexander, and asks a confirmation of the title to one-half of the lands surveyed to his children, the heirs as well as devisees of Alexander.

The petitioner exhibits to the committee a paper, in the Spanish language, purporting to be a copy of the grant for the land, and certified to be a copy by ——— ———, who purports to have had the control of the Spanish records before the transfer of Florida to the United States. The paper produced is, in the first place, a memorial of Rattenbury to the Spanish governor, bearing date February 18, 1818, setting forth that it was his object "to introduce into the province of East Florida, agreeably to the ordinances and regulations of his Catholic Majesty, for the purpose of augmenting the population, a number of settlers, with their families, from Great Britain, Ireland, and elsewhere, and also negroes from Africa, for

the purpose of cultivating the land and other objects." He therefore asks a grant of one hundred thousand acres, and three years time to fulfil the conditions. And on the 26th of February, 1818, the Spanish governor decreed, after reciting his powers and the object of the Spanish government, "I grant unto him fifty thousand acres of land, half of the one hundred thousand which he solicits, in the situation he points out, without prejudice to third persons, but upon the express condition that he shall effect the introduction which he offers in the space of two years from this date; but if at the expiration of two years he has not complied with his offer, in whole or in part, this concession shall be held of no value or effect. At the same time it is provided that he shall not sell or cede to any one the land which is granted unto him, unless preceded by the knowledge and consent of this government, who will confirm the concession as often as it shall be necessary for the proposed objects; and for his confirmation and security, and for the promotion of the same, the secretary shall give him such certified copies as may be necessary of this memorial and decree.

"COPPINGER."

The petitioner presents another document, in the Spanish language, purporting to be a certified copy from the records of St. Augustine, of a power of attorney from Rattenbury to Alexander, authorizing him to manage his affairs in Florida, and also a transfer of one-half of the interest in the fifty thousand acres, both bearing date the 16th of October, 1818.

The petitioner also produces a paper purporting to be an original agreement between Alexander and four men, to wit: William Hacy, Thomas Byrne, Bernard Lawless, and Daniel Maines, by which it is agreed that Alexander was to pay their passage from New York to East Florida, and pay them twelve dollars a month and their board and lodging; they agree on their part "to obey the orders and be subject to any employment towards the promotion of said settlement, or otherwise, which the said James Alexander may direct. We also hereby agree to continue with and under the employ, orders, and directions of said James Alexander for the period of six months from the date hereof;" and a power is reserved to said Alexander to dismiss all or any of them within the six months, upon his providing a passage back to New York, if any of them desired to go, and paying all wages due to them, and an addition of six dollars, one half month's pay, for their passage back. And on the said paper purports to be the receipt of Daniel Maines, Thomas Byrne, and Bernard Lawless, dated the 4th December, (I presume 1818,) in full satisfaction of all their services, and also the receipt of William Hacy, dated the 20th November, 1819, for his pay. There is no evidence presented to the committee of the execution of the contract, or the receipts on the back of it.

There is also a paper in the Spanish language presented, purporting to be a copy of the records of St. Augustine, showing that Mr. Alexander became a Spanish subject, according to their law, on the —— day of ————, 1818.

There is also a document presented in the Spanish language, purporting to be a copy from the records at St. Augustine, of the application by Mr. Alexander to have the lands granted to Rattenbury surveyed. The memorial presented by him as the attorney, in fact, of Rattenbury, asks for the survey of 10,000 acres of said land, upon which he proposed commencing his operations, bearing date December 15, 1818, and on the same day, the governor directs that it be done as demanded, "agreeably to the terms expressed in the decree of the 26th of February last, for which the lands mentioned were granted, and conformable with the formalities of the same, and the citation of the colonial authorities."

A second memorial, dated March 13, 1819, is presented to the governor, asking a survey of the balance of the land, alleging that it is "expedient to hold the surveys of all the land, and to form the corresponding plans projected by his principal, and to carry into effect his project of uniting the families he proposes; and in such case it will be necessary to know the precise boundaries of the land which he ought to settle, that he may avoid all disputes," &c. And on March 17, 1819, the governor directs its reference to some inferior officer to report to him; and on the 20th of March a favorable report is made on the application; and on the same day the governor granted the request, "subject to the conditions in the grant which this government made to Joseph Freeman Rattenbury, of the 50,000 acres of land." And the said ten thousand acres of land was surveyed August 7, 1819, and the plat accompanies the document.

Another memorial is presented by Alexander, dated the 20th of February, 1820, accompanied by the survey of the 10,000 acres, in which he sets out that many difficulties had occurred to prevent the execution of the conditions of the grant, and which produced great expense, and had determined him to take possession of the 10,000 acres, surveyed as aforesaid, upon which he had settled more than fifty negroes under the direction and care of white men, and had constructed habitations for them, and had prepared for a permanent settlement before the expiration of the two years, and asks to have the proofs of the past performance of the condition recorded; and on the 3d of March, 1820, the governor grants the demand, and "under the precise obligation of presenting the documents which prove the possession of the negroes referred to and introduction of the same into the province;" and on the 8th of March, 1820, depositions of three witnesses are taken, which prove that Alexander had settled about fifty negroes on the 10,000 acres as early as June or July, 1819, and made considerable improvements, and had various species of stock, evidencing a permanent settlement.

On the 20th January, 1821, Henry Alexander Ovington presented a memorial to the Spanish governor, on behalf of the heirs of James Alexander, deceased, in which he says "that whereas it is expedient that the annexed despatch should justify the possession, which was taken by the deceased, of ten thousand acres of land to the west of the river St. John's, and be enrolled in the office of the present notary; and that it be decreed from the evidences produced, being ready to pay the whole duty;" upon which the governor decrees on the same day, "that it may not subject the same to sequestration for not having concluded the process, nor impeach the justification which was directed by the decree of the 3d of March, 1820, enrolled the title to the extent which has taken place, and give to the party the proof which he demands."

10,000	acres surveyed as above, on the	6th	August, 1819.
11,500	do	do	8th August, 1819.
11,520	do	do.	
2,500	do	do	10th February, 1820.
2,500	do	do	10th February, 1820.
4,000	do	do	31st December, 1818.
500	do	do	10th February, 1820.
2,500	do	do	12th July, 1819.
2,000	do	do	18th March, 1819.
4,000	do	do	31st December, 1818.

The petitioner also presents the affidavit of Horatio Dealer, sworn to before the notary public of the city of New York; he swears that he agreed to unite with Alexander in effecting the conditions of the grant, by making settlements, cultivation, &c.; and he accordingly commenced with Alexander a settlement upon a tract at Volusia of 4,000 acres, and another tract at Alexander Springs of 11,558 acres. And on the first tract he cleared 157 acres, which was principally planted in sugar-cane; that he caused 49 buildings to be put up for the slaves, and other buildings for manufacturing sugar; and that he caused orchards of various tropical fruits to be planted, and vineyards, all of which was done shortly after his arrival in December, 1819; and that 70 hands had been employed at one time on the tract. That on the Vibilia tract he caused about 27 acres to be cleared, which was planted in corn, rice, and potatoes, and three dwelling-houses built. That lands had been opened for an orange grove, and a nursery planted three years ago. He also states that he caused three frame buildings to be put up on the Alexander Spring tract, which are occupied by the keepers of his stock. That no more lands have been opened than enough to provision the hands and stock, and for a young orange grove. That he has continued the possession ever since, under the agreement, acting as the agent of Alexander. That Alexander died in the summer of 1820. That sundry other tracts were surveyed under the grant to Rattenbury, and that he had a general superintendence and care over them, for the preservation of the land and timber growing thereon; exercised acts of ownership, as the agent of Alexander and his representatives. The petitioner also alleges that Alexander had expended between six and seven thousand dollars in the management of said land, and of that sum he advanced about four thousand dollars.

The various documents presented to the committee in the Spanish language, and which have been above referred to and used as correct copies of the originals, have not been authenticated in any mode which would justify their being used as evidence; and no reasons have been assigned to the committee for the absence of the original grants and concessions under which the petitioners claim; and to most of the Spanish documents an English translation is appended, without any information to the committee as to the individual who made it, and without any verification. Notwithstanding these exceptions might properly be taken to the species of evidence presented to the committee, they have examined the case upon its merits, as the same is detailed to them in the documents referred to by them. The committee could not but be struck with the looseness of the phraseology used in the memorials to the governor of East Florida, and in the decrees made by him in relation to the land claimed by the present applicant.

In the first memorial presented by Rattenbury he sets forth his object to introduce, "for the purpose of augmenting the population, a number of settlers, with their families, from Great Britain, Ireland, and elsewhere, and also negroes from Africa, for the purpose of cultivating the land and other objects," without any specification as to the number of individuals or families which he intended to introduce, or any certain quantity of the land to be put in cultivation; and the decree of the governor founded thereon is equally indefinite and more uncertain, by the introduction of the sentence in the condition, "if the same is not complied with, *in whole or in part*," within two years, the same to be void. And this uncertainty as to what was to be done is kept up in the various memorials and decrees in relation to the subject, and induced the committee to examine as far as they could into the mode and manner of transacting such business by the Spanish governors, under the hope of finding some satisfactory explanation for the use of such general and ambiguous phrases in the acts of the Spanish officers.

In the various ordinances and regulations of the Spanish government and officers for granting land in East Florida, as published in the appendix to the volume containing the land laws, in the opinion of the committee, may be found a satisfactory explanation of the difficulties arising from the phraseology in the memorials and grants. It was well understood from the ordinances of the King and the various regulations of the Spanish governors, the precise quantity of land that each head of a family, and each individual in the family, both white and black, were entitled to when they became settlers in East Florida.

And the committee suppose that the conditional concession of 50,000 acres was made, in the first place, with a view to the introduction of such a number of actual settlers as would bear some proportion between the number of settlers and quantity of land granted, as was customary in the Spanish provinces, reserving to the governor the right to determine when the terms and spirit of the contract had been complied with. The subsequent acts of the memorialists, as well as the Spanish governor, in ordering surveys of the land, the recording of evidence, and granting copies, seems rather designed by the parties as facilities afforded to the claimant whereby he might the more readily induce emigrants to settle in that part of the country and enable him to comply with the conditions in the grant, than any confirmation of title or acknowledgment of the performance of the conditions of the grant, so far as they even apply to the ten thousand acres upon which the plantation is situated.

The committee cannot believe that the removal to that section of the country of Mr. Alexander, with fifty or sixty negroes and a few overseers, and locating himself in one or more of the tracts of land surveyed, was a compliance in whole or in part with the terms, or spirit, or meaning of the original contract, but seems rather an effort to evade the spirit and meaning of the contract and bring himself within the terms of the condition contained in the first concession of Governor Coppinger, in which he states, if the condition is not complied with, "*in whole or in part*," within two years, the same to be void. And it is evident from the last decree of the governor upon this subject, made in 1821, upon the application of Henry A. Ovington, that neither party considered the condition of the original grant as having been complied with.

The committee are, therefore, decidedly of opinion that Mr. Rattenbury, or any persons claiming under him, under the grant of Governor Coppinger, have no claim for a confirmation of said title, either in law or equity. They have no evidence before them of the assent of the Spanish government to the sale or transfer made by Rattenbury to Alexander, which was necessary, by the conditions in the grant, as well as the regulations of the Spanish officers in East Florida. But if the committee should err in this view of the case, the 8th article of the treaty with Spain, making void all grants made subsequent to the 24th of January, 1818, is too clear to admit of a doubt. It is not believed that any law, general in its provisions, plain and clear, and indisputable in its phraseology, has ever yet been limited in its construction to two or three individual cases, which probably caused the introduction of such general provision.

In the view of the committee, the petitioners are recommended to the consideration of Congress alone as settlers upon the public domain, and as such provision would have been made for them, similar to the provision made in all other cases, and perhaps with more liberality, in consequence of the expenditures made by them, if they had testimony before them which would enable them to act. Mr. Dexter, whose affidavit is presented, and gives detailed information upon the subject, appears to the committee rather in the character of a partner than a disinterested witness. The said Dexter says, in his deposition, "that

sometime in the month of December, 1819, this deponent entered into an arrangement with Mr. James Alexander," "by which this deponent agreed with said James Alexander to unite with him in effecting the conditions of the said grant by making settlements in the lands embraced in said grant, and previously surveyed, by putting them in a state of cultivation and improvement;" from which the committee are induced to believe that he is too much interested in whatever may be done to be an admissible witness.

The committee, therefore, recommend a rejection of the application of the petitioner.

22D CONGRESS.] No. 1047. [1ST SESSION.

APPLICATION OF MISSISSIPPI AND OF THE TRUSTEES OF JEFFERSON COLLEGE FOR A DONATION OF LAND TO THAT COLLEGE.

COMMUNICATED TO THE SENATE MARCH 20, 1832.

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

The memorial of the trustees of Jefferson College, in the State of Mississippi, respectfully represents: That the institution under their charge was incorporated in the year 1802, and endowed by Congress with a township of land, which was located by the Secretary of the Treasury on the 5th of October, 1812, on the Tombigbee river, in a position nearly central to the then limits of the Mississippi Territory; that the division of the Territory and the formation of the States of Alabama and Mississippi has thrown this land into the State of Alabama, whilst the site of the college is on the western margin of the State of Mississippi. This land, therefore, is remote, inconvenient, and of little value to the institution.

The memorialists state that they feel assured that Congress, in its munificence, designed this as well as all similar grants to other literary institutions as a means of active and efficient support in its wise and cherished policy of diffusing information and learning, and maintaining that intelligence in the community in which the free and happy institutions of our government had their origin and must ever subsist. It is doubtless the desire of Congress that the grant of land to Jefferson College should be a source of immediate revenue and be usefully and efficiently applied to the laudable purpose for which it was designed.

Impressed with this belief, the board of trustees deem it their duty to apprise you that the land in question, independent of its unfavorable position, is composed chiefly of sterile pine barrens, and of land subject to inundation, and that they find it impracticable to make any disposition of it for the advantage of the institution under their charge.

The memorialists therefore pray that they may be permitted to relinquish the land granted for the use of Jefferson College, being part of township No. 10, of ranges Nos. 1 and 2 west, in the district of lands offered for sale at St. Stephen's, or so much thereof as may be found advisable, and to locate in lieu thereof a quantity of land equal to that which they may relinquish, to be selected under the direction of the trustees, out of any unappropriated land in the State of Mississippi or within the limits of the country lately ceded by the Choctaw and Chickasaw Indians to the United States, to be taken either before or after such lands may have been offered at public sale, being governed in such locations by the legal subdivisions of such lands in the surveys made or to be made under the authority of the United States. And also that they may be permitted and authorized to sell the land which may be so located or entered, and to convey a fee-simple title thereto, otherwise it might and probably would remain unproductive and valueless to the college for half a century. In the meantime the institution would languish and decline for want of aid.

The memorialists beg leave to remind your honorable body that so soon as the late treaties with the Choctaw and Chickasaw Indians take effect, there will be in the State of Mississippi alone more than twenty million of acres of land which will be obtainable from the United States at the low rate of one dollar and a quarter per acre; and when persons can become purchasers on such favorable terms, it is obvious that leases will be impracticable, or that few if any will be found willing *under existing circumstances* to improve land held by such a tenure; and it may be remarked that although leases of those lands may be impracticable, yet the sum which they would yield, if sold, might be readily and securely invested at an annual interest of from six to ten per cent., thus furnishing a convenient and certain revenue; sufficient, in the opinion of the memorialists, to meet the exigencies of the institution.

In conclusion, the memorialists are persuaded that if the privileges prayed for are extended to them, they will be enabled to realize a fund which, being judiciously invested, will yield a permanent income and enable the trustees to keep the institution in useful operation. In support of the prayer of the petitioners they beg leave to refer to the subjoined memorial of the general assembly of Mississippi. And the memorialists will, as in duty bound, ever pray, &c.

GERARD C. BRANDON, *President of the Board of Trustees, Jefferson College.*

[SEAL.] LEVIN WAILES, *Secretary.*

DECEMBER 23, 1831.

A MEMORIAL.

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 on the third March, eighteen hundred and three, an act of Congress granted for the use of Jefferson College, an infant institution in the then Mississippi Territory, a township of land, to be located by the Secretary

of the Treasury. A location was accordingly made, in the year eighteen hundred and fifteen, of thirty-six sections of land, in a position nearly central with regard to the then existing territorial limits, all of which are comprised in township No. 10, of ranges Nos. 1 and 2 west, in the district of lands offered for sale at St. Stephen's, Alabama. The subsequent division of the Territory and the formation of the States of Alabama and Mississippi has thrown this location entirely without the limits of the latter State and upon the frontiers of the former, in a situation by no means eligible and too remote from the college to subserve any valuable purpose.

Your memorialists would further represent to your honorable body that the location itself was originally injudicious, having been made on sterile, unproductive pine barrens, subject to the periodical inundations of the Tombigbee river.

Your memorialists would represent to your honorable body that the institution of learning, to which this donation was made, after having struggled long with its embarrassments, and after having repeatedly made unavailing efforts to dispose of its lands, is just emerging into usefulness, and promises to be highly advantageous to this and the adjacent States, but it is still oppressed with encumbrances from which it cannot be extricated without an act of national liberality on the part of your honorable body.

The patronage of letters is so essentially a prerogative of your honorable body, and the dissemination of knowledge is so intimately connected with human liberty and human happiness, that your honorable body will not require a stronger consideration to induce an acquiescence in the prayer of your memorialists. Your memorialists therefore unite with the trustees of Jefferson College in praying your honorable body that an act may pass authorizing the aforesaid trustees to surrender the township of land in Alabama, (or so much of it as may be conducive to the interests of Jefferson College,) and enter an equal quantity within this State, to be selected out of any unappropriated land of the United States previous to its being exposed to public sale.

M. F. DE GRAFFENREID, *Speaker of the House of Representatives.*
A. M. SCOTT, *Lieutenant Governor and President of the Senate.*

Approved December 16, 1830.

GERARD C. BRANDON.

SECRETARY OF STATE'S OFFICE, *Jackson, Mississippi, December* 17, 1831.

I hereby certify that the foregoing is a correct transcript of the original roll on file in my office.

JOHN A. GRIMBALL, *Secretary of State.*

EXECUTIVE CHAMBER, *Jackson, December* 17, 1831.

I hereby certify that John A. Grimball is on this day an acting secretary of state in and for the State aforesaid, and that due faith and credit should be given to all his acts as such.

Given under my hand and the great seal of the State, at the town of Jackson, this seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and independence of the United States the fifty-sixth.

[SEAL.]

GERARD C. BRANDON.

22D CONGRESS.] No. 1048. [1ST SESSION.

ON THE ADJUSTMENT OF THE CLAIMS OF THE HEIRS OF ELISHA WINTER AND SONS TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 22, 1832.

Mr. PLUMMER, from the Committee on Public Lands, to whom were referred the petition and accompanying documents of the heirs of Elisha Winter and sons, reported:

The committee are of opinion that the rights of the claimants to the land in question depend entirely on questions of law, constructions of treaties, the customs and usages of the Spanish government, and the testimony of witnesses; that an examination by Congress would be attended with difficulties and delay, and that it ought to be referred to a judicial tribunal for investigation. A majority of the committee cannot assent to all of the positions assumed, and inferences drawn from those positions, which are held by some members of the committee, and which are embodied in the form of a report in this case, and which accompanies this report; but, to prevent further delay, and with a view of adjusting the claim on fair and equitable principles, the committee unanimously report a bill for that purpose.

The Committee on Public Lands, to whom were referred the petition and accompanying documents of the heirs of Elisha Winter and sons, having, by a unanimous vote, directed a bill to be reported to provide for a legal adjudication of the claim mentioned in the petition, Mr. Plummer, on behalf of the minority of that committee, mentioned in the foregoing report, submitted the following as their views of the claims of the petitioners:

"On the twenty-seventh day of June, in the year of our Lord one thousand seven hundred and ninety-seven, the Baron de Carondelet, knight of the religious order of St. John, field martial of the royal armies, governor general, and vice patron of the provinces of Louisiana and West Florida, inspector of the troops of the same, &c., granted, by a deed of concession of that date, unto Elisha Winter, one thousand arpents square of land, and to William Winter and Gabriel Winter, sons of Elisha, each five hundred arpents square of land, situate in the territory or district of Arkansas, in consideration, as expressed in the deed of concession, "of the good information given of their excellent conduct, and for the purpose of promoting the agriculture and increasing the population of his Majesty's dominions; and also for the purpose of forming a settlement in the wilderness on the frontiers of the province of Louisiana for the cultivation of flax, wheat, and hemp, upon no other condition than that the grantees should occupy the lands within one year from the date of the concession."

There was no other condition precedent to be performed on the part of the Messrs. Winter to vest in them, and each of them, fee-simple titles to the said lands, and to entitle them, and each one of them, in the language of the deed of concession, to "his title deed in form." The commandant of the district was charged with the execution of the necessary surveys, the giving of possession to the claimants, and, in all respects, with the execution of the designs of the Spanish government in relation to the land granted to them.

The claimants were legally, and according to the accustomed forms of the Spanish government, put into possession of their respective tracts of land by Don Carlos de Villemont, commandant of the district, within the time stipulated in the deed of concession, to wit: William Winter was put into possession of his tract immediately after the date of the concession, and Elisha Winter and Gabriel Winter were put into possession of their respective tracts in the spring of the year 1798. The several tracts of land were surveyed or designated in the presence and by the direction of the said Don Carlos de Villemont, captain commandant, &c., of the district of Arkansas, in the following manner, to wit: Elisha Winter, the father, designated the tract of land allotted to him by planting a large stone which he took with him from Kentucky for that purpose; the sons, William Winter and Gabriel Winter, designated their respective tracts by marking each a tree, (there being no public surveyor in the district at that time,) and a plat thereof was deposited among the records in the archives of the government, as appears from a certificate of Charles Trudeau, recorder of the city of Orleans.

There is evidence before the committee sufficient to satisfy them beyond doubt that the condition required by the deed of concession to be performed on the part of the claimants, in order to perfect their title to said tracts of lands, was not only performed by them in good faith to the government within the time stipulated, but the evidence is sufficient to satisfy them that the object and expectations which the government had in view in making the grants were realized to the fullest extent.

In consideration of the good information given to the Spanish governor of the excellent deportment and good principles of the claimants, who were well known to the Spanish authorities, the Baron de Carondelet was induced, according to the statements contained in the deed of concession, for the objects and purposes therein mentioned, to make the grant to the claimants. Another and primary object of the government in making the grant, as expressed in the deed of concession, was to promote the population of the country, and form a settlement at the post of Arkansas for the purposes of agriculture and the improvement of the country. There is before the committee evidence taken before the board of commissioners for the Territory of Louisiana, proving to them satisfactorily that Elisha Winter settled on the tract of land granted to him in March, 1798, and cultivated during that year several acres of the land granted to him; that William Winter settled on the tract of land granted to him in June or July, 1797, and cultivated a part thereof during the following year; that the said Elisha and William took with them slaves, horses, cattle, sheep, provisions, farming utensils, household and kitchen furniture, and a variety of other articles necessary for making a large farming establishment; that the said Elisha and William made improvements to a considerable extent, built dwellings and outhouses. William Winter continued to reside with his family on and cultivate his tract of land, from the time of settlement to the year 1806, about which time he left that part of the country, but left a tenant, his brother-in-law, on the premises.

Elisha Winter, it seems, built a dwelling-house, and resided with his family on the tract of land granted to William until the year 1806; but he had a farmer, by the name of Joseph Mason, on the tract of land granted to him from the spring of the year 1798—the time when the possession, as before mentioned, was delivered—who, by the express permission of Don Carlos de Villemont, commandant of the district, continued to reside on and cultivate the same until the year 1808, as such farmer, for the said Elisha, and under his control.

Gabriel Winter, it seems, was at the time a minor, under the guardianship and protection of his father, Elisha, with whom he resided, and consequently there is no evidence of his having occupied the tract granted to him.

It seems that Elisha Winter, about the year 1791 or 1792, at the solicitation and by the permission of the Spanish authorities, erected an expensive rope-walk in the city of New Orleans, on a lot of ground granted to him by the Spanish government. The rope-walk which Winter established was subsequently destroyed by fire.

Although it is not stated in the grant, it is in the evidence before the committee, that an additional object which the government had in making so large grants was, in some degree, to indemnify him for the loss he had sustained in the destruction of his rope-walk. It is also in evidence that Mr. Winter was a great favorite with the Spanish officers, and occupied a high station in the confidence of the government. From a thorough examination of all the facts which have presented themselves to the committee in the investigation of this case, as well as an attentive examination of the legal questions which necessarily arise as to the right of the claimants to the lands granted to them by the government of Spain, they are compelled to admit, that if the governor general was clothed with power and authority to make the grants, the act of signing, sealing, and delivering of the deed of concession to the claimants by the Baron de Carondelet; the act of formally putting the claimants in possession of their respective tracts by Don Carlos de Villemont, commandant of the district; the execution of the surveys, and the return thereof to the proper officer by the commandant aforesaid, who was specially charged with the execution of all the

necessary requisitions and formalities required in such cases by the laws, usages, and customs of the Spanish government; the immediate report of his proceedings to the governor general, and the occupation, settlement, and cultivation of the grants by the claimants within the time stipulated in the deed of concession, vested in Elisha Winter and William Winter a *bona fide* right and fee simple titles to the respective tracts of land granted to them as aforesaid, and now claimed by virtue of such grant. The only question that arises in the case which, in the opinion of the committee, admits of even an argument is, whether the governor general was authorized to make the grants. On this subject the committee are unable to find any express laws of the Spanish government, royal orders, decrees, or other written regulations, by which the authority and powers of the governor general of Louisiana and West Florida are defined or restricted in relation to the granting of lands in that part of the province within the district of Arkansas. They are therefore compelled to rely for information on the well known and established customs and usages of the Spanish government—the source from whence the several boards of commissioners established by acts of Congress for ascertaining claims and titles to lands have been compelled to derive their information. There is before the committee the evidence of persons who had been for many years officers under the Spanish government in the province of Louisiana, and who were necessarily well acquainted with the rules, regulations, customs, and usages of that government, and the powers vested in the governors of the provinces of his Christian Majesty on the continent of America for making grants of uncultivated lands in the respective provinces under their command. From the testimony adduced, there is not, in the opinion of the committee, any ground on which to rest a doubt of the power and authority vested in the governor general of Louisiana to make to one individual a grant of land of 1,000 arpents square. It is true that it was unusual for the governor general to make so large grants as the concessions to the Messrs. Winter, but it was at that time the policy of the Spanish government to encourage emigration to the frontiers; and, in the language of one of the witnesses, "its generosity and benevolence surpassed the usual method established in other possessions of the Spanish government." It will also be recollected that the land in the district of Arkansas at that time, being situated in a remote and wilderness part of the country on the frontiers of the province, was estimated at little value. "In fact," says one of the witnesses, "lands were held at so little value, that they were scarcely thought worth accepting of on paying the fees of the commandant for writing the concession or requit." As to the customs and usages of the Spanish government on this subject, the committee beg leave to refer to the report (Clark's Land Laws, 1039; 1 Rob. Am., 124; 2 Rob. Am, 136, 139, 140) of the register and receiver of the land district south of Red river, in Louisiana, not in the same province, but the powers vested in the governor to make grants of land are presumed to be the same.

From the earliest period of the history of Spanish jurisprudence with respect to the possessions of Spain on the western continent, it is a well known and established fact that the absolute title to all of the newly-discovered regions of country by that government vested in the crown. The title to that extensive tract of country which composed the viceroyalties of New Spain, Peru, and Santa Fe de Bogota, was maintained by the crown of Spain, under the authority of the bull of Pope Alexander the Sixth. The viceroys were clothed with supreme power and authority, and exercised all the royal prerogatives of their King. They had the appointment of all of the sub-governors and audiencies, who were subject to their unlimited control. In 1511 the royal council of the Indies was established by a decree of Ferdinand, and in 1524 made more perfect and continued by Charles the Fifth. The council was vested with absolute power in relation to the local laws, ordinances, and government of the colonies. Up to this period of the history of Spanish America, and for many years thereafter, lands were considered of no intrinsic value, and the title to the same was not an object of any considerable importance with the government. The policy of the government seemed to be to acquire population and encourage the settlement of the country. The laws and ordinances of the Spanish government prior to the year 1735, as relates to the organization of the tribunals, the powers of the different officers of government, and the grants of public lands, are to be found in the "Recopilacion de las leyes de las reynos de las Indios," from which the committee beg leave to make some extracts.

Lib. iv, tit. 2, law 1, vol 2, p. 39.—"In order to promote the zeal of our subjects in the discovery and settlement of the Indies, and that they may live in the ease and comfort which we desire them to enjoy, it is our will that there be distributed among them lands which shall be designated to them by the governor."

Lib. iii, tit. 3, law 2, vol. 1, p. 543—After enumerating the powers and duties of the viceroys of Peru and New Spain, and conferring on them unlimited authority, provides that "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." Again, in the same book and title, law 5th: "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 audiencies, 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." On the 24th November, 1735, the King of Spain issued a royal decree revoking the powers vested in the viceroys, and reserving to his royal person the right of completing and confirming the titles to lands granted and given by the provincial officers in his transatlantic dominions. In 1754 Ferdinand VI, by a royal ordinance given at San Lorezo el Real, for the purpose of relieving his subjects from the trouble, expense, and necessity of making application to his court for the confirmation of their titles; for the purpose of promoting commerce, agriculture, and the raising of cattle, by furnishing greater facilities in the acquisition of the titles to land; and, among other things, for the purpose of augmenting the royal treasury by the sales of lands, granted to the viceroys and presidents of the royal audiencies the exclusive right and privilege of making grants to lands; which power had been, by the decree of 1735, taken from them and vested alone in the King. This ordinance, in the opinion of the commissioners for ascertaining claims and titles to lands within the district of West Florida, as contained in their report of November 12, 1824, (Clark's Land Laws, page 1046,) seems to form the basis of all regulations on the subject of lands belonging to the crown of Spain on the continent of America. There is nothing in this ordinance restricting the viceroys or governors in making grants of land to specific quantities, but all of the power and authority which was vested in the crown of Spain was, by this decree, given to the governors. After the Spanish govern-

ment took possession of Louisiana, about the year 1769, in conformity with the stipulations of the secret treaty of 1763, by which all of the possessions of France in North America were ceded to Spain, the first rules established by the government for the granting of lands in the province of Louisiana, previous to the date of the deed of concession to the Messrs. Winter, were the regulations of Don Alexandro O'Reilly, governor and captain general of Louisiana, made at New Orleans on the 18th of February, 1770, and approved by an official despatch of the King given at Ildefonso on the 24th of August in the same year. On a reference to the royal despatch, it will be seen that the governor and his successors "have the sole power of distributing the royal lands," and "that henceforth the governor alone be authorized by his Majesty to make such grants." It is true that the regulations of O'Reilly restricted the grants to each newly-arrived family, who chose to settle on the borders of the Mississippi river, "to six or eight arpents in front by forty arpents in depth;" but these regulations had reference to lands on the Mississippi river, within the districts of Opelousas, Attakapas, and Natchitoches, where there was a dense population, whose safety, tranquillity, and happiness, in the opinion of the government, required new regulations in relation to the extent of the grants of lands thereafter to be made, as well as in relation to the local laws for the government of the inhabitants, and did not refer to the frontiers of the province at the post of Arkansas, where there were no settlements. The reasons which induced the government to adopt the twelve articles contained in the regulations of O'Reilly for the government of those three districts did not exist in the district of Arkansas. But the committee deem it unnecessary to enter into an argument to establish the position assumed, that these regulations were confined to the districts where the lands were valuable and the country numerously inhabited, and did not apply to an unsettled part of the province, where the lands were considered of little or no value; but for the truth of the position, refer to the strict letter and language of the regulations themselves. By the 8th article it is stipulated that "no grant in the Opelousas, Attakapas, and Natchitoches shall exceed one league in front by one league in depth," thereby admitting that grants in Arkansas may exceed that quantity. By the 9th article certain requisitions were necessary to obtain grants of a particular extent in the Opelousas, Attakapas, and Natchitoches, in consequence of the great demand for the land and its value in those districts, which evidently were not necessary to obtain grants in a section of the province where there were no settlements and no demand for the land. On reference to the regulations and despatch, it will be seen that the committee have taken a correct view of the subject. The next rules and regulations, established by the government for the allotment of lands in Louisiana, are the instructions of Governor Don Gayoso de Lemos, given at New Orleans on the 9th of September, 1797, subsequent to the date of the deed of concession made to the claimants, and consequently cannot affect this claim. The committee beg leave to refer to the general regulations and instructions of Don John Bonaventure Morales, intendant, &c., for conceding lands, dated at New Orleans, July 17, 1799, made in conformity with the royal order addressed to him, and given at San Lorenzo on the 22d of October, 1798, which, in the opinion of the committee, contain some provisions having an important bearing on the case now under investigation, although it bears date near two years posterior to the concession to the Messrs. Winter. In the preamble to the thirty-eight articles contained in these regulations, the previous regulations are referred to, the evils existing under them are pointed out, and the remedy is provided for in the subsequent articles. One of the objects, as stated in the preamble, is, "that those who are in possession, without the necessary titles, may know the steps they ought to take to come to an adjustment."

Article nine renounces the right of the King to all lands previously conceded. In the 19th article it is stipulated that "all those who possess lands, in virtue of formal titles given by their excellencies the governors 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." This article is, to all intents and purposes, a confirmation of Winter's claim; the deed of concession is evidently a formal title. There was no condition precedent to be performed on the part of the claimants; the moment they received the deed of concession and were put into possession, they acquired a title to the land. The government stipulated a condition to be performed, which was to deliver a more formal deed, or, in the language of the concession, "there shall be delivered to *each one* his title deed, in form, as soon as they shall have settled themselves on their *respective* surveys." Each claimant, as soon as he settled himself on his respective survey, had a right to demand and receive a separate title deed for the particular tract of land conceded to him. The grant could not be considered, under any circumstances, as void, *ab initio*, but only voidable, by way of proviso, in case the lands were not occupied within one year. It did not require a separate title deed, in form, to vest in the Messrs. Winter fee simple titles to the lands. By the 20th article, "all those who, without title or possession mentioned in the preceding article, are found occupying lands, shall be driven therefrom, as from property belonging to the crown." It may be asked why the Messrs. Winters were not driven from the land, in conformity with the provisions of this article? The answer is obvious: because they were not occupying the lands, without either "title or possession," but had both formal titles and possession; had possessed the lands for more than one year anterior, and continued to possess and occupy them until the cession of the country to the United States, and for many years thereafter. The foregoing extracts show clearly that the policy of Spain, from its early history, was to make grants of land to meritorious and worthy persons, at the discretion of the governors of provinces, and that the powers of the governors were not limited in the extent of the grants, but that they were authorized to make grants and concessions to any extent, and to do all other matters and things that were "not expressly prohibited by law." In the absence, then, of any express provisions, it is to be presumed that the grant of one thousand arpents square was within the pale of their authority. It is also clearly established beyond contradiction that the concession was made in conformity with the settled and established customs and usages of the Spanish nation. The institutes of the civil laws of Spain (Lib. 4, tit. 2, part 1, and lib. 5, tit. 2, part 1,) established this principle, that "custom is the law or rule which is not written; that it receives its authority from the express or tacit consent of the King; that once introduced, it has the force of a law." It was decided in the case of Fernando M. Arredondo, before cited, that a court of justice has no judicial right to disregard the settled usages of a nation, or to overturn a fundamental principle on which the property of its citizens rests.—(8 Wheat., 591.) The same principle is applicable to the legislative department of the government, so far as relates to the rights of private individuals who hold under these usages. It would seem that the committee might with propriety rest the case of the petitioners here, under the confident expectation that they would have no difficulty in obtaining that speedy relief which the justice of their case demands; but, in consequence of the denial of the power of the Spanish governors to make grants of the extent of those made to the Messrs. Winter, and other technical objec-

tions raised by some of the members of the committee, this report has been extended to a much greater length than was originally intended, and the committee beg leave to take another view of the subject, which must satisfy every unprejudiced mind that the prayer of the petitioners ought to be granted.

By a reference to the royal order of Don Carlos, given at Barcelona on the 15th of October, made in conformity with the treaty of San Ildefonso, and the proclamation of Don Manuel Salcedo and Don Sebastian Calvo, commissioners of his Catholic Majesty for the delivery of Louisiana to the French republic, dated 18th of May, 1803, it will be seen that his Catholic Majesty, among other things, stipulated "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." If, then, it is proven satisfactorily, as the committee contend it is, that the governor of Louisiana and West Florida did, in the year 1797, grant to Elisha Winter and William Winter the tracts of land claimed by them, by a deed of concession executed with all of the formalities and solemnities required by the Spanish government, and that the said Elisha and William performed all of the conditions required of them by the deed to be performed, it follows, as a necessary consequence, according to the stipulations contained in the treaty of San Ildefonso between France and Spain, the royal order of Don Carlos, and the proclamation of the commissioners, that they were entitled to a confirmation of their grants, "although not confirmed by his Majesty" previous to the treaty and delivery of the country to France.

It may here be inquired, what induced the Spanish government to provide, in the treaty of San Ildefonso, for the confirmation of all grants, although not confirmed by his Majesty? Was it to confirm grants already perfected, or those only that were inchoate?

There was no necessity for a confirmation of the former. The French republic was bound to protect the inhabitants in the peaceful possession of their property, to which they had already obtained a legal title, without any confirmation. That clause of the treaty must have meant, and, if it is construed according to the letter, does mean, grants of land, of "*whatever* description, derived from the governors." No one, however prejudiced he may be against the claim, can have the hardihood to say that the concession to the claimants was not a grant derived from the governor of the province. If, then, the agents or ministers of the governments of the two contracting parties were empowered to make the treaty, and that treaty was afterwards ratified, the grant to the Messrs. Winter was, by the ratification of the same, confirmed to them, although not previously confirmed by the Spanish government. The government of the United States, when she acquired possession, was bound, not only by every tie of honor and moral obligation, by the laws of God and of nations, to respect the rights of private individuals, but she was bound by compact, by a solemn treaty made and entered into between the ministers plenipotentiary of the United States and the French republic, at Paris, on the 30th of April, 1803, to respect the rights of individuals, and protect the citizens of the ceded territory in the free enjoyment of their liberty and property.

The third article of the treaty stipulates that "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 the 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."

Laying the treaty aside, and admitting that no clause had been inserted in the same guaranteeing and securing to the inhabitants of the ceded territory the rights of private property, they would have been secured by the laws of nations. It is universally admitted that, by the settled and well understood principles of international law, the lands of individuals are secured to them when a change of government in a particular section of country takes place by conquest, during the existence of a war between two nations.—(Vattel, 452.) It is difficult, then, to understand by what principle an amicable cession or transfer can destroy private rights. The obligation on the part of the United States to respect and protect the rights of the inhabitants of the ceded territory in the quiet enjoyment of their property, independent of the treaty, cannot be denied. An examination into the laws of nations, as relates to the rights of the proprietors of lands in Louisiana, is not, in the opinion of the committee, called for in this particular case, where there is an express treaty stipulation protecting the inhabitants in the enjoyment of their property. The government of the United States had other and more laudable objects in view in acquiring that country than the sordid desire of becoming the landlord of the soil, at the expense of disturbing the citizens in the peaceful and quiet possession of their homes. In conformity with the 3d article of the treaty, Congress, by an act passed March 2, 1805, (Land Laws, 518,) provided that "any person or persons, and the legal representatives of any person or persons, who, on the 1st of October, in the year 1800, were resident within the territories ceded by the French republic to the United States, by the treaty of 30th of April, 1803, and who had, prior to the said 1st day of October, 1800, obtained from the French or Spanish governments, respectively, during the time either of said governments had the actual possession of said territories, any duly registered warrant, or order of survey, for lands lying within the said territories, to which the Indian title had been extinguished, and which were, on that day, actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands, in the same manner as if their titles had been completed: *Provided, however*, That no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was, at the time of its date, either the head of a family, or above the age of twenty-one years, (Land Laws, 548,) nor unless the conditions and terms, on which the completion of the grant depends, shall have been fulfilled."

The claimants, as has already been proven, both resided on the lands granted to them on the 1st of October, 1800, within the ceded territory; the deed of concession, which contained in itself an order of survey, was obtained from the governor general, while Spain had actual possession, and was duly registered; the Indian title had been extinguished; the condition and terms of the grant had been fulfilled. Here is another pledge, on the part of the government, to confirm their titles. By the same act it is further provided, "that to every person, or to the legal representative or representatives of every person, who, being either the head of a family, or twenty-one years of age, had, prior to the 20th day of December, 1803, with the permission of the proper Spanish officer, and in conformity with the laws, usages, and customs of the Spanish government, made an actual settlement on a tract of land within the said territories, not claimed by virtue of the preceding section, or of any Spanish or French grant made and completed before the 1st day of October, 1800, and during the time the government which made such grant had the actual possession of the said territories, and who did, on the said 20th day of December,

1803, actually inhabit and cultivate the said tract of land, the tract of land thus inhabited and cultivated shall be granted."

The claimants come within the provisions of both of these clauses. The board of commissioners was vested with ample power to ascertain the rights of persons claiming under any French or Spanish grant, and to hear and decide, in a summary way all matters respecting the claims of the citizens to lands in the ceded territory; or, in other words, it was vested with ample power and authority to redeem the pledge which the government had made by the treaty with the French republic in relation to the rights of the citizens; but it was further enacted, by way of proviso, "that not more than one tract shall be thus granted to any one person, and the same shall not contain more than 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: *Provided, also,* That this donation shall not be made to any person who claims any other tract of land in the said territory by virtue of any French or Spanish grant."

In consequence of the commissioners being confined in their jurisdiction to one mile square, they could not take cognizance of the claim of the Messrs. Winter. By an act of Congress, passed April 21, 1806, (Land Laws, 532,) supplementary to the act of 1805, "every person who, claiming a tract of land by virtue of the act of 1805, and who had commenced an actual settlement on such tract prior to the 1st day of October, 1800, and had continued actually to inhabit and cultivate the same during the term of three years from the time when such actual settlement had commenced and prior to the 20th of December, 1803, shall be considered as having made such settlement with the permission of the proper Spanish officer, although it may not be in the power of such person to produce sufficient evidence of such permission." The only reason why the claimants could not avail themselves of the provisions of the acts of Congress here granted and referred to, is, as before stated, because their claim exceeded one league square the limits prescribed by Congress in the confirmation of claims. If the claimants had relinquished a part of their legal rights, and brought themselves within the arbitrary rules prescribed by Congress, they would have had no greater difficulty in obtaining a confirmation of one league square than other individuals claiming by virtue of grants from the same source. It is generally admitted, and sanctioned by numerous acts of Congress, that the governors of the Spanish provinces had power and authority to make grants of the extent before mentioned, and to that extent numerous confirmations have been made by law. In addition to what has already been said on the subject, there are reports of Congress affirming the existence of good and valid grants over a league square. What right has the United States to restrict the claimants to land, under and by virtue of grants from the Spanish government, to one league square, and from whence is the power derived? It is not in the treaty of Paris, by which the United States acquired the territory. It is not in the treaty of San Ildefonso, by which France acquired the right to cede the same to our government. It is not to be found in any of the laws, ordinances, or decrees of the crown of Spain for the government of the Indies, or any of her transatlantic provinces. In none of those laws, ordinances, or decrees, is there to be found any authority to the governors to grant a league square, and a prohibition against exceeding that quantity. The committee are, therefore, led to conclude that the right does not exist; that the United States have not the right, under our Constitution and republican form of government, to do that which the monarchical government of Spain, in the plenitude of her unrestrained power, could not have done—*deprive her citizens of their rights;* but that she is bound to redeem the pledge made to the French republic by protecting the claimants in "the free enjoyment of their property."

In the year 1816 Gabriel Winter, in behalf of himself and the heirs of Elisha and William Winter, petitioned Congress for a confirmation of their claims. On the 30th of September, 1817, the Committee on Private Land Claims, to whom the subject had been previously referred, reported, unanimously, a bill in favor of the confirmation of the claim, and used, as a reason for making a favorable report, the emphatic language, "that the heirs of Elisha Winter and William Winter cannot be deprived of those lands, belonging to their ancestors, without a violation of that treaty which is declared by the Constitution to be the supreme law of the land."—(See No. 261, page 256.) At the first session of the 16th Congress the claimants petitioned Congress again for a confirmation of their titles. The subject was referred to the Committee on Public Lands in the Senate, who reported favorably on the 14th of March, 1820.—(See No. 315, page 378.) The committee in their report truly remarked that "the testimony is derived from the most respectable sources; from foreign surveyors; from surveyors general of the United States, and other public officers." "Indeed," say the committee, "the documents and testimony presented, whether in relation to the authenticity of the grant, their compliance by actual settlement with its conditions, or in support of their interpretation of the words expressive of the quantity of land, have been collected with uncommon diligence and care, assume a persuasive appearance of candor and good faith, are entitled to the most candid consideration, and authorize a strong presumption in favor of the claim."

The memorialists represent that a portion of the lands have been surveyed and disposed of to other individuals by the government, notwithstanding the claimants entered and filed their protest against it in the General Land Office. The memorialists ask Congress either to confirm their titles to the lands conceded to their ancestors, or to pass a special law authorizing them to investigate their claim before a judicial tribunal. If Congress should decline deciding on the merits of the claim, and refer the adjudication thereof to a court of justice, they represent that in consequence of the lapse of time, the long delay of the government in passing on their claim, and the death of many of the witnesses, they will be unable at this time to adduce competent testimony in support of their rights. They, therefore, pray Congress to pass a special act authorizing them to give in evidence such testimony as has been taken before officers legally authorized to administer oaths, where the witnesses are dead or beyond the court's process.

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

Your memorialists represent to your honorable body that on the 29th of June, 1797, the governor general of the provinces of Louisiana and East Florida, (then in possession of the government of Spain,) conceded to Elisha Winter one thousand arpents of land square; to William Winter and Gabriel Winter, sons of Elisha Winter, each five hundred arpents square, in the district of Arkansas, as by a deed of concession of that date; that Elisha Winter resided in New Orleans, and, previous to that time, at the solicitation of the Spanish government, had erected in New Orleans a certain rope-walk; that Elisha

Winter and sons were required, by the terms of the concession, as a condition precedent to the completion of their title to the lands thus conceded, to make settlement upon their respective tracts within the period of one year from the date of their concessions; that the said Elisha Winter and sons were put into the possession of their respective tracts, a short time after the concession was made, by the commandant of the district of Arkansas, who was charged by the governor general with the execution of the designs of the Spanish government in this respect.

Your memorialists allege that the conditions of settlement have been complied with by Elisha Winter and William Winter, who made an actual settlement on their respective tracts, agreeably to the terms of the concession, and continued to occupy and cultivate the land thus settled, from the time of the settlement, and long time after the country was ceded and taken possession of by the United States.

Your memorialists further show that the provisions of the law respecting land titles in that section of country have been complied with by Elisha Winter and sons, and their title papers and other evidences have been taken, filed, and recorded in the proper office.

Your memorialists further represent that the concession to Elisha Winter and sons (they being favorites of the Spanish government) were, in some measure, to compensate Elisha, the father, for losses of his rope-walk, which was destroyed by fire; and they further allege that, had the Spanish government retained the possession of the country, the titles of the Messrs. Winter would have been consummated by a complete grant.

And your memorialists insist that the titles of Elisha Winter and William Winter are secured and guaranteed under the third article of the treaty of Paris of April 30, 1803, which secures to the inhabitants of Louisiana the "free enjoyment of their liberty, *property*, and the religion they profess;" and we appeal to your honorable body at once to redeem the nation's pledge.

Near a quarter of a century has elapsed since the cession; petitions were laid before Congress in the years 1816, 1817, and 1820. The House of Representatives reported on the petition of 1816–'17, and the Senate on that of 1820; all which reports, and the evidence laid before Congress, your memorialists beg leave to refer to, and make them a part of this their memorial.

That should your honorable body decline deciding on the claim of your memorialists, and refer it to a judicial determination, it cannot but be apparent that the lapse of time, the long delays of Congress in respect to this claim, although so often pressed on their consideration by the claimants, that death hath taken many of the witnesses who have testified; and that the testimony taken cannot be read without a special act of Congress, making the testimony taken competent; and if a reference is made, justice requires this to be done; otherwise, delays of Congress have put in jeopardy rights which the nation is pledged by treaty to protect.

Your memorialists further state that it is with surprise and regret that they learn that the United States has surveyed and disposed of a part of the lands granted to Elisha Winter and sons, in payment to the soldiers of the late war; and is proceeding to lay off and dispose of the balance at public sales, notwithstanding a protest was entered and filed against it in the General Land Office; thereby embarrassing your memorialists, by multiplying lawsuits, and violating the third article of the treaty of Paris made for the benefit of the inhabitants of Louisiana.

And your memorialists humbly submit to the consideration of your honorable body the justice of their claim, and the reasonableness of their demand for rights too long withheld.

Your memorialists annex hereto the list of claimants who hold title under Elisha Winter and sons.

Your memorialists, as in duty bound, will ever pray.

SAMUEL DAVIS.
JAMES PILMORE,
For the heirs of D. D. Elliott.
IRA R. LEWIS,
For the heirs of Jeremiah Hunt.
CHAS. B. GREEN.
JOSEPH SESSIONS.
J. G. CLARK.
MICAJAH TENDE.
SAM. CALVIT.
ISRAEL LORING.

NOTE.—For other papers see No. 261, page 250, vol. 3.

22D CONGRESS.] No. 1049 [1ST SESSION.

ON CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 5, 1832.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of George Gordon, reported:

That the petitioner sets forth that during the Spanish government in Louisiana one Matthew Ramey came from the United States and settled in that country, and obtained from the Spanish authorities at St. Louis a grant for a tract of land of 1,056 arpents, or thereabouts, situated on a branch of the river *Despères*, ten or twelve miles west of St. Louis; and that he, the said Ramey, settled and cultivated the same as early as the year 1803. A copy of the plat of said tract of land is exhibited, and certified by James McKey, deputy surveyor, who states that he surveyed said tract of land for said Matthew Ramey, at his request. Petitioner states that Ramey presented his claim to the commissioners appointed to adjust land claims at St. Louis for a settlement right, having lost or mislaid his concession or grant for said

land, but that the claim was not confirmed—not on account, as petitioner believes, of any defect in the right, but on account of the claimant being ignorant of the proper means of securing his claim. Petitioner further states that said Ramey remained in possession of said land until his death, in 1808, and held the same by regular survey. An instrument of writing, purporting to be a deed, is exhibited, signed by sundry persons who acknowledge themselves to be heirs of said Matthew Ramey, transferring their right to said land to Nathan Ramey, an heir, being in accordance with the wishes of their father, Matthew Ramey, before his death. Petitioner further states that said Nathan Ramey resided on said land until 1829, when he purchased it from him, by deed bearing date March 17, 1829. Petitioner states that he was ignorant of the laws and land titles of the country but knowing the length of time the said Nathan Ramey and his father had been in possession of the land, he had supposed their title to be good; that immediately after purchasing said land he opened a large farm on said land, and all needful buildings necessary for such establishment; he also erected on said tract of land a steam mill for the manufacture of meal and flour. One witness swears that said Matthew Ramey took possession of said land in 1802, by planting out some peach trees; that he raised a crop thereon in the year 1803, and went to reside thereon in the year 1804. Several other witnesses swear that the said Ramey took possession of said land as early as 1803. Petitioner has produced no grant from the Spanish authorities for said land to said Ramey, yet, from the evidence adduced, the committee are of opinion that the heirs and legal representatives of said Matthew Ramey, deceased, ought to be confirmed in their claim to 640 acres of land, this being the quantity of land granted to actual settlers as a settlement right; for which the committee report a bill.

22D CONGRESS.] No. 1050. [1ST SESSION

ON LAND CLAIMS IN ALABAMA.

COMMUNICATED TO THE SENATE APRIL 6, 1832.

TREASURY DEPARTMENT, *April* 6, 1832.

SIR: I have the honor to transmit a copy of the report of the register and receiver of the land office for the district of St. Stephen's, prepared in obedience to the 3d section of an act of Congress approved March 2, 1829. Also a copy of a letter from the Commissioner of the General Land Office to those officers, dated January 10, 1832, together with a copy of their reply, dated the 7th instant.

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

LOUIS McLANE, *Secretary of the Treasury.*

The Hon. PRESIDENT *of the Senate.*

GENERAL LAND OFFICE, *January* 10, 1832.

GENTLEMEN: Upon examining your report, under the 3d section of the act of March 2, 1829, I find you do not, in either case, state the nature of the claim, from what authority it was derived, or the ground of your decision; and, as it is all important that these particulars should be known, I have to request that you furnish me, as soon as practicable, with an abstract of the title papers filed in each case, as the report cannot be submitted to Congress until this information is afforded.

I am, very respectfully, your obedient servant,

ELIJAH HAYWARD.

The REGISTER and RECEIVER *of the Land Office, St. Stephen's, Alabama.*

LAND OFFICE, *St. Stephen's, Alabama, March* 7, 1832.

SIR: We have received your letter of the 10th January, upon the subject of our report upon claims, presented to us under the 3d section of the act of March 2, 1829.

We forward with this a report upon the same claims, which we desire you will receive in lieu of the one heretofore made.

We are, very respectfully, your obedient servants,

JOHN B. HAZARD, *Register.*
J. H. OWEN, *Receiver.*

Hon. ELIJAH HAYWARD, *Commissioner of the General Land Office.*

LAND OFFICE, *St. Stephen's, Alabama, February* 26, 1831.

SIR: We have forwarded with this a report of claims to land which have been presented to us for confirmation under the 3d section of the act of Congress of the 2d March, 1829.

We are, very respectfully, your obedient servants,

JOHN B. HAZARD, *Register.*
J. H. OWEN, *Receiver.*

Hon. ELIJAH HAYWARD, *Commissioner of the General Land Office, Washington.*

No. 1.

Abstract of claims to land situated west of the Perdido, east of Pearl river, and below the 31st degree of north latitude, presented to the register and receiver of the land office at St. Stephen's, Alabama, acting as commissioners under the authority of the third section of the act of Congress of the 2d of March, 1829, entitled "An act confirming the report of the register and receiver of the land office for the district of St. Stephen's, in the State of Alabama, and for other purposes."

Number.	By whom claimed.	Original claimants.	Nature of claim.	Tract claimed.	Quant'y claimed.	Quant'y allowed.	Possession. From	Possession. To
1	Samuel Acre	Benjamin Dubroca...	French concession, dated July, 1760. Part of this grant, together with the signatures of the French officers, destroyed.	West side of Mobile river.	15,000 arpents..	5,760 acres	1799	1819
2	Heirs of Cornelius McCurtin.	Cornelius McCurtin..	Spanish permit, dated December 20, 1783.	West side of Mobile bay.	5,195 arpents . .	5,195 arpents ..	1790	1830

REMARKS.

CLAIM No. 1.—This grant appears to have been regularly transferred from the original grantee to the present claimant.

The original grantees, or their legal representatives, appear to have been residents of that part of Louisiana situated east of Pearl river, and west of the Perdido, and below the 31° of north latitude, on April 15, 1813, and on that day, and for ten consecutive years previous to that day, to have been in possession of the tracts claimed. The present claims are therefore recommended for confirmation; but if either of the foregoing claimants had a claim to any part of the above-described lands confirmed to him, the quantity heretofore confirmed to be included in and make a part of the quantity now recommended for confirmation. All of which is respectfully submitted.

JOHN B. HAZARD, *Register.*
J. H. OWEN, *Receiver.*

LAND OFFICE, *St. Stephen's, Alabama, March* 7, 1832.

22D CONGRESS.] No. 1051. [1ST SESSION.

ON THE APPLICATION OF MISSISSIPPI AND THE TRUSTEES OF JEFFERSON COLLEGE FOR A DONATION OF LAND FOR SAID COLLEGE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 6, 1832.

The Committee on Public Lands, to whom was referred a bill from the Senate for the relief of Jefferson College, in the State of Mississippi, accompanied by two memorials, one from the board of trustees of said college, and the other from the legislature of Mississippi, reported:

That the trustees of Jefferson College were incorporated in the year 1802 by an act of the legislative council of the Mississippi Territory. The college was located in a healthy and pleasant situation at the town of Washington, in the county of Adams, with no other endowment than such as made by individual enterprise. By the 12th section of an act of Congress, passed on the 3d of March, 1803, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," thirty-six sections of land in the then Mississippi Territory were reserved for the use of said college; and on the 5th of October, 1812, the land so reserved was located by the Secretary of the Treasury, under and by virtue of the provisions of said act, on the Tombigbee river, in a position nearly central to the then limits of the Mississippi Territory; that the division of the Territory, and the formation of the States of Alabama and Mississippi, has thrown this land into the State of Alabama, whilst the site of the college is on the western margin of the State of Mississippi. The memorialists state that they feel assured that Congress, in its munificence, designed this, as well as all similar grants to other literary institutions, as a means of active and efficient support in its wise and cherished policy of diffusing information and learning, and maintaining that intelligence in the community in which the free and happy institutions of our government had their origin and must ever subsist. It is doubtless the desire of Congress that the grant of land to Jefferson College should be a source of immediate revenue, and be usefully and efficiently applied to the laudable purpose for which it was designed. The memorialists represent that the land in question, independent of its unfavorable position, is composed chiefly of sterile pine barren, and of land subject to inundation, and that they find it impracticable to make any disposition of it for the advantage of the institution under their charge; that it will remain, probably, unproductive and valueless to the college for half a century; in the meantime the institution would languish and decline for want of pecuniary aid. The memorialists further represent that, so soon as the late treaties with the Choctaw and Chickasaw Indians take effect, there will be in the State of Mississippi alone more than twenty millions of acres of land, which will be obtainable from the United States at the rate of one dollar and a quarter per acre; and when persons can become purchasers on such favorable terms, it is obvious that leases will be impracticable, or that few, if any, will be found willing to improve lands held by such a tenure; and it may be remarked that although leases of those lands may be impracticable, yet the sum which they would yield, if sold, might be readily and securely invested at an annual interest of from six to ten per cent. This would furnish a convenient and certain revenue, sufficient, in the opinion of your memorialists, to meet the exigencies of the institution; and that if they can have the privilege of relinquishing said lands, and of locating the same quantity on any of the unappropriated lands of the United States within the State of Mississippi, and authorized to sell and dispose of the same, the proceeds arising from such sale will enable the trustees to realize a fund which, being judiciously

invested, would yield a permanent income sufficient to keep the institution in useful operation. The buildings erected by the trustees with the limited means under their control, though large and commodious, and hitherto sufficient for the wants of the institution, are not extensive enough to carry into complete operation the original designs of its founders. The want of patronage on the part of the citizens, who until recently were in the habit of sending their sons to the northern colleges to complete their educations, and the want of suitable and capable instructors, has kept the institution far behind those of the older States, and prevented the college from commanding that respect due to the State and to the illustrious individual whose name it bears. In the year 1829 it went into operation on the military plan, under its present able and talented faculty. At the last-mentioned period the institution opened with twenty-eight students, since which time the number has increased to one hundred and thirty. The memorialists therefore pray that they may be permitted to relinquish the land granted for the use of Jefferson College, being part of townships No. ten, of ranges Nos. one and two west, in the district of lands offered for sale at St. Stephen's, or so much thereof as may be found advisable, and to locate in lieu thereof a quantity of land equal to that which they may relinquish, to be selected under the direction of the trustees out of any unappropriated land in the State of Mississippi, or within the limits of the country lately ceded by the Choctaw and Chickasaw Indians to the United States, to be taken either before or after such lands may have been offered at public sale, being governed in such locations by the legal subdivisions of such lands in the surveys made or to be made under the authority of the United States, and also that they may be permitted and authorized to sell the land which may be so located or entered, and to convey a fee simple title thereto. The committee deem it unnecessary to enter into any elaborate argument of the advantages of education, the benefits resulting to the community at large from the establishment of seminaries of learning in every part of the Union, and of the propriety of the general government's making liberal donations of lands for the purpose of encouraging education, so vitally important to the safety, protection, and welfare of our government. It is sufficient for the present inquiry to remark that the memorialists only ask for the change of location of land already donated to the institution by the general government, and that the fee simple title to the same may be vested in the trustees.

No one who will make himself acquainted with the facts can oppose the change of location. As an argument in favor of authorizing the trustees to sell and convey fee simple titles to the same so far as precedent is entitled to weight, the committee beg leave to refer to an act of Congress passed in 1826 authorizing Ohio to sell and convey in fee simple all lands reserved by Congress for the use of schools in said State; to an act of Congress passed in 1827, granting the same favor to Alabama; to an act of Congress passed in 1828, granting a similar favor to Indiana; to an act of Congress passed in 1828, authorizing the State of Alabama to make a change of location in a similar case; and to an act of 1831, authorizing Missouri to sell and convey in fee simple all lands reserved and appropriated for the use of a seminary of learning in that State. For the plan and mode in which Jefferson College is conducted, the course of studies pursued, the discipline of the students, and the present condition of the institution, the committee beg leave to refer to the report of the board of visitors at the annual examination in May, 1831, and a letter from President Williston to the governor of Mississippi, accompanying this report.

The committee are of opinion that the prayer of the memorialists is a reasonable one and ought to be granted; and therefore report the bill from the Senate, with sundry amendments, embracing the object of the memorialists.

(NOTE.—For the application of Mississippi and the trustees of Jefferson College, see antecedent No. 1047.)

22D CONGRESS.] No. 1052. [1ST SESSION.

ON THE SUBJECT OF THE TITLE OF THE UNITED STATES TO THE ISLAND IN THE DELAWARE RIVER, ON WHICH FORT DELAWARE HAS BEEN ERECTED.

COMMUNICATED TO THE SENATE APRIL 12, 1832.

Mr. MARCY, from the Committee on the Judiciary, to whom was referred the bill (S. 130) to authorize the Secretary of War to enter into a compromise to secure to the United States a title in fee to an island in the Delaware, upon which Fort Delaware has been erected, reported:

That, before or during the late war, the State of Delaware claiming title to an island in the Delaware river called the *Pea Patch*, made a cession of it to the United States, who desired it for the purpose of erecting fortifications thereon. It is represented to the committee that when the United States took possession of this island they dispossessed Joseph Gale, who claimed, and still claims, to be the owner of it, by virtue of a title derived from the State of New Jersey. One or more suits have been instituted against the agent of the United States to recover the possession of this island; and the validity of the title under which the United States hold it has been called into serious question, but no decision has been made against it. The public works on the island have been recently destroyed in part by a fire, and the government is desirous that the title should be settled before large expenditures are made in rebuilding them. The position of the island is advantageous for defensive works, and it is deemed important that the United States should occupy it for that purpose.

The committee have not considered it their duty to come to any definitive opinion as to the title to the island, because the bill does not propose to concede that the United States have not a just and valid claim to it. They are, however, satisfied that considerable doubt hangs over the title, and think it would be unwise to rebuild the fort without having the controversy in relation to it adjusted. It will be perceived by the documents herewith submitted that persons who have been employed to defend the rights of the United States have entertained some doubts of ultimate success; and both the Secretary of War and the

solicitor of the treasury express opinions in favor of a compromise. The bill referred to the committee proposes that a sum, not more than $17,000, shall be given to the claimant under the New Jersey grant, provided the Attorney General of the United States, on examination, shall be satisfied that such claimant has a valid title to the premises, on his executing a release of his rights to the premises and all claims against the United States for use and occupation.

If the title of the claimant should be confirmed by a judicial decision, it is not probable that it could be acquired by the government for the sum mentioned in the bill. It is probable a much larger one would be demanded, and the government would ultimately be induced to give it. This consideration is suggested as the main ground of the compromise. There is also another entitled to consideration, which is that there should be no delay in putting the works on the island in a proper state of defence.

The committee have therefore ordered the bill to be reported, with some amendments.

Letter of L. Cass, Secretary of War.

DEPARTMENT OF WAR, *March* 29, 1832.

SIR: In answer to your letter of the 15th instant, concerning the title to the Pea Patch island in the Delaware and the value of the property, I have the honor to observe that the accompanying papers, together with those in possession of the party claiming title under the State of New Jersey, and which will, I presume, be exhibited to the committee, contain all the information upon these subjects which has been laid before this department.

The message of the President to the House of Representatives of February 18, 1831, presented the views of my predecessor; and, under all the circumstances of the case, I concur in the expediency of the arrangement proposed by him. It will be perceived by the papers that different opinions are entertained by the law officers of the validity of the title of the United States to this island. Without undertaking to judge between them, which I do not feel competent to do, it seems to me that prudence requires that a compromise should be effected, if it can be done upon reasonable terms.

The value of the island, independently of the objects for which it is wanted by the United States, I am unable even to conjecture. But its possession is essential to the security of the Delaware river, and large expenditures have been made upon it. It appears to me, therefore, that authority should be given to carry the original arrangement, or some other, into effect.

With much respect, I am, sir, your obedient servant,

LEWIS CASS.

Hon. N. L. MARCY,
Chairman of the Committee on the Judiciary, U. S. Senate.

Statement in relation to the Pea Patch.

Messrs. Rodney and Read state, in the case they have submitted, that the United States procured the grant of the Pea Patch from the State of Delaware, and expended on the fortifications there large sums of money, "without the slightest notice of an adversary claim."

We are prepared to prove by affidavit that the agents of government offered Dr. Gale, who was then in possession of the island and engaged in improving it, a large sum for ten acres; that the island was *forcibly* taken possession of by the United States, and property to the amount of $3,500 destroyed by them.

They quote the deed of Charles II to the Duke of York, by which we hold the western boundaries thus described: "To the west side of Delaware *bay*, together with all the rivers, harbors, &c., to the said premises belonging, or in anywise appertaining." This island is not in the *bay*, but in the river Delaware; and if this is not a river appertaining, what is? All the islands in the river Delaware, on the Jersey side, have been surveyed and held under proprietors' rights, some of them from time immemorial. The question as to those lying between Jersey and Pennsylvania has never been raised, but the States have held them according to their propriety, and Delaware never claimed the right to any island but this, nor to this until the United States had applied for it for a purpose beneficial to her.

But we are not obliged to rely upon this, even if the river could be proved to be the bay, and this island were past the east side of Delaware bay; for his Majesty grants to the Duke of York, expressly, all royalties appertaining to said tract of country. Now, the right to the soil under tide water is, and always has been, held to be expressly a royalty; and the grant of a large country like this, with *all royalties* appurtenant, must necessarily carry the usual rights to the waters by which it is bounded and the islands adjacent. All islands appurtenant are also expressly granted; and if this island is not appurtenant to Jersey, what is appurtenant to it? New Jersey is, in fact, almost joined to it by marshes and flats; while the ship channel, wide and deep, is between it and Delaware. The right of fishing, the right of water, and the right of harbor, all of which are expressly granted us, would, either of them, according to the construction and definition of those terms by the English courts, give us a title to the premises in question; but the words, all royalties, and all the right, title, and interest which his Majesty had in the premises, which are also used, are conclusive. The King holds a large tract of country bounded by a navigable stream on one side—what are his rights in that water? If he has any, they are expressly granted to those under whom we hold.

That our grant was so extensive in its powers Messrs. Rodney and Read admit, when they state that Queen Anne accepted the relinquishment of the right of government from the proprietors in 1702, thus recognizing the *jus regium*, or right of royalty, as having passed by the grant under which they held. This relinquishment is confined to the right of government, *and expressly reserves all other rights.*

Thus much in regard to the strength of our title; but Messrs. Rodney and Reed claim protection for the weakness of their title under the rule in ejectment, that the possessor cannot be ousted by the weakness of his title, but by the strength of the opposing one, But will this avail them? The reverse, upon

examination, will be found to be the case. We prove actual possession for more than thirty years in ourselves, which is *prima facie* evidence of title in us; they have held possession but seventeen years, which is not evidence of title; and if it were, their taking can be proved tortious, so that we are now, constructively, still in possession. Under these circumstances, is there a court of justice in this country who would refuse to try *their* title?

But here the case is at an end; for it is admitted by all the attorneys for the United States that there is no grant on record from Charles II to the Duke of York, under whom the State of Delaware holds the premises in question; and the Duke, being a subject, had no more right to grant than a scavenger. The confirmation of this grant was also refused when he afterwards became King.

But an opinion is advanced that Delaware river and bay were never granted by the King to any one, and consequently both grants must fail. Be it so: the bay and river, then, will be divided, according to the law of nations, between Jersey and Delaware, as sovereign States. By actual survey, this island can be shown to lie almost, if not quite, wholly on the Jersey side of a central line, and it is, and always has been, on the Jersey side of the channel of the river. By immemorial usage Jersey has acknowledged the rights of the proprietors to these islands, for we can show the record of the survey under proprietors' warrant of every island of importance on the Jersey side of the Delaware. But in our case we have a deed from the State of Jersey granting expressly all their rights. This was granted on the ground that our rights were indisputable, and a similar grant was refused to the United States on the same ground.

We do not wish any part of our statements to be taken for granted, but stand ready to prove everything by legal evidence.

Deduction of title.

The claimant deduces his title regularly from the proprietors of West Jersey, whose rights are derived from a conveyance to them made by the Duke of York, bearing date A. D. 1680, he holding under grant from King Charles II, dated March 12, 1664.

1743. The council of proprietors, by warrant bearing date November 4, 1743, directed the surveyor general to survey to Sam. Atkinson and wife 600 acres of unappropriated land anywhere in the west division of New Jersey, below the falls at Trenton.

1744. Atkinson and wife conveyed the whole of said warrant, by deed bearing date April 6, 1744, to John Robbins.

1782. The council of proprietors, by warrant bearing date August 7, 1782, directed the surveyor general to survey to Daniel Ellis 5,000 acres of unappropriated land anywhere in the said west division of New Jersey.

1783. Daniel Ellis, by deed bearing date August 8, 1783, conveyed to John Lawrence 600 acres of said warrant.

1784. John Lawrence, by deed bearing date September 1, 1784, conveyed to Clement Hall and Edward Hall 126 acres of said warrant; and Elias Robbins, eldest son and heir-at-law of John Robbins aforesaid, by deed bearing date October 6, 1784, conveyed to Edward Hall 52½ acres and half a tenth of said warrant. By virtue of these warrants and the above mesne conveyances the surveyor general, by his deputy, surveyed and appropriated to Edward Hall and Clement Hall 178 acres of unappropriated land, being an island in the Delaware river, described as follows: "An island in the Delaware called the Pea Patch, situate in the county of Salem, township of Penn's Neck," &c.

1813. The administrators of Clement Hall, by deed bearing date February 27, 1813, conveyed to Henry Gale one-half of the island called the Pea Patch. Edward Hall, and Ann his wife, by deed of the same date, conveyed to Henry Gale the other half of said island.

1831. The State of New Jersey, by legislative act, granted to Henry Gale all its right and title to said premises.—(Act passed 24th November, 1831.)

This last act was obtained by the claimant on account of a dictum of the late Judge Washington, who expressed an opinion that the islands on the Jersey side of the Delaware belonged to the State, and not to the proprietors.

The claimant has evidence to prove undisturbed possession in himself and those under whom he held for more than thirty years, and if the taking of the United States be adjudged tortious, his possession extends to near fifty years.

Opinion of the United States district attorney for Delaware upon the United States claim to the Pea Patch island.

Captain Babcock, of the United States engineers, has submitted to my consideration a communication addressed to him from the engineer department, instructing him to institute an inquiry as to the title to the island in the river Delaware, commonly called the Pea Patch, and has requested me to give him my views in relation to the matter.

My opinion is, that any claim of title not derived from the State of Delaware is entirely groundless. By the deed of feoffment of the Duke of York to William Penn, anno Domini sixteen hundred and eighty-two, "of New Castle and the twelve miles circle," there is granted "all that the town of New Castle, otherwise called Delaware, and all that tract of land lying within the compass or circle of twelve miles about the same, situate, lying, and being upon the river Delaware, in America, and all islands in the said river Delaware, and the *said river and soil thereof*, lying north of the southernmost part of the said circle of twelve miles about the said town." By this deed are defined the boundaries by which are limited the sovereignty and jurisdiction of the State of Delaware; and according to such limits the State has uniformly asserted and exercised jurisdiction over the river to the low-water mark of the State of Jersey. In conformity to this established right the State of Delaware, by an act of assembly passed May 27, 1813, ceded to the United States the jurisdiction and soil of the island called the Pea Patch, which is about six miles below New Castle, and nearly equidistant from the shores of Delaware and Jersey. No title other than that of the United States is known of, derived from the State of Delaware. A warrant, it is said, was taken out of the land office of the last-mentioned State to survey the island in question, about twenty-five years since, but no return was ever made, or any location effected, that is believed, and the land office was soon after closed, and has ever since so remained. It may be remarked that no cession was asked

for except from the State of Delaware previously to the proposed erection of fortifications by the general government, although the commanding general of the military district of which Delaware formed a part was a distinguished citizen of New Jersey, and from the place he occupied in her councils and at her bar must have been well aware of all her rights.

It is not intended to discuss elaborately the validity of a title the grounds of which are not stated, but as it is presumed to be derived under and from a New Jersey patent, it may not be out of place to take a brief view of the grants, &c., under which, if at all, New Jersey could give a title to the island in question.

In 1664 King Charles II made a grant to the Duke of York of a large territory, which included New Jersey, the western boundary of which is made the river Delaware, "all the lands from, &c., to the east side of the Delaware bay." In the same year the Duke granted to Berkely and Carteret the part of the said territory now called New Jersey, and thus describes its western boundary: "and hath upon the west Delaware bay or river."

In 1702 a surrender was made of their rights of government by the then proprietors of East and West Jersey to Queen Anne. This instrument recites the two last-mentioned grants, and surrenders the territorial government according to the boundaries therein mentioned, thus acknowledging those limits to the jurisdiction of Jersey as having been heretofore accepted; and this acknowledgment made too at a period subsequent to that which fixed those of the neighboring government; and what is remarkable, too, the above mentioned grant of Charles, recited in the surrender, grants the river Hudson by name, "together, also, with the said river called the Hudson river," while it merely mentions the Connecticut in marking the eastern, and the Delaware in defining the western boundary.

There was then nothing to prevent the Duke of York granting the river and soil thereof to William Penn, and such a grant entitled the State of Delaware to that complete title which, by cession, is now in the United States of America.

GEO. REED, JR., *Attorney United States, Delaware district.*

NEW CASTLE, *September* 7, 1818.

William Wirt, United States Attorney General, to the Secretary of War. His opinion on the United States claim to the Pea Patch island.

OFFICE OF THE ATTORNEY GENERAL, *January* 8, 1820

SIR: It is only within a few days back that I have been put in possession of copies of all the documents that can be found relative to the title to the is'and in Delaware river called the Pea Patch. Even yet, the grant from the Crown, on which the title of the State of Delaware to that island is founded, has not been procured and forwarded. If such a grant ever existed, (which the district attorney for Delaware doubts,) and its production should hereafter become necessary, it may be, I presume, obtained through our minister at London; but I apprehend it will not be necessary on the trial of the suit which Dr. Gale has instituted against the officers of the United States, because the plaintiff must show a title in himself before the defendant in possession can be required to produce any proof of title, and Dr. Gale, according to the evidence before me, can show no title in himself; and because if he could exhibit proof which would call upon us to show our title we can rest, I think, securely on our length of possession under the title derived from the Duke of York, afterwards King of England.

The territorial title of the State of Jersey, under which Dr. Gale claims, takes for its western boundary, in the most express terms, the east side of the Delaware bay and river. Such is the language of the grant to the Duke of York, and such the language of that Duke's deed to John Lord Berkely and Sir George Carteret. Dr. Gale, by stopping at the east side of the Delaware, will never get to the Pea Patch, and consequently cannot show such a title in himself as to authorize a judgment in his favor.

The State of Delaware (whose title we hold) claims under a deed from the Duke of York to William Penn, conveying to him the town of New Castle, and all that tract of land lying within the compass or circle of twelve miles about the same, situate, &c., upon the river Delaware, and all the islands in the said river, and the said river and soil thereof, *lying north of the southernmost part of the said circle of twelve miles about the said town.* If any question could exist whether *the twelve miles about the town* here mentioned indicated a circle, whose *radius* (and not whose *diameter*) was twelve miles, it would be removed by reference to the next or supplemental deed from the Duke of York to William Penn, which, designing to convey the residue of the present State of Delaware, takes for its beginning a point on the Delaware river *twelve miles south of the town of New Castle;* clearly manifesting that the former deed was considered as covering the title to that point. All that part of the river, with all the islands in it, which lies to the north of this point having then been conveyed to William Penn, and the Pea Patch being an island in the river to the north of that point, it seems clear to me that it is included in this deed, and consequently that the United States, who claim under it, have the best, and indeed the only valid title.

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

WILLIAM WIRT.

Hon. JOHN C. CALHOUN, *Department of War.*

C. A. Rodney and George Read, jr., to the Secretary of War in relation to the Pea Patch island.

WILMINGTON, *July* 2, 1820.

SIR: In compliance with instructions received from the Department of War and from Major Babcock, of the corps of engineers, charged with the erection of works on the island in the Delaware called the Pea Patch, we attended the late term, in April, of the circuit court of the United States for the district of New Jersey, at Trenton, to contribute our aid in the defence of an ejectment brought to recover possession of that island.

On our arrival we found there were several suits on the list of trials prior to that in which the United States were concerned, which would occupy the court during the whole term. The case of the Pea Patch

was, of course, continued until the ensuing term in October next. This, however, enabled us to obtain a rule for the trial of the cause by special jury, and it affords us an opportunity of collecting more testimony.

After our return it occurred to us that it might not be unacceptable to yourself or the attorney general, who has been consulted, if we were to prepare a report on the subject of the case so interesting and important to the United States. This we concluded to do as soon as all our courts were over, and they terminated but a few days since.

We have the honor to present you with a paper on the subject, drawn up with some attention, though not with all the care and deliberation perhaps which the magnitude of the case required.

We regret that, separated as we are from the able and eminent counsel concerned for the United States in New Jersey, we could not have the benefit of their aid in the execution of this task. But we acknowledge ourselves indebted to them for important information communicated when we were at Trenton.

We have the honor to be, very respectfully, your obedient servants,

C. A. RODNEY.
GEORGE READ, JR.

Case of the Pea Patch.

The island called the Pea Patch is situated in the river Delaware about six miles below New Castle, and lies nearly equidistant from both shores. Its origin is difficult to trace with certainty at this date.

Colonel McLane says he has known the place ever since the year 1756, when it was a shoal only visible at low water. According to tradition, it arose from the accidental sinking of a shallop loaded with stones, and some peas, perhaps, in this spot, and thus forming the *nucleus* of a bar or bank, which has since reared its head above the tides and increased to a considerable island.

Its situation and extent rendering it a most important position for the defence of the Delaware, the attention of a provident government was drawn to this eligible spot. A title was procured for the United States from the State of Delaware, within whose known and acknowledged limits it was supposed to lie. Efficient and permanent works are erecting for defence in time of war. Large sums of public money have been judiciously expended without the slightest notice of an adversary claim.

The island has been completely secured by embankments from the highest tides, and the foundations laid of permanent fortifications, on a scale commensurate with the great object of repelling an invading foe, however formidable in numbers or force.

The island having been thus rendered very valuable to the public has excited the attention of private individuals, and is now claimed by Dr. Gale, who sets up a title to it by virtue of an alleged purchase from the heirs or representatives of Edward Hall and Clement Hall, who derived their right from the board or council of proprietors in New Jersey, and not from the State itself.

It may be necessary, in illustration of the subject, to take a brief retrospect of the settlements, conquests, and grants, or charters of New York, New Jersey, and Delaware.

Passing rapidly by the discovery of Hudson, the early emigrations of the Dutch or Swedes to the North river and the Delaware, with their lodgment in New York, New Jersey, and Delaware, and the disputes that arose between them in the latter quarters, where the Dutch finally prevailed, we will proceed to the original charter of Charles II to his brother the Duke of York, afterwards James II, and the conquest of all these countries under his auspices by the royal orders.

This grant bears date March 20, A. D. 1664, and is in the following terms: "Unto James, Duke of York, his heirs and assigns, all that part of the main land of New England beginning at a certain place called or known by the name of St. Croix, near adjoining to New Scotland, in America; from thence extending along the sea coast unto a certain place called Pemaquire, or Pemaquia, and so up the river thereof to the farthest head of the same as it tendeth northward; and extending from thence to the river Kimbequin, and so upwards, by the shortest course, to the river Canada, northwards; and also all that island or islands, commonly called by the several name or names of Motowacks or Long Island, situate and being towards the west of Cape Cod, and the narrow Kiganzetts, abutting on the land between the two rivers, there called or known by the several names of Connecticut and Hudson's river; *together, also, with the said river called Hudson's river*, and all the *land* from the *west side* of Connecticut river to the *east side* of Delaware bay; together with the rivers, harbors, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawking, hunting and fowling, and all other royalties, profits, commodities, and hereditaments, to the said several islands, lands, and premises, belonging or appertaining."

It was made in consequence of a determination by the British government to expel the Dutch from this part of North America, of which they had taken possession.

England was aware of the consequences of permitting a Dutch colony to remain in the undisturbed occupation of territories so important to her, when considered in connexion with her other possessions in this quarter of the continent. She also claimed the right to them, because Hudson, who discovered them, was an English subject.

With this pretext and these views of interest and policy, a fleet and army were despatched, in the same year the patent was granted, to put the Duke of York in possession of the country, (under Sir Robert Cane and Colonel Richard Nichols,) before any formal declaration of war was made. They arrived in the North river the latter end of the year, and taking the Dutch by surprise New York fell an easy prey. The different posts and settlements on the North river and the Delaware were soon conquered. New Castle, with its territories, it must be particularly noticed, surrendered on the 1st of October, 1664, to the British forces embarked on board a squadron detached from the fleet at New York; and thus complete possession was acquired of the country granted to the Duke of York, with its appurtenances or dependencies. All these conquests were formally ceded to England by the treaty of peace concluded with Holland, at Breda, on the 10th of July, 1667.

The Duke of York had, however, on the 23d and 24th days of June, 1664, by his deeds of lease and release, previously granted to Lord Berkely and Sir George Carteret, and their heirs and assigns, New Jersey, which was described in the said instruments in the following terms: "All that tract of land

adjacent to New England, and lying and being to the westward of Long Island and Manhattan's island, and bounded on the east part by the main sea and part by Hudson's river, and hath upon the *west Delaware bay or river*, and extendeth southward to the main ocean as far as Cape May, at the mouth of Delaware bay, and to the northward as far as the northernmost branch of the said bay or river Delaware, which is in forty-one degrees and forty minutes of latitude, and crosseth over thence in a straight line to Hudson's river, in forty-one degrees of latitude; which said tract of land is hereafter to be called Nova Cesarea or New Jersey."

War breaking out again between England and Holland, after numerous emigrants had settled in New Jersey under the Duke of York's title, all the country granted to him was once more subjected to Holland, and retroceded to England by the treaty of peace between the two nations, signed at Westminister on the 9th of February, 1674.

To prevent all disputes about the title of the first purchasers, in consequence of the reconquest of the Dutch, Charles II, on the 29th of June, 1674, by letters patent, regranted to the Duke of York all the countries included in his first patent; and the Duke of York, the same year, reconveyed New Jersey, then divided into east and west New Jersey, to the respective proprietors claiming under his former deeds.

It is unnecessary to detail the various subordinate divisions that subsequently occurred of the territory contained within the limits of New Jersey; but it is important to add that, in the year 1702, in consequence of frequent disputes between the Crown and the proprietors, the latter executed a deed of surrender of all the powers of government to the former, which was accepted by Queen Anne.

In this deed the boundaries of New Jersey are recited according to the original grant, and confined to the "*east side* of Delaware bay."

Whatever portion of governmental authority or royal prerogative had been claimed by the proprietaries was, by this instrument, relinquished and restored to the Crown, and became thenceforth an undisputed part of the *jus regium* in these dominions, equally with any other portion of the British realms. We make these remarks now to impress them on your mind, because of their application in the sequel.

The title of the lessor of the plaintiff is founded on an alleged survey made under the authority of the board of proprietors, and not of the State of New Jersey, as we have before stated. Whether all the necessary requisites and usual forms for incepting and completing a title to lands belonging to them have been complied with, we cannot say; or whether any possession was ever taken of the premises claimed, we cannot, upon the facts before us, undertake to determine; nor do we know whether, if possession were at any time had, the grantors were in the actual possession of the island when they made the conveyance to the present claimant. These matters may present important topics of discussion on the trial. But it appears to us that, on his own showing, the claimant can have no title to the premises, and that this may be made the foundation of a motion for a non-suit after he has gone through his evidence and closed his testimony.

Every plaintiff in ejectment must exhibit a good and sufficient title, as he must recover by the strength of his own title, and not by the weakness of his adversary's, who, being in possession, has a title against all the world but the rightful owner. When a plaintiff fails in this respect, it furnishes a legal reason in a court of justice for a nonsuit; so when the defendant shows the title to be in a third person, the plaintiff will be nonsuited. A motion for this purpose, we apprehend, may be sustained on the following grounds, upon each of which the opinion of the court may be distinctly taken in this mode:

1. That the proprietors of New Jersey under whom the plaintiff claims are, by the express and positive terms of the grants to them by the Duke of York, limited and confined to the *east side* of the Delaware bay or river, which they cannot exceed; and it is the peculiar province of the court to construe written instruments. The proprietors possess none but private rights; the State of New Jersey has succeeded to the sovereign rights surrendered to the Crown.

2. Admitting, at this stage, that the right to "*all islands in the river Delaware, and the said river and soil thereof*," did not pass to William Penn by the deeds of feoffment of the Duke of York to him of the three lower counties of New Castle, Kent, and Sussex, yet, the title to this island, after the revolution, by the treaty of peace with England, became vested, according to principle and authority, either in the United States or the individual States of Delaware or New Jersey as the riparious possessors. New Jersey claiming as successor of the rights surrendered by the proprietors to the Crown, the Delaware being a navigable water, all the islands formed in it belonged, previously to the revolution, to the Crown of England, unless it had granted away the bed of the river. This is the rule of the common law, which says the right to the soil of all navigable rivers is in the King.

We have, fortunately, the opinions of the attorney general, Robert Raymond, afterwards Lord Raymond, and of the solicitor general, Sir Philip York, afterwards Lord Hardwicke, on this very point, with respect to this same grant of New Jersey, and this identical river. In their opinion, they declare, upon consideration of the charter of New Jersey, that "no part of Delaware river, or the islands lying therein, are comprised *within the granting words* of the said letters patent." "But they conceived the right to the same still remained in the Crown." This opinion was given to the lords commissioners of trade and plantations in 1721, and is to be found in Chalmer's Collection, volume 1, 59.

Agreeably to this sound doctrine either the United States or the State of Delaware or New Jersey, on the recognition of their independence, succeeded to the rights of the former sovereign, and the title of the King to this island vested in one of them. It is no matter which of them, for it would equally destroy the plaintiff's claim, and defeat his suit.

But if the cause should be permitted to proceed, and the United States be required to show their right, we consider they can produce a perfectly valid title when called on to disclose their testimony.

With such strong grounds of defence as we possess we will not stop to discuss, in this paper, the question whether this ejectment be not a suit against the United States as much as if it were brought to recover possession of the Capitol in which Congress sit, or the house in which the President resides, at Washington; nor whether this suit, involving a question of boundary between independent States, materially affecting not only their territorial but political rights, be proper for the determination of a court of justice. We merely glance at them now because the points may be found to present serious objections to the exercise of the jurisdiction claimed; and the question of jurisdiction is always open at every stage of a cause. They may, therefore, with some other, be futurely dilated on, should the occasion require it. At present, we hasten to the principal ground of defence.

At this period of time, after the lapse of more than a century since the deeds of feoffment to William Penn of the three lower counties of New Castle, Kent, and Sussex, the right of the Duke of York to make such grants would seem to us not to admit of dispute. Within the fair construction of the terms of the

extensive charter of Charles II to him, conveying not only all the lands lying within the limits described, but "*all the royalties and hereditaments to the said lands and premises belonging or appertaining,*" the possessions of the British in this quarter simultaneously acquired by conquest may be included. That they were, in fact, embraced, is well attested by all the acts and conduct of the Crown and its officers, as well as of the officers of the Duke of York; by the conquest and surrender of the territory; by the regulations for the government of it; and by the numerous grants of land within it; for these were obtained from the governors of the Duke of York, at the capital, New York, until the deeds of feoffment and delivery of possession to William Penn. All these things are now matters of record or of history; and they abundantly prove that the Duke of York had the same title to the three lower counties as he had to his other possessions; that they formed one government. To use the language of the civilians, *Unum constituant civitatem.*

This State, it may here be remarked, incidentally, has always exercised jurisdiction over the river Delaware as the proprietary government had also done previously to the revolution.

Whether any other charter was granted by Charles II to the Duke of York for the three lower counties, *eo nomine,* is perhaps scarcely worthy of minute investigation. The late Chief Justice McKean, who was familiar with such affairs, in his "Calm Appeal" to the people of Delaware, written in 1791, on the subject of the proprietary claims, asserts that there was a patent issued specifically for the three lower counties.

In an opinion given in 1717, upon an application by the Earl of Sutherland for a charter for the three lower counties, it appears that a patent did pass the privy seal, but did not receive the great seal, in consequence of the Duke of York having succeeded to the throne by the death of his brother, Charles II. This opinion concludes that a charter for the territory could not legally be granted by the crown, unless the King's title was previously established, in a formal manner, in the court of chancery, by due course of equity, which was never attempted. The report, of course, was unfavorable to the prayers of the Earl of Sutherland on this point; and it was drawn up by the attorney general, Edward Northey, and the solicitor general, Mr. Thompson. This document is to be also found in Chalmer's Opinions, volume 1, 39.

That part of their report which says that they see no objection to the crown's granting to the Duke of Sutherland its share of the rents which William Penn was to pay, according to the conditions of one of the deeds of feoffment to him by the Duke of York, is equally confirmatory of his title under them to the three lower counties.

But it ought to be remarked that any further patent for this territory could only have been intended *en abundanti couldie,* and by no means as necessary to complete the original transfer, or to give validity to the deeds of feoffment.

The great principle upon which Lord Hardwicke decided that the title of William Penn to Delaware was sufficient, under the deeds of feoffment, by the Duke of York, appears to us to be conclusive of all dispute on this subject. This principle was determined and settled in the year 1750, in the celebrated case which arose between Penn and Baltimore, relative to the specific execution of certain articles of agreement for establishing a boundary or division line between Delaware and Maryland.

Lord Hardwicke, on that occasion, considered that whether another patent had or had not issued from Charles II to the Duke of York for the three lower counties was immaterial, because, as the Duke of York had actually conveyed the same to William Penn by his deeds of feoffment, and had afterwards ascended the throne, when he became unquestionably entitled to the legal estate in them, he was to be deemed, when King, a royal trustee for William Penn, to whom he had previously granted the premises.

It is remarkable that when this was first come before the court it was directed to stand over, in order that the attorney general might be made a party to the bill, to defend the rights and interests of the Crown. This was accordingly done, and at the hearing he interposed no difficulty on the part of the King. A specific execution was decreed by the court, and a permanent boundary established

A report of this important case, on its first appearance, may be found in Hord ca., (by Ridgeway,) 332, v. 9.; and, on its final hearing, in 1 Ves. Rep. 444 *seq.*, Bell's Sup. to Vesey's Rep. 194.

On either of these grounds it may be safely assumed at this day that the deeds of feoffment to William Penn conveyed a valid title to everything contained within their limits, according to their plain and express terms.

If this position be correct, it is only necessary to recur for a moment, in reference to the ground in dispute, to the Duke of York's deed of feoffment in 1682 to William Penn, of New Castle, and a twelve miles circle, which expressly includes this island in direct and explicit terms.

The language is: "All that town of New Castle, otherwise called Delaware, and all that tract of land lying within the compass or circle of twelve miles about the same, situate, lying, and being on the river Delaware, in America, and all islands in the said river Delaware, and *the said river and soil thereof* lying north of the southernmost part of the said circle of twelve miles about the said town."

No comment can be necessary on this text.

The title of William Penn, as royal proprietary, to all land within the limits of Delaware not granted to individuals, nor appropriated to the private use of the proprietary, became vested in this State by the revolution and acknowledgment of our independence.

This island was neither granted nor appropriated by the proprietary; and though a warrant was taken out, as it is understood, by a respectable individual, under the State, yet that warrant was never executed. The land office has ever since been closed, and the door shut. The title, then, to this island, in the year 1813, remained in the State, and the legislature, by an act of assembly passed in that year, vested it in the United States. They have been ever since in the actual possession of the island, and thus have acquired the "*juris et seioind conjunctio,*" the union of which constitutes a complete and perfect title at law and in equity.

It becomes unnecessary to speak more particularly of the other deed of feoffment from the Duke of York to William Penn for the territory lying south of that conveyed by the deed we have recited.

We had thought of considering whether any and what papers ought to be procured from England, to be produced or given in evidence on the trial of the cause. But this subject we agreed, on further reflection, it would be more safe and more delicate to leave in the able hands of our learned colleagues in New Jersey, who are conversant with the principles and rules of testimony in their own courts. In Delaware the public documents we possess would be admitted in evidence by our courts.

C. A. RODNEY.
GEO. READ, JR.

J. McIlvaine, district attorney for New Jersey, to the Secretary of War.

BURLINGTON, *New Jersey, April* 20, 1822.

SIR: I have the honor to inform you that, at the last session of the circuit court of the United States held in New Jersey, the action of ejectment prosecuted by Dr. Henry Gale against Major Babcock, of the engineer corps, to obtain possession of an island in the Delaware river, commonly called the Pea Patch, was discontinued by the plaintiff. It would seem that his counsel have at last become convinced either that he has no pretence of title, or that, such as it is, it can only be maintained by the weight of the State. Some weeks ago a notice was served on me stating that a motion would be made in the circuit court to include the State of New Jersey in the controversy by making it one of the lessors of the plaintiff. The motion, founded on an act your legislature passed some months ago, appropriating $2,000 to defend the jurisdiction of the State, and, on the assent of the governor, to make the State a party to the suit, was made accordingly; but the judges being of opinion that the act was not intended to embrace the case presented to them, and if it was, that it would be improper to let the State into the dispute in the manner proposed, refused the application. The plaintiff immediately discontinued his action, declaring his intention to bring another in the supreme court of the State, in which the State would be made a party. Believing that such an action will be instituted, Mr. Stockton unites with me in recommending an application by the government of the United States to the legislature of New Jersey to pass an act corresponding with that passed by the State of Delaware. There can be no doubt, considering the benefits which New Jersey may, at some future period, derive from the fortifications erecting on the Pea Patch, that the legislature would receive and act on the application in the most friendly manner, not, however, impairing the rights of individuals, but leaving them to stand as they now do. For your information, and to prevent too much confidence in the title derived from the State of Delaware, and to satisfy you that the application to the legislature of New Jersey above recommended would at least be a prudent measure, I take this occasion to mention, within a very narrow compass, the title of Gale of New Jersey, and of the State of Delaware, to the Pea Patch.

1st. Gale's title.

In 1664 Charles the Second granted to James, Duke of York, "all the land from the *west* side of Connecticut to the *east* side of Delaware bay;" and, in the same year, the Duke of York conveyed to Lord Berkely and Sir George Carteret all (the now) State of New Jersey, "*in as full and ample a manner as the same was granted to him.*" From these persons Gale derives his title. Now, as the island in question lies *west* of the *east* side of Delaware bay, it is manifest that it was not included in the grant from the King to the Duke of York, and that the Duke, and those claiming under him, never had any title to it.

2d. The title of New Jersey. The advocates of the title of New Jersey insist—

1. That the island has been formed within sixty years, and, being nearer to New Jersey than to the State of Delaware, belongs to New Jersey.

2. That whether of ancient or modern formation, the title remained in Charles the Second and his successors until New Jersey became a sovereign and independent State, when it vested and still is in the State.

3. The title of the State of Delaware is one of those claiming under William Penn.

1. It is said that Charles the Second granted to James, Duke of York, all the land that forms the present State of Delaware, with all the river, and all the islands in the river opposite to the shores of that State.

2. That in 1682 the Duke of York made a grant to William Penn, the terms of which are extensive enough to include the Pea Patch, and that Delaware derives title from Penn.

It is true that the grant to William Penn extends to the *east* side of Delaware bay, and includes the river and all the islands; but on the part of New Jersey, it is objected that the Duke was not authorized to make such a grant, never having received one himself from the King. I have examined all the books and records that can be found relating to this subject, and am satisfied that a grant from Charles to the Duke of York, for the property conveyed by the Duke to William Penn, cannot be found, and in all probability was never made. There is some ground for believing that in 1683 (one year after the grant from the Duke to William Penn) the Duke obtained from his brother a warrant for *passing a patent*, but there is no evidence that it was ever done, or even of the *contents* of that warrant. On the whole, it will be found that the islands in the Delaware have never been granted by the sovereign; that in regard to the Pea Patch, Delaware, to say the least, has no better title to it than New Jersey, and that it is a fair subject of negotiation and settlement between the two States. With respect to the islands lying between New Jersey and Pennsylvania, it has always been conceded that they belonged to the two States as sovereigns, and were not transferred by any of the grants of Charles the Second.

At the request of Mr. Stockton I enclose the account for his services in the controversy with Gale. He will be obliged to you to remit the amount as early as convenient. Considering that he has been principally relied on; that he has attended at two or three terms, when the cause has been noticed for trial; and that he argued in opposition to the motion before mentioned, his charge appears to me reasonable. As the *title* of the State of Delaware was not likely to come in question, I did not think it necessary on that occasion to request the assistance of Messrs. Rodney and Read.

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

J. McILVAINE, *Attorney for New Jersey District.*

Hon. JOHN C. CALHOUN, *Secretary of War.*

From the same to the same.

BURLINGTON, N. J., *November* 26, 1822.

SIR: I have the honor to enclose to you a copy of the report of the committee appointed by the house of assembly of this State, on the application of the United States, for a cession of the Pea Patch, from which you will learn the reasons which have prevented a cession at this time. The legislature met on the 22d of October. From the tenor of Governor Williamson's letter to you I presumed that, without

further solicitation, he would, at an early period, present the subject to the legislature for consideration; and, under this impression, I waited until the first of this month, when I thought it best, as nothing appeared to have been done, to call on his excellency, and request that the business might be placed in a course for decision. He assured me that it should be done immediately, and that he had only delayed it that he might have some previous conversation with me relative to objections to a cession at the present time, and, under existing circumstances, which, on a deliberate consideration of the subject, had arisen in his mind, (the same stated in the report,) and which he wished to have removed if possible. This I was unable to do satisfactorily to his mind, and I left him, after receiving an assurance that a communication should be made to the house of assembly the ensuing week. On the 12th November I again went to Trenton to remind him of his promise. He mentioned that he had been continually engaged since our last interview, but that on the following day he would send a message, with all the papers relating to the subject, which he did accordingly. In this message he recommended a cession, provided it could be done without prejudicing New Jersey in her controversy with Delaware. A committee was appointed to investigate the subject, before whom I was heard at full length in support of the application, and from whom I received an assurance that, as they could perceive no reasonable objection, they would make a favorable report. I remained at Trenton until the 18th, expecting their report and for the purpose of furnishing such further explanations as might be required. On that day the dangerous illness of one of my family obliged me to go home. On the 22d I returned to Trenton, and was surprised to find that the committee, instead of reporting as I expected, had reported against a cession for the present. Upon inquiry it appeared possible to have the report rejected, and to procure the passage of a bill granting the island to the United States in the lower house; but at the same time I was convinced that it would be negatived in council, where the governor, who is opposed to any such measure at present, presides, and whose opinion upon the important questions involved in the dispute with Delaware would be received, and justly, too, with great respect and confidence. Under this conviction I declined troubling the legislature further. Neither on the part of the legislature nor of the governor could I discover the least hostility to the measure, except as above stated; and whenever the obstacles stated in the report shall have been removed, the cession can be obtained without the smallest difficulty.

In my last communication to you respecting the Pea Patch, I mentioned that in consequence of a refusal by the United States circuit court to suffer the State of New Jersey to become a party to the first action of ejectment which Gale commenced against Major Babcock, Gale discontinued it, and commenced another in the supreme court of this State, in which New Jersey is made one of the lessors of the plaintiff. With a view to a more impartial decision I took measures for carrying this action into the circuit court of the United States, and, after much opposition on the ground that that court has not jurisdiction of such a case, succeeded in getting the action regularly removed. I am, however, informed that the judges, after a more deliberate view of the subject, have changed their opinions, and will, at the next April term, remand the cause to the supreme court of the State. In this event it will be tried either at the bar of the court, before all the judges, at Trenton, in May, or before a single judge at *nisi prius*, in June next, in the county of Salem. I shall prefer the former.

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

J. McILVAINE.

Hon. J. C. CALHOUN, *Secretary of War.*

The committee to whom was referred the communication from his excellency the governor, covering a correspondence with the Secretary of War respecting an island in the Delaware bay called the Pea Patch, respectfully report:

That it appears by the documents submitted to them, and from other information upon which your committee rely, that in the year 1813 the United States having determined to erect fortifications for the defence of the Delaware bay and river, selected the Pea Patch as a position suitable for that purpose. This island lies within the jurisdictional limits of New Jersey, and was at that time in the peaceable occupation of one of our citizens, claiming under a grant of the West Jersey proprietors, made in 1784. No application was, however, made to the authorities of this State on the subject; but military possession was taken by the United States officers, and the occupant dispossessed. The district attorney of the State of Delaware, and other legal characters in that State and Pennsylvania, it seems, were consulted, who were of opinion that the title to the soil and territory was in the State of Delaware.

The legislature of Delaware made a cession, and under that title the United States took possession and commenced constructing a fort. The individual dispossessed instituted a suit against the engineer, which is now pending before the circuit court of the United States. A difference unhappily subsists between New Jersey and Delaware relative to their boundary, and their respective rights in the river and bay of Delaware, and this difference is not limited to the Pea Patch, but embraces other subjects of dispute. In 1820, the legislature of this State, having been made acquainted with the facts above stated and with the circumstance that a suit was pending, actuated by a desire to a speedy and amicable settlement of the controversy, as well in relation to this particular subject as to all other questions growing out of the disputed boundary, passed an act for the appointment of commissioners, to meet commissioners to be appointed on the part of Delaware, with full power to make and conclude an agreement between the two States, defining their respective boundaries, jurisdictions, rights to land, &c., in the river and bay of Delaware. To this overture the State of Delaware did not think proper to concede, nor was any answer ever returned to the proposal.

In the year 1821 the legislature of this State passed an act (among other things) to authorize and empower the governor to appropriate a sum of money, at his discretion, to prosecute or defend to final issue or judgment any suit or suits which he might deem necessary for trying and finally determining the jurisdictional line between the two States. The attempt to effect an amicable settlement having failed, it was believed that the pending suit afforded a favorable opportunity of obtaining the decision of an impartial and enlightened judicial tribunal. The United States claiming under Delaware, and the former occupant under this State, the jurisdictional line will fairly come in question. This must inevitably happen, unless the plaintiff should fail on account of some technical defect in his title. It would therefore be manifestly unsafe to call the question of jurisdiction to be tried and determined by an action

brought solely by an individual free from all control and interference of the State. Though the State could not be considered bound by such a trial and decision, yet its rights might be greatly injured by the action being brought to trial without the advantages that might arise from a direct interference, by employing counsel, and taking the management and control of the suit. The Secretary of War, under the direction of the President, now asks for a cession from the State for the purpose of further strengthening the title of the United States, and of enabling them the better to resist the claim of our citizen. Your committee are decidedly of opinion that, were the subject freed from danger of affecting, as well the rights of our citizen, who has been deprived in the manner stated of his possession, as the question of boundary between this State and Delaware, the required cession ought to be unhesitatingly made. The position is deemed by the Secretary of War a very valuable one, not only as it regards the defence of the State of New Jersey, but the country bordering on the Delaware. Whatever opinion we might be disposed to entertain on this point as individuals, it would certainly be yielded to the decision of the distinguished officers composing the board of engineers, approved, as that has been, by the able and enlightened officer at the head of the War Department.

New Jersey has at all times evinced a sincere desire to afford every facility to the measures of the general government, and your committee are well aware that the present is a time when we are particularly called on to encourage, by all proper means, the laudable effort to arrange and complete a well digested system of defence. Your committee, however, are of opinion that, taking into view all the circumstances, it will be most prudent and consist better with the dignity and interest of the State to delay a cession of the island in question. No injury can result from such a course. The works commenced will not be interrupted in their progress, and, in the meantime, the controversy existing between this State and Delaware may be settled by a judicial decision, and the claim of our citizen decided in the same manner. The general government will duly appreciate the motives by which we have been governed, and cannot impute to this State any desire to obstruct or delay the completion of the fortifications now erecting. In the event of a determination adverse to our claim, no cession will be necessary; and should the contrary, as all confidently believe, be the result, we can then, with more propriety, transfer our right in the manner requested, and at the same time protect the interests of the individual claimant. Your committee, therefore, respectfully propose that the documents referred to them be recommended to the consideration of the next legislature.

By order of the committee.

LUCIUS Q. C. ELMER, *Chairman.*

OFFICE OF THE SOLICITOR OF THE TREASURY, *December* 29, 1830.

SIR: I have the honor to enclose for your perusal a letter just received from the district attorney of New Jersey, from which it appears that your impression that judgment had been rendered against the United States in the case of Gale *vs.* Babcock, is incorrect. I am led to believe, however, from information received in this office, that the title of the United States is not good; and if there be any power in the War Department competent to purchase for the government the title of the plaintiffs, if on examination it be found to be valid, it would be the best mode of settling the controversy.

Have the goodness to return the enclosed letter to this office.

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

V. MAXCY, *Solicitor of the Treasury.*

CHARLES GRATIOT, *Brigadier General and Chief Engineer, United States Army.*

22D CONGRESS.] No. 1053. [1ST SESSION.

ON DISTRIBUTING THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AMONG THE SEVERAL STATES.

COMMUNICATED TO THE SENATE APRIL 16, 1832.

Mr. CLAY, from the Committee on Manufactures, reported:

The Committee on Manufactures have been instructed by the Senate to inquire into the expediency of reducing the price of public lands, and of ceding them to the several States within which they are situated, on reasonable terms. Far from desiring to assume the duty involved in this important inquiry, it is known to the Senate that a majority of the committee was desirous that the subject should have been referred to some other committee; but as the Senate took a different view of the matter, the Committee on Manufactures have felt bound to acquiesce in its decision; and having bestowed on the whole subject the best consideration in their power, now beg leave to submit to the Senate the result of their inquiries and reflections.

The public lands belonging to the general government are situated: 1st. Within the limits of the United States, as defined by the treaty of peace which terminated the revolutionary war; and, 2dly. Within the boundaries of Louisiana and Florida, as ceded by France and Spain, respectively, to the United States.

1st. At the commencement of the revolutionary war there were, in some of the States, large bodies of waste and unappropriated lands, principally west of the Alleghany mountains, and in the southern or southwestern quarters of the Union, whilst in others, of more circumscribed or better defined limits, no

such resource existed. During the progress of that war the question was agitated what should be done with these lands in the event of its successful termination. That question was likely to lead to paralyzing divisions and jealousies. The States not containing any considerable quantity of waste lands contended that, as the war was waged with united means, with equal sacrifices, and at the common expense, the waste lands ought to be considered as a common property, and not be exclusively appropriated to the benefit of the particular States within which they happened to be situated. These, however, resisted the claim, upon the ground that each State was entitled to the whole of the territory, whether waste or cultivated, included within its chartered limits. To check the progress of discontent, and arrest the serious consequences to which the agitation of this question might lead, Congress recommended to the States to make liberal cessions of the waste and unseated lands to the United States; and, on the 10th day of October, 1780, "*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of *for the common benefit* of the United States," &c.

In conformity to the recommendation of Congress, the several States containing waste and uncultivated lands made cessions of them to the United States. The declared object having been substantially the same in all of these cessions, it is only necessary to advert to the terms of some of them. The first, in order of time, was that of New York, made on the first day of March, 1781, by its delegation in Congress, in pursuance of an act of the legislature of the State; and the terms of the deed of cession expressly provide, that the ceded lands and territories were to be held "to and for the *only use and benefit* of such of the States as are or shall become parties to the articles of confederation." That of Virginia was the next in date, but by far the most important of all the cessions made by the different States, both as respects the extent and value of the country ceded. It comprehended the right of that Commonwealth to the vast territory northwest of the river Ohio, embracing but not confined to the limits of the present States of Ohio, Indiana, and Illinois. The deed of cession was executed by the delegation of Virginia in Congress in 1784, agreeably to an act of the legislature passed in 1783; and, among other conditions, the deed expressly declares "that all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be 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." Passing by the cessions which other States, prompted by a magnanimous spirit of union and patriotism, successively made, we come to the last in the series, that of the State of Georgia in 1802. The articles of agreement and cession entered into between that State and the United States, among various other conditions, contain the unequivocal declaration, "that all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia and the grants recognized by the preceding conditions, 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 use or purpose whatever.*"

Thus, by the clear and positive terms of these acts of cession, was a great public national trust created and assumed by the general government. It became solemnly bound to hold and administer the lands ceded, as a common fund for the *use* and *benefit* of all the States, and for no *other* use or purpose whatever. To waste or misapply this fund, or to divert it from the common benefit for which it was conveyed, would be a violation of the trust. The general government has no more power, rightfully, to cede the lands thus acquired to one of the new States, without a fair equivalent, than it could retrocede them to the State or States from which they were originally obtained. There would, indeed, be much more equity in the latter than in the former case. Nor is the moral responsibility of the general government at all weakened by the consideration that, if it were so unmindful of its duty as to disregard the sacred character of the trust, there might be no competent power, peacefully applied, which could coerce its faithful execution.

2d. The other sources whence the public lands of the United States have been acquired, are: 1st. The treaty of Louisiana, concluded in 1803; and, 2dly. The treaty of Florida, signed in 1819. By the first, all the country west of the Mississippi, and extending to the Pacific ocean, known as Louisiana, which had successively belonged to France, Spain, and France again, including the island of New Orleans, and stretching east of the Mississippi to the Perdido, was transferred to the United States, in consideration of the sum of fifteen million of dollars, which they stipulated to pay, and have since punctually paid, to France, besides other conditions deemed favorable and important to her interests. By the treaty of Florida, both the provinces of East and West Florida, whether any portion of them was or was not actually comprehended within the true limits of Louisiana, were ceded to the United States in consideration, besides other things, of the payment of five million of dollars, which they agreed to pay, and have since accordingly paid.

The large pecuniary considerations thus paid to these two foreign powers were drawn from the treasury of the people of the United States; and, consequently, the countries for which they formed the equivalents ought to be held and deemed for the common benefit of all the people of the United States. To divert the lands from that general object, to misapply or sacrifice them, to squander or improvidently cast them away, would be alike subversive to the interests of the people of the United States and contrary to the plain dictates of the duty by which the general government stands bound to the States and to the whole people.

Prior to the treaties of Louisiana and Florida, Congress had adopted a system for surveying and selling the public lands, devised with much care and great deliberation, the advantages of which having been fully tested by experience, it was subsequently applied to the countries acquired by those treaties. According to that system all public lands offered for sale are previously accurately surveyed by skilful surveyors, in ranges of townships of six miles square each, which townships are subdivided into thirty-six equal divisions or square miles, called sections, by lines crossing each other at right angles, and generally containing 640 acres. These sections are again divided into quarters, and prior to the year 1820 no person could purchase a less quantity than a quarter. In that year provision was made for the further division of the sections into eighths, thereby allowing a purchaser to buy only eighty acres, if he wished to purchase no more. During the present session of Congress, further to extend accommodation to the purchasers of the public lands, and especially to the poorer classes, the sections have been again divided into sixteenths, admitting a purchase of only forty acres.

This uniform system of surveying and dividing the public lands applies to all the States and Terri-

tories within which they are situated. Its great advantages are manifest. It insures perfect security of title and certainty of boundary, and consequently avoids those perplexing land disputes, the worst of all species of litigation, the distressing effects of which have been fatally experienced in some of the western States. But these are not the only advantages, great as they unquestionably are. The system lays the foundation of useful civil institutions, the benefit of which is not confined to the present generation, but will be transmitted to posterity.

Under the operation of the system thus briefly sketched, the progress of the settlement and population of the public domain of the United States has been altogether unexampled. Views which the committee will hereafter present, conclusively demonstrate that, whilst the spirit of free emigration should not be checked or counteracted, it stands in no need of any fresh stimulus.

Before proceeding to perform the specific duty assigned to the committee by the Senate, they had thought it advisable to exhibit some general views of this great national resource. For that purpose a call, through the Senate, for information has been made upon the executive branch of the government. A report has not yet been made; but as the committee are desirous of avoiding any delay not altogether indispensable, they have availed themselves of a report from the Secretary of the Treasury to the House of Representatives, under date of April 6, 1832, hereto annexed, marked A, and of such other information as was accessible to them.

From that report it appears that the aggregate of all sums of money which have been expended by the United States in the acquisition of the public lands, including interest on account of the purchases of Louisiana and Florida, up to the 30th of September, 1831, and including also expenses in their sale and management, is $48,077,551 40; and that the amount of money received at the treasury for proceeds of the sales of the public lands to September 30, 1831, is $37,272,713 31. The government, therefore, has not been reimbursed by $10,804,838 09. According to the same report it appears that the estimated amount of unsold lands, on which the foreign and Indian titles have been extinguished, is 227,293,884 within the limits of the new States and Territories; and that the Indian title remains on 113,577,869 acres within the same limits. That there have been granted to Ohio, Indiana, Illinois, and Alabama, for internal improvements, 2,187,665 acres; for colleges, academies, and universities in the new States and Territories, the quantity of 508,009 acres; for education, being the thirty-sixth part of the public lands appropriated for common schools, the amount of 7,952,538 acres; and for seats of government in some of the new States and Territories, 21,589 acres. By a report of the Commissioner of the General Land Office, communicated to Congress with the annual message of the President of the United States, in December, 1827, the total quantity of the public lands beyond the boundaries of the new States and Territories was estimated to be 750,000,000. The aggregate, therefore, of all the unsold and unappropriated public lands of the United States, surveyed and unsurveyed, on which the Indian title remains or has been extinguished, lying within and without the boundaries of the new States and Territories, agreeably to the two reports now referred to, is 1,090,871,753 acres. There had been 138,988,224 acres surveyed, and the quantity only of 19,239,412 acres sold up to January 1, 1826. When the information called for shall be received, the subsequent surveys and sales, up to the present period, will be ascertained.

The committee are instructed by the Senate to inquire into the expediency of reducing the price of the public lands, and also of ceding them to the several States in which they are situated on reasonable terms. The committee will proceed to examine these two subjects of inquiry distinctly, beginning first with that which relates to a reduction of price.

I. According to the existing mode of selling the public lands, they are first offered at public auction for what they will bring in a free and fair competition among the purchasers. When the public sales cease, the lands remaining unsold may be bought from time to time at the established rate of one dollar and a quarter per acre. The price was reduced to that sum in 1820, from two dollars per acre, at which it had previously stood from the first establishment of the present system of selling the public lands. A leading consideration with Congress in the reduction of the price was that of substituting cash sales for the credits which had been before allowed, and which, on many accounts, it was deemed expedient to abolish. A further reduction of the price, if called for by the public interests, must be required, either, first, because the government now demands more than a fair price for the public lands, or, second, because the existing price retards injuriously the settlement and population of the new States and Territories. These suggestions deserve separate and serious consideration.

1. The committee possess no means of determining the exact value of all the public lands now in market, nor is it material at the present time that the precise worth of each township or section should be accurately known. It is presumable that a considerable portion of the immense quantity offered to sale or held by the United States would not now command, and may not be intrinsically worth, the minimum price fixed by law; on the other hand, it is certain that a large part is worth more. If there could be a discrimination made, and the government had any motive to hasten the sales beyond the regular demands of the population, it might be proper to establish different rates, according to the classes of land; but the government having no inducement to such acceleration, has hitherto proceeded on the liberal policy of establishing a moderate price, and by subdivisions of the sections so far to accommodate the poorer citizens, has placed the acquisition of a home within the reach of every industrious man. For $100 any one may now purchase eighty acres, or for $50 forty acres, of first rate land, yielding, with a proper cultivation, from fifty to eighty bushels of Indian corn per acre, or other equivalent crops.

There is no more satisfactory criterion of the fairness of the price of an article than that arising from the briskness of sales when it is offered in the market. On applying this rule, the conclusion would seem to be irresistible that the established price is not too high. The amount of the sales in the year 1828 was $1,018,308 75; in 1829, $1,517,175 13; in 1830, $2,329,356 14; and during the year 1831, $3,000,000. And the Secretary of the Treasury observes, in his annual report at the commencement of this session, that "the receipts from the public lands during the present year, it will be perceived, have likewise exceeded the estimates, and indeed *have gone beyond all former example.* It is believed that, notwithstanding the large amount of scrip and forfeited land stock that may still be absorbed in payment for lands, yet, if the surveys now projected be completed, the receipts from this source of revenue will not fall greatly below those of the present year." And he estimates the receipts during the current year, from this source, at three million of dollars. It is incredible to suppose that the amount of sales would have risen to so large a sum if the price had been unreasonably high. The committee are aware that the annual receipts may be expected to fluctuate as fresh lands, in favorite districts, are brought into market, and according to the activity or sluggishness of emigration in different years.

Against any considerable reduction of the price of the public lands, unless it be necessary to a more

rapid population of the new States, which will be hereafter examined, there are weighty, if not decisive considerations.

1. The government is the proprietor of much the largest quantity of the unseated lands of the United States. What it has in market bears a large proportion to the whole of the occupied lands within their limits. If a considerable quantity of any article, land or any commodity whatever, is in market, the price at which it is sold will affect in some degree the value of the whole of that article, whether exposed to sale or not. The influence of a reduction of the price of the public lands would probably be felt throughout the Union, certainly in all the western States, and most in those which contain or are nearest to the public lands. There ought to be the most cogent and conclusive reasons for adopting a measure which might seriously impair the value of the property of the yeomanry of the country. Whilst they are decidedly the most important class in the community, most patient, patriotic, and acquiescent in whatever public policy is pursued, they are unable or unwilling to resort to those means of union and concert which other interests employ to make themselves heard and respected. Government should, therefore, feel itself constantly bound to guard with sedulous care the rights and welfare of the great body of our yeomanry. Would it be just towards those who have heretofore purchased public lands at higher prices, to say nothing as to the residue of the agricultural interest of the United States, to make such a reduction, and thereby impair the value of their property? Ought not any such plan of reduction, if adopted, to be accompanied with compensation for the injury which they would inevitably sustain?

2. A material reduction of price would excite and stimulate the spirit of speculation, now dormant, and probably lead to a transfer of vast quantities of the public domain from the control of government to the hands of the speculator. At the existing price, and with such extensive districts as the public constantly offers in the market, there is no great temptation to speculation. The demand is regular, keeping pace with the progress of emigration, and is supplied on known and moderate terms. If the price were much reduced, the strongest incentives to engrossment of the better lands would be presented to large capitalists, and the emigrant, instead of being able to purchase from his own government upon uniform and established conditions, might be compelled to give much higher and more fluctuating prices to the speculator. An illustration of this effect is afforded by the military bounty lands granted during the last war. Thrown into the market at prices below the government rate, they notoriously became an object of speculation, and have principally fallen into the hands of speculators, retarding the settlement of the districts which include them.

3. The greatest emigration that is believed now to take place from any of the States is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands would be: 1st, to lessen the value of real estate in those three States; 2d, to diminish their interest in the public domain as a common fund for the benefit of all the States; and, 3d, to offer what would operate as a bounty to further emigration from those States, occasioning more and more lands situated within them to be thrown into the market, thereby not only lessening the value of their lands, but draining them both of their population and currency.

And, lastly, Congress has, within a few years, made large and liberal grants of the public lands to several States. To Ohio, 922,937 acres; to Indiana, 384,728 acres; to Illinois, 480,000 acres; and to Alabama, 400,000 acres; amounting together to 2,187,665 acres. Considerable portions of these lands yet remain unsold. The reduction of the price of the public lands generally, would impair the value of those grants, as well as injuriously affect that of the lands which have been sold in virtue of them.

On the other hand, it is inferred and contended, from the large amount of public land remaining unsold after having been so long exposed to sale, that the price at which it is held is too high. But this apparent tardiness is satisfactorily explained by the immense quantity of public lands which have been put into the market by government. It is well known that the new States have constantly and urgently pressed the extinction of the Indian title upon lands within their respective limits; and, after its extinction, that they should be brought into market as rapidly as practicable. The liberal policy of the general government, coinciding with the wishes of the new States, has prompted it to satisfy the wants of emigrants from every part of the Union, by exhibiting vast districts of land for sale in all the new States and Territories, thus offering every variety of climate and situation to the free choice of settlers. From these causes it has resulted that the power of emigration has been totally incompetent to absorb the immense bodies of waste lands offered in the market. For the capacity to purchase is, after all, limited by the emigration and the progressive increase of population. If the quantity thrown into the market had been quadrupled, the probability is, that there would not have been much more annually sold than actually has been. With such extensive fields for selection before them, purchasers, embarrassed as to the choice which they should make, are sometimes probably influenced by caprice or accidental causes. Whilst the better lands remain, those of secondary value will not be purchased. A judicious farmer or planter would sooner give one dollar and a quarter per acre for first-rate land than receive as a donation land of inferior quality if he were compelled to settle upon it.

It is also contended that the price of the public land is a tax; and that at a period when, in consequence of the payment of the public debt and the financial prosperity of the United States, the government is enabled to dispense with revenue, that tax ought to be reduced, and the revenue arising from the sales be thereby diminished. In the first place, it is to be observed that if, as has been before stated, the reduction of the price of the public lands should stimulate speculation, the consequence would probably be, at least for some years, an augmentation of the revenue from that source. Should it have the effect of speculation supposed, it would probably also retard the settlement of the new States by placing the lands engrossed by speculators, in anticipation of increased value, beyond the reach of emigrants. If it were true that the price demanded by government operated as a tax, the question would still remain whether that price exceeded the fair value of the land which emigrants are in the habit of purchasing; and, if it did not, there would be no just ground for its reduction. And, assuming it to be a tax, it might be proper to inquire who pays the tax? the new or the old States; the States that send out or the States that receive the emigrants? In the next place, regarded as a tax, those who have heretofore made purchases at the higher rate, have already paid the tax, and are as much deserving the equitable consideration of government as those who might hereafter be disposed to purchase at the reduced rate. It is proper to add that by the repeal and reduction contemplated of duties upon articles of foreign import, subsequent purchasers of the public lands, as far as they are consumers of those articles, will share in the general relief, and will consequently be enabled to apply more of their means to the purchase of land.

But in no reasonable sense can the sale of the public lands be considered as the imposition of a tax.

The government, in their disposal, acts as a trustee for the whole people of the United States, and, in that character, holds and offers them in the market. Those who want them buy them, because it is their inclination to buy them. There is no compulsion in the case. The purchase is perfectly voluntary, like that of any other article which is offered in the market. In making it the purchaser looks exclusively to his own interest. The motive of augmenting the public revenue, or any other motive than that of his own advantage, never enters into his consideration. The government, therefore, stands to the purchaser in the relation merely of the vendor of a subject which the purchaser's own welfare prompts him to acquire; and, in this respect, does not vary from the relation which exists between any private vendor of waste lands and the purchaser from him. Nor does the *use* to which the government may think proper to apply the proceeds of the sale of the public lands give the smallest strength to the idea that the purchase of them is tantamount to the payment of a tax. The government may employ those proceeds as a part of its ordinary revenue, or it may apply them in any other manner, consistent with the Constitution, which it deems proper. Revenue and taxation are not always relative terms. There may be revenue without taxation. There may be taxation without revenue. There may be sources of established revenue which not only do not imply, but which supersede, taxation. Is the consideration paid for land to a private individual to be deemed a tax because that individual may happen to use it as a part of his income?

2. Is the reduction of the price of the public lands necessary to accelerate the settlement and population of the States within which they are situated? Those States are Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana. If their growth has been unreasonably slow and tardy, we may conclude that some fresh impulse, such as that under consideration, is needed. Prior to the treaty of Greenville, concluded in 1795, there were but few settlements within the limits of the present State of Ohio. Principally since that period, that is, within a term of about forty years, that State, from a wilderness, the haunt of savages and wild beasts, has risen into a powerful commonwealth, containing at this time a population of a million of souls, and holding the third or fourth rank among the largest States in the Union. During the greater part of that term the minimum price of the public lands was two dollars per acre; and of the large quantity with which the settlement of that State commenced, there only remain to be sold 5,586,834 acres.

The aggregate population of the United States, exclusive of the Territories, increased from the year 1820 to 1830 from 9,579,873 to 12,716,697. The rate of the increase during the whole term of ten years, including a fraction, may be stated at thirty-three per cent. The principle of population is presumed to have full scope generally in all parts of the United States. Any State, therefore, which has exceeded or fallen short of that rate may be fairly assumed to have gained or lost, by emigration, nearly to the extent of the excess or deficiency. From a table accompanying this report, (marked B,) the Senate will see presented various interesting views of the progress of population in the several States. In that table it will be seen that each of eleven States exceeded, and each of thirteen fell short of, an increase at the average rate of thirty-three per cent. The greatest increase during the term was in the State of Illinois, where it was one hundred and eighty-five per cent., or at the rate of 18½ per cent. per annum; and the least was in Delaware, where it was less than six per cent. The seven States embracing the public lands had a population, in 1820, of 1,207,165, and in 1830, of 2,238,802, exhibiting an average increase of 85 per cent. The seventeen States containing no part of the public lands had a population, in 1820, of 8,372,707, and in 1830, of 10,477,895, presenting an average increase of only 25 per cent. The thirteen States whose increase according to the table was below 33 per cent., contained, in 1820, a population of 5,939,759, and, in 1830, of 6,966,600, exhibiting an average increase of only 17 per cent. The increase of the seven new States upon a capital which, at the commencement of the term, was 1,207,165, has been greater than that of the thirteen, whose capital then was 5,939,759. In three of the eleven States, (Tennessee, Georgia, and Maine,) whose population exceeded the average increase of 33 per cent., there were public lands belonging to those States; and in the fourth (New York) the excess is probably attributable to the rapid growth of the city of New York, to waste lands in the western part of that State, and to the great development of its vast resources by means of extensive internal improvements.

These authentic views of the progress of population in the seven new States, demonstrate that it is most rapid and gratifying; that it needs no such additional stimulus as a further reduction in the price of the public lands; and that, by preserving and persevering in the established system for selling them, the day is near at hand when those States, now respectable, may become great and powerful members of the confederacy.

Complaints exist in the new States that large bodies of lands in their respective territories, being owned by the general government, are exempt from taxation to meet the ordinary expenses of the State governments and other local charges; that this exemption continues for five years after the sale of any particular tract; and that land being the principal source of the revenue of those States, an undue share of the burden of sustaining the expenses of the State governments falls upon the resident population. To all these complaints it may be answered, that by voluntary compacts between the new States, respectively, and the general government, five per cent. of the net proceeds of all the sales of the public lands included within their limits, are appropriated for internal improvements leading to or within those States; that a section of land in each township, or one thirty-sixth part of the whole of the public lands embraced within their respective boundaries, has been reserved for purposes of education; and that the policy of the general government has been uniformly marked by great liberality towards the new States, in making various and some very extensive grants of the public lands for local purposes. But, in accordance with the same spirit of liberality, the committee would recommend an appropriation to each of the seven States referred to, of a furthur sum of ten per cent. on the net proceeds of the sales of that part of the public land which lies within it, for the objects of internal improvement in their respective limits. The tendency of such an appropriation will be not only to benefit those States, but to enhance the value of the public lands remaining to be sold.

II. The committee have now to proceed to the other branch of the inquiry which they were required to make, that of the expediency of ceding the public lands to the several States in which they are situated, on reasonable terms. The inquiry comprehends, in its consequences, a cession of the whole public domain of the United States, whether lying within or beyond the limits of the present States and Territories. For although in the terms of the inquiry it is limited to the new States, cessions to them would certainly be followed by similar cessions to other new States as they may, from time to time, be admitted into the Union. Three of the present Territories have nearly attained the requisite population entitling them to be received as members of the confederacy, and they shortly will be admitted. Congress could not con-

sistently avoid ceding to them the public lands within their limits after having made such cession to the other States. The compact with the State of Ohio formed the model of compacts with all the other new States as they were successively admitted.

Whether the question of a transfer of the public lands be considered in the limited or more extensive view of it which has been stated, it is one of the highest importance, and demanding the most deliberate consideration. From the statements founded on official reports made in the preceding part of this report, it has been seen that the quantity of unsold and unappropriated lands lying within the limits of the new States and Territories is 340,871,753 acres, and the quantity beyond those limits is 750,000,000, presenting an aggregate of 1,090,871,753 acres. It is difficult to conceive a question of greater magnitude than that of relinquishing this immense amount of national property. Estimating its value according to the minimum price, it presents the enormous sum of $1,363,589,691. If it be said that a large portion of it will never command that price, it is to be observed, on the other hand, that as fresh lands are brought into market and exposed to sale at public auction, many of them sell at prices exceeding one dollar and a quarter per acre. Supposing the public lands to be worth, on an average, one-half of the minimum price, they would still present the immense sum of $681,794,845. The least favorable view which can be taken of them is, that of considering them a capital yielding at present an income of $3,000,000 annually. Assuming the ordinary rate of six per cent. interest per annum as the standard to ascertain the amount of that capital, it would be $50,000,000. But this income has been progressively increasing. The average increase during the six last years has been at the rate of twenty-three per cent. per annum. Supposing it to continue in the same ratio, at the end of a little more than four years the income would be doubled, and make the capital $100,000,000. Whilst the population of the United States increases only three per cent. per annum, the increase of the demand for the public lands is at the rate of twenty-three per cent., furnishing another evidence that the progress of emigration and the activity of sales have not been checked by the price demanded by government.

In whatever light, therefore, this great subject is viewed, the transfer of the public lands from the whole people of the United States, for whose benefit they are now held, to the people inhabiting the new States, must be regarded as the most momentous measure ever presented to the consideration of Congress. If such a measure could find any justification, it must arise out of some radical and incurable defect in the construction of the general government properly to administer the public domain. But the existence of any such defect is contradicted by the most successful experience. No branch of the public service has evinced more system, uniformity, and wisdom, or given more general satisfaction, than that of the administration of the public lands.

If the proposed cession to the new States were to be made at a fair price, such as the general government could obtain from individual purchasers under the present system, there would be no motive for it, unless the new States are more competent to dispose of the public lands than the common government. They are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the new States, the subsequent disposition would be according to laws emanating from various legislative sources. Competition would probably arise between the new States in the terms which they would offer to purchasers. Each State would be desirous of inviting the greatest number of emigrants, not only for the laudable purpose of populating rapidly its own territories, but with the view to the acquisition of funds to enable it to fulfil its engagements to the general government. Collisions between the States would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes in the new States would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting, but delusive projects; and the history of legislation, in some of the States in the Union, admonishes us that a too ready ear is sometimes given by a majority in a legislative assembly to such projects.

A decisive objection to such a transfer for a fair equivalent is, that it would establish a new and dangerous relation between the general government and the new States. In abolishing the credit which had been allowed to purchasers of the public lands prior to the year 1820, Congress was principally governed by the consideration of the inexpediency and hazard of accumulating a large amount of debt in the new States, all bordering on each other. Such an accumulation was deemed unwise and unsafe. It presented a new bond of interest, of sympathy, and of union, partially operating to the possible prejudice of the common bond of the whole Union. But that debt was a debt due from individuals, and it was attended with this encouraging security, that purchasers, as they successively completed the payments for their lands, would naturally be disposed to aid the government in enforcing payment from delinquents. The project which the committee are now considering is, to sell to the States in their sovereign character, and, consequently, to render them public debtors to the general government to an immense amount. This would inevitably create between the debtor States a common feeling and a common interest, distinct from the rest of the Union. These States are all in the western and southwestern quarter of the Union, remotest from the centre of federal power. The debt would be felt as a load from which they would constantly be desirous to relieve themselves; and it would operate as a strong temptation, weakening, if not dangerous, to the existing confederacy. The committee have the most animating hopes and the greatest confidence in the strength and power and durability of our happy Union; and the attachment and warm affection of every member of the confederacy cannot be doubted; but we have authority, higher than human, for the instruction, that it is wise to avoid all temptation.

In the State of Illinois, with a population at the late census of 157,445, there are 31,395,969 acres of public land, including that part on which the Indian title remains to be extinguished. If we suppose it to be worth only half the minimum price, it would amount to $19,622,480. How would that State be able to pay such an enormous debt? How could it pay even the annual interest upon it?

Supposing the debtor States to fail to comply with their engagements, in what mode could they be enforced by the general government? In treaties between independent nations, the ultimate remedy is well known. The apprehension of an appeal to that remedy, seconding the sense of justice and the regard for character which prevails among Christian and civilized nations, constitutes, generally, adequate security for the performance of national compacts; but this last remedy would be totally inadmissible in case of delinquency on the part of the debtor States. The relations between the general government and the members of the confederacy are happily those of peace, friendship, and fraternity, and exclude all idea of force and war. Could the judiciary coerce the debtor States? On what could their process operate? Could the property of innocent citizens, residing within the limits of those States, be justly seized by the

general government and held responsible for debts contracted by the States themselves in their sovereign character? If a mortgage upon the lands ceded were retained, that mortgage would prevent or retard subsequent sales by the States; and if individuals bought, subject to the encumbrance, a parental government could never resort to the painful measure of disturbing them in their possessions.

Delinquency on the part of the debtor States would be inevitable, and there would be no effectual remedy for the delinquency. They would come again and again to Congress soliciting time and indulgence, until, finding the weight of the debt intolerable, Congress, wearied by reiterated applications for relief, would finally resolve to sponge the debt; or, if Congress attempted to enforce its payment, another and worse alternative would be embraced.

If the proposed cession be made for a price merely nominal, it would be contrary to the express conditions of the original cessions from primitive States to Congress, and contrary to the obligations which the general government stands under to the whole people of the United States, arising out of the fact that the acquisitions of Louisiana and Florida, and from Georgia, were obtained at a great expense, borne from the common treasure and incurred for the common benefit. Such a gratuitous cession could not be made without a positive violation of a solemn trust, and without manifest injustice to the old States. And its inequality among the new States would be as marked as its injustice to the old would be indefensible. Thus, Missouri, with a population of 140,455, would acquire 38,291,152 acres; and the State of Ohio, with a population of 935,884, would obtain only 5,586,834 acres. Supposing a division of the land among the citizens of those two States, respectively, the citizen of Ohio would obtain less than six acres for his share, and the citizen of Missouri upwards of two hundred and seventy-two acres as his proportion.

Upon full and thorough consideration, the committee have come to the conclusion that it is inexpedient either to reduce the price of the public lands or to cede them to the new States. They believe, on the contrary, that sound policy coincides with the duty which has devolved on the general government to the whole of the States, and the whole of the people of the Union, and enjoins the preservation of the existing system as having been tried and approved after long and triumphant experience. But, in consequence of the extraordinary financial prosperity which the United States enjoy, the question merits examination, whether, whilst the general government steadily retains the control of this great national resource in its own hands, after the payment of the public debt, the proceeds of the sale of the public lands, no longer needed to meet the ordinary expenses of the government, may not be beneficially appropriated to some other objects for a limited time.

Governments, no more than individuals, should be seduced or intoxicated by prosperity, however flattering or great it may be. The country now happily enjoys it in a most unexampled degree. We have abundant reason to be grateful for the blessings of peace and plenty and freedom from debt; but we must be forgetful of all history and experience, if we indulge the delusive hope that we shall always be exempt from calamity and reverses. Seasons of national adversity, of suffering, and of war, will assuredly come. A wise government should expect and provide for them. Instead of wasting or squandering its resources in a period of general prosperity, it should husband and cherish them for those times of trial and difficulty which, in the dispensations of Providence, may be certainly anticipated. Entertaining these views, and as the proceeds of the sales of the public lands are not wanted for ordinary revenue, which will be abundantly supplied from the imposts, the committee respectfully recommend that an appropriation of them be made to some other purpose for a limited time, subject to be resumed in the contingency of war. Should such an event unfortunately occur, the fund may be withdrawn from its peaceful destination and applied in aid of other means—to the vigorous prosecution of the war, and afterwards to the payment of any debt which may be contracted in consequence of its existence; and when peace shall be again restored, and the debt of the new war shall have been extinguished, the fund may be again appropriated to some fit object other than that of the ordinary expenses of government. Thus may this great resource be preserved and rendered subservient, in peace and in war, to the common benefit of all the States composing the Union.

The inquiry remains, what ought to be the specific application of the fund under the restriction stated? After deducting the ten per cent. proposed to be set apart for the new States, a portion of the committee would have preferred that the residue should be applied to the objects of internal improvement, and colonization of the free blacks, under the direction of the general government; but a majority of the committee believe it better, as an alternative for the scheme of cession to the new States, and, as being most likely to give general satisfaction, that the residue be divided among the twenty-four States according to their federal representative population, to be applied to education, internal improvement, or colonization, or to the redemption of any existing debt contracted for internal improvement, as each State, judging for itself, shall deem most conformable with its own interests and policy. Assuming the annual product of the sales of the public lands to be three million of dollars, the table hereto annexed, marked C, shows what each State would be entitled to receive according to the principle of division which has been stated. In order that the propriety of the proposed appropriation should again, at a day not very distant, be brought under the review of Congress, the committee would recommend that it be limited to a period of five years, subject to the condition of war not breaking out in the mean time. By an appropriation so restricted as to time, each State will be enabled to estimate the probable extent of its proportion, and to adapt its measures of education, improvement, or colonization, or extinction of existing debt, accordingly.

In conformity with the views and principles which the committee have now submitted, they beg leave to report the accompanying bill, entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States."

A.

A letter from the Secretary of the Treasury, transmitting reports as to the quantity of public lands unsold; the quantity granted for internal improvements, education, and charitable institutions; the amount paid for title to public lands; the expenses incurred in the sale of the public lands, and in settling titles of claimants, and the amount received for land sold.

TREASURY DEPARTMENT, *April* 6, 1832.

SIR: In compliance with two resolutions of the House of Representatives, passed on the 25th of January last, in the following terms:

"*Resolved*, That the Secretary of the Treasury be requested to furnish this House with a statement showing the quantity, in acres, of public land unsold at the time of the last quarterly return of sales, and within the limits of the several States and organized Territories, distinguishing that part to which the Indian title had been extinguished; also, the number of acres which have been appropriated for internal improvements, education, or charitable institutions, showing, under separate heads, the quantity of land unsold in each State and Territory, and to what States and Territories, or bodies politic, grants of land have been made, and the quantity to each.

"*Resolved*, That the Secretary of the Treasury inform this House what amount of money has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties; the compact with Georgia; the settlement with the Yazoo claimants; the contracts with the several Indian tribes; and the expenditures for compensation to commissioners, clerks, surveyors, and other officers employed by the United States for the management and sale of the western domain; also the gross amount of money received at the public treasury as the proceeds of sales of public lands, and the sum still due from supposed solvent purchasers," I have the honor to transmit a statement from the Commissioner of the General Land Office, (marked A,) containing the information required by the first resolution, and a statement from the Register, (marked B,) containing that required by the second resolution.

In answer to the inquiry respecting "the sum still due from supposed solvent purchasers," I have to remark that, agreeably to law, all lands which had been further credited under the relief laws passed in the years 1821, 1822, and 1823, which were not paid for on the 4th of July, 1829, have reverted to the United States, and the moneys paid thereon are declared to be forfeited. There is therefore, at the present time, no debt due from purchasers of public lands.

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

LOUIS McLANE, *Secretary of the Treasury.*

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

A.

Statement rendered in pursuance of a resolution of the House of Representatives of January 25, 1832.

State or Territory.	Estimated amount of acres unsold of lands to which the Indian and foreign titles have been extinguished.	Estimated amount of acres to which the Indian title has not been extinguished.	Appropriated for internal improvements, education, or charitable institutions.				Lands appropriated for seats of government.	Saline reservations.	Aggregate appropriations for each State and Territory.
			Number of acres for internal improvements.	Number of acres for colleges, academies, and universities.	The one thirty-sixth part of public lands appropriated for common schools.	For religious and charitable institutions.			
Ohio	5,242,221	344,613	922,937	*92,800	678,576	†43,525	----------	----------	1,737,838
Indiana	12,699,096	3,681,040	384,728	46,080	‡556,184	----------	2,560	23,040	1,012,592
Illinois	28,237,859	3,158,110	480,000	46,080	977,457	----------	2,560	206,128	1,712,225
Missouri	34,547,152	3,744,000	----------	46,080	1,086,639	----------	2,449	46,080	1,181,248
Mississippi	21,211,465	6,529,280	----------	46,080	685,884	----------	1,280	----------	733,244
Alabama	20,167,725	7,760,890	400,000	46,560	722,190	§23,040	1,620	23,040	1,216,450
Louisiana	25,198,234	----------	----------	46,080	873,973	----------	----------	----------	920,053
Michigan	17,883,681	82,905,536	----------	46,080	543,893	----------	10,000	----------	599,973
Arkansas	31,912,381	288,000	----------	46,080	950,258	----------	----------	----------	996,338
Florida	30,194,070	5,166,500	----------	46,080	877,484	‖23,040	1,120	----------	947,724
Aggregate¶	227,293,884	113,577,869	2,187,665	508,000	7,952,538	89,605	21,589	298,288	11,057,685

* Including salt spring reservations which are authorized to be sold by the State, and the proceeds applied to literary purposes.

† Section No. 29, appopriated for religious purposes, in the purchases made by John C. Symmes and the Ohio Company.

‡ Including lands appropriated for schools in Clark's grant.

§ For the benefit of the Connecticut Deaf and Dumb Asylum.

‖ For the benefit of the Kentucky Deaf and Dumb Asylum.

¶ The aggregate of unsold lands is to the 31st December, 1831.

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *April* 2, 1832.

B.

Statement of the amount of money which has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties; the compact with Georgia; the settlement with the Yazoo claimants; the contracts with the several Indian tribes; and the expenditures for compensation to commissioners, clerks, surveyors, and other officers employed by the United States for the management and sale of the western domain; also the gross amount of money received at the public treasury as the proceeds of sales of public lands, stated in pursuance of the resolution of the House of Representatives of the 25th of January, 1832.

Payment on account of the purchase of Louisiana:		
Principal	$14,984,872 28	
Interest on $11,250,000	8,529,353 43	
		$23,514,225 71
Payment on account of the purchase of Florida:		
Principal	4,985,599 82	
Interest to 30th September, 1831	1,265,416 67	
		6,251,016 49
Payment of compact with Georgia		1,065,484 06
Payment of the settlement with the Yazoo claimants		1,830,808 04
Payment of contracts with several Indian tribes, (all expenses on account of Indians,)		11,852,182 56
Payment of commissioners, clerks, and other officers employed by the United States for the management and sale of the western domain		3,563,834 54
		48,077,551 40
Amount of money received at the treasury as the proceeds of public lands, to the 30th September, 1831		37,272,713 31

TREASURY DEPARTMENT, *Register's Office, February* 7, 1832.

T. L. SMITH, *Register.*

B.

A statement exhibiting various comparative views of the progress of the population of the United States, and in different States, derived from the census of 1820 *and the census of* 1830.

According to population in 1820.	Population in 1820.	Population in 1830.	According to population in 1830.	States according to the ratio of increase.	Rates of increase from 1820 to 1830.	Actual increase from 1820 to 1830.	According to actual increase.
24	55, 211	157, 445	20	Illinois	185.16	102, 234	10
19	127, 901	309, 527	15	Alabama	142.00	181, 626	6
18	147, 178	343, 031	13	Indiana	133.07	195, 853	5
23	66, 586	140, 455	21	Missouri	110.93	73, 869	15
21	75, 448	136, 621	22	Mississippi	81.07	61, 173	17
9	420, 813	681, 904	7	Tennessee	62.04	261, 091	4
5	581, 434	935, 884	4	Ohio	60.96	354, 450	2
11	340, 989	516, 823	10	Georgia	51.56	175, 834	7
17	153, 407	215, 739	19	Louisiana	40.63	62, 332	16
1	1, 372, 812	1, 913, 131	1	New York	39.36	540, 319	1
12	298, 335	399, 437	12	Maine	33.88	101, 102	11
3	1, 049, 313	1, 348, 233	2	Pennsylvania	28.48	298, 920	3
6	564, 317	687, 917	6	Kentucky	21.90	123, 600	9
16	235, 764	280, 657	17	Vermont	19.04	44, 893	18
20	83, 059	97, 194	23	Rhode Island	17.01	14, 135	23
7	523, 287	610, 408	8	Massachusetts	16.64	87, 121	13
8	502, 741	581, 185	9	South Carolina	15.60	78, 444	14
13	277, 575	320, 823	14	New Jersey	15.58	43, 248	19
4	638, 829	737, 987	5	North Carolina	15.52	99, 158	12
2	1, 065, 366	1, 211, 405	3	Virginia	13.70	146, 039	8
15	244, 161	269, 328	18	New Hampshire	10.30	25, 167	21
10	407, 350	447, 040	11	Maryland	09.74	39, 690	20
14	275, 248	297, 675	16	Connecticut	08.14	22, 427	22
22	72, 749	76, 748	24	Delaware	05.49	3, 999	24
	9, 579, 873	12,716,597			32.74	3, 136, 724	

Population of the twenty-four States in 1820	9,579,873
Do.....do.....in 1830	12,716,597
Actual increase	3,136,724
Rate of increase	32.74
Of the eleven States whose ratio of increase is greater in the annexed table than 32.74, the aggregate population was—	
In 1820	3,640,114
In 1830	5,749,997
Actual increase	2,109,883
Ratio of increase	57.96
Of these eleven States, the seven containing the public domain had a population of—	
In 1820	1,207,165
In 1830	2,238,702
Actual increase	1,031,537
Ratio of increase	85.45
The remaining four of the eleven, viz, Tennessee, Georgia, New York, and Maine, had a population of—	
In 1820	2,432,949
In 1830	3,511,295
Actual increase	1,078,346
Rate of increase	44.32
The seventeen States having none of the public lands had a population of—	
In 1820	8,372,707
In 1830	10,477,895
Actual increase	2,105,188
Rate of increase	25.14
The thirteen States whose increase, according to the annexed table, is below 32.74, had a population of—	
In 1820	5,939,759
In 1830	6,966,600
Actual increase	1,026,841
Rate of increase	17.28

In 1820 the population of the seven States containing the public lands, viz, Illinois, Alabama, Indiana, Missouri, Mississippi, Ohio, and Louisiana, bore to the whole population of the United States the proportion of 1 to 7.05, or about $\frac{1}{8}$th. In 1830 it was as 1 to 5.23, a little less than 1-5th.

In 1820 the population of the same seven States was to the population of the remaining seventeen States as 1 to 6.94, or about 1-7th. In 1830 it was as 1 to 4.68—more than 1-5th, and nearly 3-10ths.

In 1820 the population of the same seven States was to that of the remaining four of the eleven whose increase is above the common ratio, viz, (Tennessee, Georgia, New York, and Maine,) as 1 to 2.015, or something less than $\frac{1}{2}$. In 1830 it was as 1 to 1.55, or about $\frac{2}{3}$ds.

In 1820 the population of the same seven States was to that of the thirteen States whose increase is below the common ratio as 1 to 4.92, or about 1-5th. In 1830 it was 1 to 3.11, or about $\frac{1}{3}$d.

In 1820 the population of the seven land States was about $\frac{1}{8}$th of the population of all the States. Their increase in ten years is to the whole increase as 1 to 3.04, or about $\frac{1}{3}$d.

In 1820 the population of these seven States was equal to about 1-7th of that of the other seventeen States. The increase of the former in ten years is to that of the latter as 1 to 2.04, about $\frac{1}{2}$.

In 1820 the population of these seven States equalled about $\frac{2}{3}$ds of that of the four other States whose increase is above the common ratio, viz, Tennessee, Georgia, New York, and Maine. The increase of the former in ten years is to that of the latter as 1 to 1.04, or very nearly equal.

In 1820 the population of these seven States was about 1-5th of that of the thirteen States whose increase is below the common ratio. The increase of these former in ten years is to that of the latter as 1 to 0.995, a little more than equal.

C.

Statement showing the dividend of each State (according to its federal population) in the proceeds of the public lands, after deducting therefrom fifteen per cent. as an additional dividend for the States in which the public land is situated.

States.	Federal population 1830.	Shares in proceeds of public lands.
Maine	399, 437	$85, 387 48
New Hampshire	269, 326	57, 573 71
Massachusetts	610, 408	130, 487 59
Vermont	280, 657	59, 995 93
Rhode Island	97, 194	20, 770 12
Connecticut	297, 665	63, 631 72
New York	1, 918, 553	410, 128 29
New Jersey	319, 922	68, 389 59
Pennsylvania	1, 348, 072	288, 176 64
Delaware	75, 432	15, 202 93
Maryland	405, 843	86, 756 89
Virginia	1, 023, 503	218, 793 82
North Carolina	639, 747	136, 758 45
South Carolina	455, 025	97, 270 51
Georgia	429, 811	91, 880 52
Alabama	262, 508	56, 116 22
Mississippi	110, 358	23, 591 19
Louisiana	171, 694	36, 702 95
Tennessee	625, 263	133, 662 21
Kentucky	621, 832	132, 928 77
Ohio	935, 884	200, 063 54
Indiana	343, 031	73, 329 59
Illinois	157, 147	33, 593 25
Missouri	130, 419	27, 879 68
	11, 928, 731	

Estimated proceeds of lands, $3,000,000; deduct 15 per cent., $450,000, and $2,550,000 remains to be divided among all the States according to their population.

22d CONGRESS.] No. 1054. [1st SESSION.

ON THE PROPOSITION TO SELL THE PUBLIC LANDS TO THE STATES IN WHICH THEY LIE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 17, 1832.

Mr. WICKLIFFE, from the Committee on Public Lands, to whom was referred so much of the annual report of the Secretary of the Treasury as relates to the public lands, reported:

The subject has received by the committee that consideration which its importance deserves.

The recommendation of the Secretary of the Treasury upon the subject of the public lands is, that Congress now "decide upon the propriety of disposing of all the public lands, in the aggregate, to those States within whose territorial limits they lie, at a fair price, to be settled in such manner as might be satisfactory to all. The aggregate price of the whole may then be apportioned among the several States of the Union, according to such equitable ratio as may be consistent with the objects of the original cession, and the proportion of each may be paid or secured directly to the others by the respective States purchasing the land."

The committee are of opinion that any such disposition at this time of the public land, and the distribution of the proceeds, as recommended by the Secretary of the Treasury, would be inexpedient; that it would paralyze the growth and prosperity of the younger States if they could be seduced into the purchase at any price which the older States would deem reasonable.

The reasons urged by the Secretary of the Treasury in favor of this disposition of the public domain are understood to be, 1st. That the amount arising from the sales of the public lands is no longer required in aid of the revenue for the payment of the public debt and the support of government.

2d. That such a disposition of the public lands is well calculated to remove all cause of difficulty with the general government and the States upon the subject of these lands.

The committee are aware that the period has arrived when the public debt may be considered as paid; when the government will no longer need an annual revenue, derived from taxation and the sale of the public lands, equal to the average annual amount collected under the present revenue system.

It becomes the duty of Congress to reduce the receipts into the treasury from all sources to the reasonable demands of the public service, after the payment of the national debt. It is a duty which ought to be performed at the present session of Congress, and its prompt discharge is demanded by the highest consideration of patriotism. It ought not, it cannot be longer deferred, with justice to the country or safety to the government.

In this reduction of the revenue to the wants of the government it is recommended by the Secretary of the Treasury that the duties upon imports should be so regulated, for the present, at least, as to continue adequate protection to the home industry of the country. In his opinion, after the discharge of the national debt, the expenditures of the government, as now authorized by law, will not exceed $13,000,000. To give the protection necessary to our domestic manufactures, a revenue of $15,000,000 is proposed by the Secretary to be retained, derivable from sources other than the sales of the public lands, and he recommends an augmentation of the expenses of the government to that sum annually; that the whole of this sum shall be collected by impost duty, the sale of the bank stock and of the public lands is recommended.

The committee, in the discharge of the duty assigned them under the resolve of the House, are not called upon to present their reasons for withholding their assent to so much of the report of the Secretary of the Treasury as proposes to augment the ordinary and annual expenditures of the government beyond the $13,000,000.

The sources from which the revenue of the government has been derived are, 1st, imports; 2d, public lands; 3d, bank stock.

It is proposed by the Secretary to withdraw the public lands from the sources of revenue, to sell the bank stock, and to leave the $15,000,000 to be collected upon the imports of the country, and in this mode to afford temporary and permanent protection to the manufacturing interests of the country.

Whilst the immediate benefits resulting from this protection are almost exclusively confined to the northern and eastern sections of the Union, already in the enjoyment of more than a due proportion of the advantages resulting from the expenditures of the public money, it is proposed that the new States shall further contribute to their prosperity and capital by the purchase of the public lands, and by becoming bound to the States, directly and individually, for the payment.

The committee do not assent to such a modification of the revenue of the country, or to such a disposition of its present sources.

The public lands should not be, they have not been, regarded as a profitable source of revenue to the federal government; nor should they be converted into the means of wealth to the several States. They should be fostered and disposed of by the national government in such manner and upon such terms as will be subservient to the building up of great and flourishing communities, whose members, when interested in and attached to the soil, will give physical strength and moral force to the nation.

It is true that our government has attained that condition, unexampled in the history of nations, when it has become the duty of the taxing power to lessen and not to increase public exactions upon the labor of the citizen. The diminution to be made should be extended with impartial justice to all the sources from which revenue is derived, when that can be done without jeoparding any of the great interests of the country. We should exact from each source in proportion to its ability to pay, and take from none more than the demands of the government require.

If, then, the amount of tax imposed upon imports, and the revenue derived from the sales of the public lands, are greater than the just and ordinary expenses of the government demand—and all admit that they are—that amount should be reduced, and reduced by lessening the exactions made from each in a fair and just proportion. The reduction upon the revenue derived from the sales of the public lands, to be effectual and beneficial, must be made in the price at which they are to be sold.

If the amount now received into the treasury be not required for the purposes of the federal government, (and such seems to be a conceded fact,) the committee are of opinion it would be a better mode to rid the national treasury of this unnecessary and dangerous influx of public money, to reduce the price of the public domain, (and thereby render the acquisition of a home easy to all in every condition of life,) than to sell the lands to the younger States, if they were willing to buy and able to pay. A sale to them upon any terms the most reasonable, in the opinion of the older States, must render them tributary to, and dependent upon, their more prosperous and opulent sisters of the confederacy. Their present population would be encumbered with a debt, to be transmitted as a curse to their posterity, the interest of which they would be unable to pay by the sales of the lands which they could effect.

The whole amount of public lands in the States and Territories remaining unsold at this time may be estimated at 340,878,713 acres. The lowest sum per acre at which the United States would be justified in selling, according to the opinions of many who have spoken upon this subject, has been thirty cents per acre; others have fixed fifty cents. A sale at thirty cents per acre would produce a debt upon the new States alone of $54,757,705 50, the annual interest of which, at six per cent., would be $3,285,462 33—a sum greater than the past or future annual average receipts from the sales of the public lands under the present land system of the United States.

If such a disposition of the public lands could be maintained upon principles of sound policy as to the United States, can it be seriously contended by any one that the States in which these lands are situate could be induced to make the purchase, and place themselves under mortgage to the other States for the payment of the principal, when the estate purchased would not yield annually a sum equal to the interest? The committee do not believe that any State in this Union would pursue a policy so suicidal, and therefore deem it wholly useless to propose to the States any terms upon which they may become the purchasers of the public lands within their respective limits.

The second consideration presented by the report, as an argument in favor of a sale of the public lands to the new States is, that it would be well calculated to remove all cause of difficulty with the general government and the States upon the subject of the public lands. What is cause of difficulty, to be removed by adopting the course recommended, is not indicated by the report.

If it be that exhausting operation and consequent embarrassment produced by the constant drain of the circulating medium from the west, the result of the action of the federal government upon the subject of the public lands, to which the Secretary of the Treasury alludes, the remedy proposed will not cure the evil unless it can be demonstrated that the States, separately, will exact less and disburse more money in the purchasing States than the States united.

Whilst the general government shall continue to derive a revenue from the sales of public lands it may be expected, at least it should be hoped for, that in some mode a sum of money equal to the exactions for the public lands will be thrown back by public disbursements in those States so much affected by this constant drain of their circulating medium.

Can it be believed that when the proceeds arising from the sales of the public lands shall become the separate property of the States, according to any ratio of division which will be agreed upon, the amount derived annually from the debtor by the creditor States, either for interest or principal, will be returned into circulation among those States thus made tributary?

This difficulty and complaint of the new States with and against the general goverment will only be transferred to the several States who become the receivers, and instead of peace, concord, and harmony among the States we may expect to witness discontent and discord, bitter and unceasing.

The Secretary of the Treasury may probably have reference to a pretension advanced by some politicians by which the right and title of the United States to the lands within the several States have been denied; if so, this is a question which the committee will not discuss. If the acknowledgment of the right of the United States to these lands by the organic laws of the States in which they are situate does not protect them from the claims set up for some of the States by a few politicians who labor to give to the terms "free and sovereign State" some magical influence, and thence draw strange conclusions, nothing which the committee can say by way of argument can save the public domain from this newly discovered right in the States. It will be time enough to argue this question whenever the States shall attempt to appropriate the public lands. The committee are of opinion that "no cause of difficulty with the general government and the States" ever can arise upon this question; at all events, that it is not expedient to avoid it by disposing of the public lands as recommended.

In connexion with this subject the committee have been called upon to consider the policy (so often the subject of debate in the House of Representatives) of dividing the proceeds of the public lands among the several States. This is a question surrounded by more difficulty and embarrassment, and one upon which the committee were unable to unite in opinion. A majority of the committee, however, believe that any pledge or disposition of the proceeds of the public lands among the States for State purposes, before the money should have reached the Treasury of the United States, would be unwise, and productive of incalculable injury to the States whose growth and prosperity so much depend upon the amelioration of the present system of disposing of the public lands by Congress. Pledge the proceeds to the States for State purposes, and all hope of further relief will be cut off. The new States may then calculate to "pay the penalty of the bond; yea, even the pound of flesh."

The power of the general government to make this distribution may be well questioned. Those who contend for such distribution of the proceeds derive the power from the grants of the several States to the United States, and from the second section of the fourth article of the Constitution of the United States. A recurrence to these grants, and an examination into the terms employed and the objects intended by them, may not be unprofitable in conducting the mind to a correct judgment upon this subject.

The committee do not propose to inquire into the right of the Congress of the United States to have demanded, or the obligations imposed upon the States to make a cession of their public domain. The necessities of the confederation seemed to require it, and the enlightened patriotism of the States yielded to that necessity, and surrendered them "for the common good."

The terms employed in the grants by Virginia, North Carolina, and Georgia will only be adverted to. Virginia, in the deed of cession of that vast domain which now encompasses the States of Ohio, Indiana, and Illinois, after stipulating for the political existence of its future inhabitants, for the partition of the territory into States, and their admission into the Union, declared "that all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be 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."

In the act of cession by North Carolina the precise language as above is also employed, so far as relates to the purposes to which the domain shall be devoted.

The same language is found in the deed of cession by Georgia and the other States who made deeds purporting to cede lands to the United States.

That clause of the Constitution which relates to the subject of the public lands is in these words: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," &c.

Is this disposition of the territory to be made for the purposes and *objects* of the federal government or for the purposes and varied objects of the several State governments? Congress has power "to lay and collect taxes, duties, imposts, and excises;" but for what purposes and for what objects? The answer is, the legitimate objects of expenditure by the federal government, surely not for distribution among the several States. Congress may dispose of the territory belonging to the United States for objects and purposes legitimately falling within the scope of the powers and authority of the federal government; but the committee doubt the existence of a power to dispose of them for the exclusive benefit and the separate interests of the several States.

If the terms of the grants be resorted to in aid of the clause of the Constitution and taken in connexion therewith, still it is believed the power to make distribution of the proceeds of the sale of the public lands may be fairly questioned.

By the deeds of cession "the lands are to be considered as a common fund for the use and benefit of the United States."

The money collected by taxation is regarded as a common fund for the use and benefit of the United States; the money, whether collected by the sale of land or by a tax upon land, is the revenue of the government, and can only be disposed of under the powers with which that government has been vested by the Constitution.

It would be difficult for those who deny the power to Congress to levy imposts and excise for the purposes of collecting money to be distributed among the State governments, to be expended for State purposes under State authority, to establish the power to dispose of the proceeds of the public lands for similar purposes.

If the committee should be mistaken as to the question of constitutional power, (which has been suggested more with a view to invite investigation upon the subject than from a conviction of its correctness,) upon the inexpediency of such a disposition of the proceeds of the public lands they cannot doubt.

Although these lands have been regarded as a source of revenue, the committee are aware that heretofore they have not proved to be a profitable one. Nor do the committee now wish them to be made the means of raising revenue in time of peace, but the instrument in the hands of a liberal and munificent government, by which large communities may be built up, our population increased, and our resources in time of war multiplied.

The general government should dispose of them upon terms accommodated to the wants of the com-

munity; and when the unsold lands in the respective States shall become *refuse*, and no longer worth the expense of federal superintendence and care, a relinquishment of them to the State in which they lie, or to individuals, would be the better policy.

It is not probable that the government will again be placed in a condition when it will become necessary to resort to her public domain, either as the means of raising an army or of borrowing money.

The committee have expressed the opinion that the period is approaching, if it has not already arrived, when it would be sound policy to reduce the price of the public lands. Arguments other than the necessity of ridding the treasury of the revenue derived from sales at the present price in favor of a reduction of the price of the public lands could be advanced if that were the question now under the consideration of the committee. The price was reduced in 1821 from two dollars to one dollar and twenty-five cents per acre. Real estate, in common with every other species of property, has decreased in value since that time. The price of labor has lessened. The appreciation in the value of the circulating medium since 1821 has been very considerable, and still the price of public land is the same now as then. It should not be forgotten either that in most of the new States the best and choice lands have been sold.

Should the revenue arising from the sales of public lands be no longer needed for national purposes, and the reduction of the price will not have the effect of preventing a too rapid accumulation of national treasure, would it not be better policy to give to every one of full age or who is the head of a family, who would occupy, cultivate, and improve the same, a tract of land that he may call his own than to sell these lands to the States or to divide the proceeds among them?

So long as Congress shall retain the right and power of legislating over this subject, and the proceeds arising from the public lands shall be regarded as national treasure or revenue and not the individual property of the separate States, it may be hoped that an enlightened and a liberal policy will be pursued; when the States shall each have a vested interest, separate and distinct, that policy which will be calculated to convert these lands into the most money, to increase the annual dividend of the several States, will be pursued, regardless of the wants or condition of the States in which they lie. The representatives in Congress from the old States, constituting a majority, influenced by a desire to make this fund lasting and profitable for State purposes, to enlarge the dividend of their respective States, to exhibit, in bold relief, on their annual or biennial return to their constituents, the countless thousands wrung from the new States for the purpose of lessening the burdens in the old, will stay the progress of surveying the public lands. All that are surveyed must be sold, must be forced upon the emigrant. Public lands will be sold, but they will be of inferior quality. The tide of emigration and the spirit of enterprise will be checked. Donations to the meritorious settlers, to the new States for public improvement, will no longer be made. Pre-emptions in favor of the honest and industrious pioneers of the west will be denied. A cold, calculating, sordid, and selfish policy must and will influence the members of Congress in all future legislation upon this subject.

At a very early period the minimum price of the public lands was fixed at two dollars per acre, and the sales were upon a credit, and, in many instances, the price at public auction greatly exceeded two dollars per acre. The consequence was an accumulation of debt due from the purchasers of the public lands in the west, which they were wholly unable to pay. Relief was asked at the hands of the general government, and although the proceeds of the public lands were pledged for the redemption of the national debt, Congress released the community from a mass of debt of many millions, and reduced the price of land from two dollars to one dollar and twenty-five cents per acre.

Would this have been done if the proceeds of those lands had been devoted, by previous legislation, to distribution among the several States for State purposes? With the local feelings and interests which would inevitably have been excited by such a disposition of the proceeds, can it be believed that the representatives from the several States would have dared to surrender the interest of their constituents or States by releasing this debt, which threatened ruin and destruction to the new States?

A further reduction in the price of the public lands ought to be made. The people in the new States look for it and desire it. A reduction of the revenue of the general government must take place; they regard the price which the government exacts from them for the public lands as a tax, and a heavy tax. They have submitted to it cheerfully, because it was needed to discharge the obligations of their government. When the whole amount now derived from the sales of public land, united with the other revenues of the government which will be collected under any possible modification of the tariff, will not be required for the wants and purposes of the federal government, can it be just that the same shall be exacted from the west by the action of the federal government, to be given to the older and more opulent States, to be expended in those States for education, internal improvement, or general emancipation? Such a policy would be unjust and intolerable.

If, however, it shall not be the pleasure of Congress to lessen the amount of revenue to be derived from the sales of public land by reducing the price, the committee are decidedly of opinion that the present system should not be disturbed. And if there shall be an accumulation of money in the treasury over and above the wants of the government in each year, let that surplus be disposed of by Congress, after it reaches the public coffers, in such mode as shall be consistent with the principles of justice, and in accordance with the provisions of the Constitution; but they are opposed to pledging the proceeds for State purposes, and thereby put it out of the power of Congress so to legislate upon the subject of the public lands as to meet the wants of the community and the condition of the country.

Resolved, therefore, That it is inexpedient to make sale of the public lands to the States in which they respectively are situate.

Resolved, That it is inexpedient at this time to divide the proceeds of the public lands among the several States, to be expended in said States for State purposes.

The committee, however, with a view of eliciting information upon the subject, submit for the consideration of the House a joint resolution, without wishing to be understood as giving their assent in favor of the sale to the States at this time.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury to submit to the legislatures of the several States in which any portion of the public lands may be situated, through their respective chief magistrates, propositions for the sale of such portions of the public domain within the limits of each as may remain unsold, and report their several replies to Congress as soon as practicable.

SEC. 2. *And be it further resolved,* That it shall be the duty of said Secretary in the meantime to obtain the best possible information from the several land offices, surveyors general, and such other sources as he may deem expedient, relative to the quantity, quality, and value of the public lands which remain unsold in each State, and report such information in like manner.

Statement of the total amount abated or relinquished by the United States of the purchase money of the public lands (sold under the credit system) by the operation of the relief laws of 1821, 1822, 1823, 1824, 1826, 1828, 1830, *and* 1831.

Districts, States, and Territory.	Quantity of land relinquished by individuals.	Amount of the original purchase money of the relinquished lands.	Quantity of relinquished land re-entered by individuals under the pre-emption acts of 1830 and 1831.	Amount of moneys received for pre-emptions of relinquished lands under the acts of 1830 and 1831.	Remaining quantity of the relinquished lands sold, or subject to sale.	Value of the remainder of the relinquished lands at the minimum of $1 25 per acre.	Amount of excesses paid on lands relinquished not applied to the credit of other lands, and forfeited.	Balance of the original purchase money of the relinquished lands, after deducting the amount received for pre-emptions, minimum value of the remaining quantity, and excesses forfeited.	Amount of discount allowed, at 37½ per cent., from the amount due for lands fully paid for previous to the act of 1830.	Amount of abatement from the purchase money of forfeited lands redeemed by pre-emptions under the acts of 1830 and 1831.	Aggregate of discount and abatement from the purchase money of lands fully paid for under all the relief laws.	Total amount abated or relinquished by the United States of the purchase money of lands sold under the credit system.	Amount of forfeited land stock issued under the acts of 1828 and 1830 receivable in payment for lands.	Grand total of the amounts abated or relinquished of the purchase money of lands sold under the credit system, and of forfeited land stock issued, to Dec. 31, 1831.
OHIO.	*Acres.*		*Acres.*		*Acres.*									
Wooster	61,908.27	$232,508 65	397.75	$1,987 24	61,510.52	$76,888 15	$94 95	$153,538 31	$61,125 68	$9,093 22	$70,218 90	$223,757 21	$10,679 03	$234,436 24
Zanesville	54,088.48	113,418 47	.....	.....	54,088.48	67,610 60	413 12	45,394 75	80,797 65	1,936 64	82,734 29	128,129 04	21,820 20	149,949 24
Steubenville	39,191.65	89,470 02	79.49	99 36	39,112.16	48,890 20	4 75	40,475 71	50,502 59	1,315 98	51,818 57	92,294 28	43,851 53	136,145 81
Marietta	15,413.53	35,569 42	.....	.....	15,413.53	19,266 91	.....	16,302 51	17,624 63	1,300 16	18,924 79	35,227 30	4,911 26	40,138 56
Chillicothe	74,539.09	158,857 72	.....	.....	74,539.09	93,173 86	111 28	65,572 58	26,792 82	2,183 88	28,976 70	94,549 28	24,874 89	119,424 17
Cincinnati	187,813.51	409,107 85	568.04	710 05	187,245.47	234,056 84	44 18	174,296 78	170,024 28	16,362 41	186,386 69	360,683 47	114,350 57	475,034 04
	432,954.53	1,038,933 13	1,045.28	2,796 65	431,909.25	539,886 56	668 28	495,580 64	406,867 65	32,192 29	439,059 94	934,640 58	220,487 48	1,155,128 06
INDIANA.														
Vincennes	437,186.91	894,787 24	79.60	127 00	437,107 31	546,384 14	2,016 06	346,260 04	106,024 13	12,499 42	118,523 55	464,783 59	30,535 77	495,319 36
Jeffersonville	267,128.91	532,678 43	443.23	554 04	266,685 68	333,357 10	464 15	198,303 14	99,366 21	9,467 40	108,833 61	307,136 75	20,652 07	327,788 82
	704,315.82	1,427,465 67	522.83	681 04	703,792 99	879,741 24	2,480 21	544,563 18	205,390 34	21,966 82	227,357 16	771,920 34	51,187 84	823,108 18
ILLINOIS.														
Edwardsville	220,331.76	445,137 43	640.00	800 00	219,681.76	274,602 20	1,168 60	168,566 63	12,417 43	180 00	12,597 43	181,764 06	8,299 63	189,463 69
Kaskaskia	201,300.76	402,601 01	.....	.....	201,300.76	251,625 95	1,084 61	149,890 45	6,000 29	2,421 43	8,421 72	158,312 17	9,486 81	167,798 98
Shawneetown	275,712.36	553,773 60	798.36	997 95	274,914.00	343,642 50	1,035 64	208,097 51	17,115 35	4,506 90	21,622 25	229,719 76	16,306 54	246,020 50
	697,334.88	1,401,512 04	1,438.36	1,797 95	695,896.52	869,870 65	3,288 85	526,554 59	35,533 07	7,108 33	42,641 40	569,195 99	34,092 98	603,288 97
MISSOURI.														
St. Louis	282,714.98	684,425 96	3,646.68	4,628 34	279,068.30	348,835 37	424 10	330,538 15	49,107 51	3,558 65	52,666 16	383,204 31	12,076 66	395,280 97
Franklin	426,631.36	1,320,272 81	2,628.16	3,559 46	424,003.20	530,004 00	394 33	786,315 02	49,199 90	4,446 16	53,646 06	839,961 08	20,964 80	860,925 88
	709,346.34	2,004,698 77	6,274.84	8,187 80	703,071 50	878,839 37	818 43	1,116,853 17	98,307 41	8,004 81	106,312 22	1,223,165 39	33,041 46	1,256,206 85

Statement of the total amount abated or relinquished by the United States of the purchase money of the public lands, &c.—Continued

Districts, States, and Territory.	Quantity of land relinquished by individuals.	Amount of the original purchase money of the relinquished lands.	Quantity of relinquished land re-entered by individuals under the pre-emption acts of 1830 and 1831.	Amount of moneys received for pre-emptions of relinquished lands under the acts of 1830 and 1831.	Remaining quantity of the relinquished lands sold, or subject to sale.	Value of the remainder of the relinquished lands at the minimum of $1 25 per acre.	Amount of excesses paid on lands relinquished not applied to the credit of other lands, and forfeited.	Balance of the original purchase money of the relinquished lands, after deducting the amount received for pre-emptions, minimum value of the remaining quantity, and excesses forfeited.	Amount of discount allowed, at 37½ per cent., from the amount due for lands fully paid for previous to the act of 1830.	Amount of abatement from the purchase money of forfeited lands redeemed by pre-emptions under the acts of 1830 and 1831.	Aggregate of discount and abatement from the purchase money of lands fully paid for under all the relief laws.	Total amount abated or relinquished by the United States of the purchase money of lands sold under the credit system.	Amount of forfeited land stock issued under the acts of 1828 and 1830 receivable in payment for lands.	Grand total of the amounts abated or relinquished of the purchase money of lands sold under the credit system, and of forfeited land stock issued, to Dec. 31, 1831.
ALABAMA.	*Acres.*		*Acres.*		*Acres.*									
Huntsville	655,383.66	$4,566,017 05	31,134.36	$62,581 95	624,249.30	$780,311 63	$3,106 19	$3,720,017 28	$68,140 90	$1,167,447 60	$1,235,588 50	$4,955,605 78	$41,708 66	$4,997,314 44
Cahaba	755,775.03	3,026,471 52	51,064.06	97,330 86	704,710.97	880,888 71	1,434 11	2,046,817 84	257,975 42	89,155 48	347,130 90	2,393,948 74	28,382 61	2,422,331 35
St. Stephen's	431,376 89	1,056,911 81	2,584.47	3,819 95	428,792.42	535,990 52	2,601 34	514,500 00	24,536 38	19,564 24	44,100 62	558,600 62	42,050 63	600,651 25
	1,842,535.58	8,649,400 38	84,782.89	163,732 76	1,757,752.69	2,197,190 86	7,141 64	6,281,335 12	350,652 70	1,276,167 32	1,626,820 02	7,908,155 14	112,141 90	8,020,297 04
MISSISSIPPI.														
Washington	188,990.40	377,980 87	1,392.66	1,881 64	187,597.74	234,497 18	1,456 25	140,145 80	92,119 10	12,912 82	105,031 92	245,177 72	52,903 81	298,081 53
LOUISIANA.														
Opelousas	1,898.62	3,797 25	.....	.....	1,898.62	2,373 28	.....	1,423 97	12,553 02	719 90	13,272 92	14,696 89	3,710 16	18,407 05
MICHIGAN.														
Detroit	25,196.94	79,844 23	698 24	975 37	24,498.70	30,623 37	.....	48,245 49	9,103 45	2,084 25	11,187 70	59,433 19	136 06	59,569 25

RECAPITULATION BY STATES.

Ohio	432,954.53	1,038,932 13	1,045.28	2,796 65	431,909.25	539,886 56	668 28	495,580 64	406,867 65	32,192 29	439,059 94	934,640 58	220,487 48	1,155,128 06
Indiana	704,315.82	1,427,465 67	522.83	681 04	703,792.99	879,741 24	2,480 21	544,563 18	205,390 34	21,966 82	227,357 16	771,920 34	51,187 84	823,108 18
Illinois	697,334.88	1,401,512 04	1,438.36	1,797 95	695,896.52	869,870 65	3,288 85	526,554 59	35,533 07	7,108 33	42,641 40	569,195 99	34,092 98	603,288 97
Missouri	709,346.34	2,004,698 77	6,274.84	8,187 80	703,071.50	878,839 37	818 43	1,116,853 17	98,307 41	8,004 81	106,312 22	1,223,165 39	33,041 46	1,256,206 85
Alabama	1,842,535.58	8,649,400 38	84,782.89	163,732 76	1,757,752.69	2,197,190 86	7,141 64	6,281,335 12	350,652 70	1,276,167 32	1,626,820 02	7,908,155 14	112,141 90	8,020,297 04
Mississippi	188,990.40	377,980 87	1,392.66	1,881 64	187,597.74	234,497 18	1,456 25	140,145 80	92,119 10	12,912 82	105,031 92	245,177 72	52,903 81	298,081 53
Louisiana	1,898.62	3,797 25	.....	.....	1,898.62	2,373 28	.....	1,423 97	12,553 02	719 90	13,272 92	14,696 89	3,710 16	18,407 05
Michigan	25,196.94	79,844 23	698.24	975 37	24,498.70	30,623 37	.....	48,245 49	9,103 45	2,084 25	11,187 70	59,433 19	136 06	59,569 25
Total	4,602,573.11	14,983,631 34	96,155.10	180,053 21	4,506,418.01	5,633,022 51	15,853 66	9,154,701 96	1,210,526 74	1,361,156 54	2,571,683 28	11,726,385 24	507,701 69	12,234,086 93

Compiled *April* 26, 1832.
NOTE.—For other statements see No. 1056.

ELIJAH HAYWARD, *Commissioner of the General Land Office.*

22D CONGRESS.] No. 1055. [1ST SESSION.

ON THE PROCEEDINGS OF THE COMMISSIONER OF THE GENERAL LAND OFFICE IN RELATION TO THE ESTABLISHMENT OF A CERTAIN NEW LAND DISTRICT IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 20, 1832.

Mr. ELLSWORTH, from the Committee on the Judiciary, to whom was referred a resolution, upon the motion of the honorable Mr. Wickliffe, on the 17th of March last, in the words following:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to this House whether the Commissioner of the General Land Office was officially called upon, on or about the 29th of December, 1831, to designate the boundaries of a new land district proposed to be established in Michigan by a bill reported from the Committee on Public Lands, which was printed by order of this House, leaving the boundaries of said district blank, he being furnished with a copy of said bill; what were the reasons assigned for his refusal to obey the call thus officially made upon him, as assigned in two written communications in answer to said call; whether the said Commissioner did not assign as a reason for not complying with the said official request "that he had no information in his office to give, and that, in his opinion, the public interest did not require an additional land district in Michigan," and whether at the same time he had or had not advised the delegate from Michigan that two additional land offices were required in said Territory; what information was it which was "lately received" which, on the 9th of February, 1832, enabled the said Commissioner to comply with the official request made upon him in December, 1831, by giving the boundaries of said district, and which he had declined, because, in his opinion, (as expressed in two communications in writing to the Secretary of the Treasury,) the establishment of a new land office and district in Michigan was inexpedient; whether the first two communications in writing, in answer to the request aforesaid to give the boundaries of said district, addressed to the Secretary of the Treasury, and signed "Elijah Hayward, Commissioner of the General Land Office," "formed a part of the informal correspondence between the Secretary and the said Commissioner on the subject of an additional land district in Michigan;" whether these letters "were unofficial;" whether they have or have not been recorded, and whether copies of the said letters have or have not been denied to a person having a *right* to demand them of the Commissioner upon the allegation on the part of the Commissioner "that they formed a part of the informal correspondence" between the Secretary of the Treasury and the Commissioner, alleging that the originals were destroyed. If said letters were official, and have not been recorded or preserved in the office of the Commissioner of the General Land Office, that the said committee also inquire into the expediency of providing by law that all official communications in writing signed by the Commissioner of the General Land Office shall be preserved, by requiring the same to be recorded in a book to be kept for that purpose; and that the said committee have leave to send for persons and papers—reported:

That, before proceeding to an examination of the matters contained in said resolution, the committee forwarded to the Commissioner of the General Land Office a copy of the resolution, and gave to him and the honorable Mr. Wickliffe notice of the time when the committee would proceed with the examination. The committee received from the Commissioner of the General Land Office a communication directed to them, bearing date April 2, 1832, which accompanies this report.

The committee have endeavored carefully and impartially to discharge the duty imposed upon them. They have examined all such witnesses as were named either by the Commissioner or Mr. Wickliffe, and have obtained such other testimony as the committee deemed important to the case; all which is in writing, and accompanies this report.

The committee find that the Commissioner of the General Land Office was officially called upon, on or about the 29th of December, 1831, to designate the boundaries of a new land district in Michigan, proposed to be established by a bill before that time, reported to the House by the Committee on Public Lands, which bill had been printed, leaving the boundaries blank, and was then forwarded to the Commissioner to be filled up, as appears by the letter of Mr. Wickliffe to the Secretary of the Treasury of the 29th December, 1831, and the two indorsements entered on the same by the chief clerk of the Treasury Department; that the Commissioner declined to fill up the said blank in the manner and for the reasons assigned by him in his two letters, inserted in his answers, dated the 5th and 10th of January, particularly stating therein that a new land district in Michigan was "unnecessary, inexpedient, and injudicious."

The committee refer to the letter of Mr. Wickliffe, and the indorsements thereupon, to show the form of the call upon the Commissioner and the manner and reasons of his refusal.

The Commissioner, as appears from the testimony of the honorable Mr. Wing, delegate from the Territory of Michigan, was called upon by the latter gentleman in relation to the making of a new southeast land district in said Territory, for which said bill was designed, and for which purpose said bill had been reported in blank, to be filled up by the Commissioner. The committee find that the Commissioner did not suggest any objection to the contemplated land district to Mr. Wing, or that there would be any difficulty in making the said district, or that it would be inexpedient, but rather assented to the expediency of the measure, and further remarked that if Congress were about to make one new district, it would be well at the same time to make another in the northwest part of the Territory, to be organized thereafter, when the President of the United States should think it best. The committee do not find that at said interview with Mr. Wing, or at any time, the Commissioner advised Mr. Wing that two additional land districts were then required in said Territory.

The committee find that, after the Commissioner of the General Land Office had written his two letters of the 5th and 10th of January, 1832, to the Secretary of the Treasury, contained in the accompanying answer of the Commissioner, for the purpose of meeting the object of the Committee on Public Lands, the Secretary of the Treasury invited an interview with Mr. Wickliffe, in which interview the Secretary of the Treasury proposed that the committee should receive from him a delineation of the boundaries of the contemplated land district; to this proposal Mr. Wickliffe acceded. The Secretary of the Treasury accordingly procured from Mr. Wing satisfactory information as to the boundaries to be prescribed, and, in a second interview with Mr. Wickliffe, proposed that he should receive from the Commissioner a

communication adopting these boundaries as an official reply of the Secretary to Mr. Wickliffe's letter of the 29th of December. To this proposition Mr. Wickliffe also assented, and the Commissioner, on being informed by the Secretary of the Treasury what had taken place between him and Mr. Wickliffe, did consent to adopt the boundaries suggested by Mr. Wing, and accordingly recommended them in an official communication, which was transmitted to Mr. Wickliffe, as chairman of the Committee on Public Lands.

This is all the information which the committee find was obtained by the Commissioner of the General Land Office after the date of his said two letters of the 5th and 10th of January, which enabled the Commissioner to comply with the request of Mr. Wickliffe in his letter of the 29th of December.

The committee further find that the two letters of the Commissioner of the 5th and 10th of January did not form a part of an informal correspondence between the Secretary of the Treasury and the Commissioner of the General Land Office; but that, at the time they were written and sent to the Secretary of the Treasury, they were official, and, as such, recorded in the office of the Commissioner; but that the same were, at a subsequent period, agreed by the Secretary of the Treasury and Mr. Wickliffe to be considered as unofficial, and the originals, being in the hands of the Secretary, were destroyed. The committee find that, on the 7th day of March, 1832, Mr. Wickliffe, by letter of that date, requested of the Commissioner copies of the said two letters, (a copy of which letter of request will be found in the answer of the Commissioner accompanying this report;) and, without expressing any opinion upon the strict right to demand the copies, the committee agree that, according to the practice and custom of the office, Mr. Wickliffe was fully warranted in his request to be furnished with said copies as asked for, and that the same were refused to him upon the alleged ground, as appears from the letter from the Commissioner of the General Land Office to Mr. Wickliffe, dated March 12, 1832, (a copy of which is to be found in the said answer of the Commissioner,) that the same formed a part of the informal correspondence between the Secretary of the Treasury and the Commissioner, and because the originals were destroyed.

Answer of the Commissioner of the General Land Office.

WASHINGTON CITY, *April* 2, 1832.

GENTLEMEN: The undersigned, Commissioner of the General Land Office, respectfully submits the following reply, documents, and explanations, as an answer to a resolution of the House of Representatives, adopted on the 17th ultimo, and to the several inquiries and parts thereof, which was referred to your consideration:

First. "Whether the Commissioner of the General Land Office was officially called upon, on or about the 29th of December, 1831, to designate the boundaries of a new land district proposed to be established in Michigan by a bill reported by the Committee on Public Lands, which was printed by order of this House, leaving the boundaries of said district blank, he being furnished with a copy of said bill? What were the reasons assigned for his refusal to obey the call thus officially made upon him, as assigned in two written communications in answer to said call? Whether the said Commissioner did not assign as a reason for not complying with the said official request that he had no information in his office to give; and that, in his opinion, the public interest did not require an additional land district in Michigan? and whether, at the same time, he had or had not advised the delegate from Michigan that two additional land offices were required in said Territory?"

Answer. The undersigned was not *officially* called upon on the day named, nor at any other time, to designate the boundaries of a new land district in Michigan, although, subsequently to the day named, he was *informally* called upon in relation thereto.

On the 2d day of January last, when confined to a sick chamber with the prevailing influenza, he received from the Treasury Department the original letter, of which the following is a copy, covering the printed bill alluded to in the resolution:

"REPRESENTATIVES' HALL, *December* 29.

"SIR: Enclosed is a bill to establish a land office in Michigan. You will please to have the boundaries so adjusted between this new district, which is intended to include Monroe, so as to give the greatest facility to emigrants.

"Respectfully, C. A. WICKLIFFE.

"Hon. LOUIS MCLANE."

On which was indorsed, in the handwriting of the chief clerk of the Treasury Department, but without any signature, the following words and figures, to wit: "*Referred to the Commissioner of the General Land Office, who will please report his views on the subject.*" This informal mode, however, of referring papers and documents, which is adopted for convenience, is as much respected and as implicitly observed as the most formal and official requisition under the signature of the Secretary.

It may be proper here to remark, that Mr. Wickliffe's letter is not, in its terms and character, *official.* It is not pretended that it was written by direction of the Committee on Public Lands, nor by virtue of his office as chairman of the same, nor even for the information of that committee. *Prima facia,* it is a private communication from Mr. Wickliffe to the Hon. Louis McLane, it not being addressed to Mr. McLane as *Secretary of the Treasury.* But the undersigned would not avail himself of any advantage derived from technicalities, nor consent to receive any immunity therefrom. For every purpose connected with his reputation as a public officer, or his official conduct, he is willing the letter of Mr. Wickliffe should be considered as *official,* and of as grave and high character as if it purported to have been written by the express order of the committee of which he is chairman. It is, however, vague and uncertain in its terms. It directs the Hon. Louis McLane to adjust the boundaries *between* this new district, without naming or alluding to the opposite object. A person disposed to criticise, would be curious enough to inquire to *what* the term *boundaries* applied. But the undersigned has not been, nor is he now, disposed to avail himself of any defects in the letter, which was probably written in haste and amid a pressure of business. It has been considered as simply requesting the designation of boundaries of an additional land district in Michigan, to include the town of Monroe, so as to accommodate *purchasers* of the public lands therein, rather than "to give the greatest facility to emigrants."

On the 5th of January, 1832, the undersigned returned the letter of Mr. Wickliffe, and its enclosure, to the Secretary of the Treasury, with the following reply:

"GENERAL LAND OFFICE, *January* 5, 1832.

"SIR: The enclosed letter of Mr. Wickliffe, and the bill for establishing an additional land office in the Territory of Michigan, have been considered. There is no information in this office which shows that any such measure is now necessary or required on any public consideration.

"Attempts to establish new land offices merely for the purpose of private speculation, or to give a temporary advantage to one town or village over another or others, cannot be officially recommended without a dereliction of public duty.

"It is probable that, in two or three years, two new land offices will be required in the peninsula of Michigan, and the present districts were divided at the last session of Congress with a view to such a subsequent subdivision; the principal meridian fixed as the dividing line, and the books of this office, and of the two land offices, have been arranged and prepared accordingly.

"Believing that a new land office in that peninsula at the present time is *unnecessary, inexpedient,* and *injudicious,* I cannot recommend it to your favorable consideration, or that of Congress.

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

"ELIJAH HAYWARD."

These papers were all returned to the undersigned the next day, with an additional indorsement on Mr. Wickliffe's letter, also in the handwriting of the chief clerk of the Treasury Department, and without any signature, in the words and figures following, to wit:

"The information particularly desired is as to the proper *boundaries* of the proposed district, and the Commissioner will be pleased to describe those which he would recommend conformably to Mr. Wickliffe's design.

"JANUARY 6, 1832."

The General Land Office possessing no information at that time which would enable the Commissioner to designate any boundaries of the proposed new district, including the town of Monroe, which would accommodate the purchasers of public lands, or prove beneficial to the government, and not having seen or heard of any request or petition from the people of that Territory, or the land offices therein, on the subject, transmitted the following reply to the second reference of the papers:

"GENERAL LAND OFFICE, *January* 10, 1832.

"SIR: On the 2d instant I received your enclosure of Mr. Wickliffe's letter, and a printed bill to establish an additional land office in the Territory of Michigan, with a reference indorsed thereon that I should *report my views on the subject.* On the 5th instant, after giving to it all the consideration in my power, I communicated to you my views of the measure, with objections to the same, as unnecessary, inexpedient, and injudicious at the present time. On the 6th instant the papers were returned to me with an indorsement thereon, that I would describe such boundaries of the contemplated new land district as I would *recommend conformably to Mr. Wickliffe's design.*

"No design is expressed in Mr. Wickliffe's letter, other than that the new district should include the town of *Monroe,* so as to give the greatest facility to emigrants, and no particular plan or design can be inferred from the printed bill enclosed. The town of Monroe is only thirty-six miles from Detroit, where the land office is located for the district east of the principal meridian line. It is on the great mail road leading from Cleveland and Sandusky, in Ohio, to the capital of Michigan, on which, by a contract with the Post Office Department, commencing on the 1st instant, four-horse mail coaches pass and repass daily.

"From a careful review and reconsideration of the subject, I do not perceive any public motive for creating a new land district in that Territory, to include the town of Monroe; but, on the contrary, I am of opinion that such a measure would tend to embarrass the operations of this office, delay the sales of the public lands subject to private entry in the contemplated new land district, without any perceptible convenience or advantage to emigrants.

"I am, therefore, compelled to state, as an imperative duty, that I cannot recommend any particular boundaries of a new land district in that Territory to be formed east of the meridian line, and of which the town of Monroe is to form a part.

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

"ELIJAH HAYWARD.

"P. S.—I cannot presume that it is contemplated to annex any portion of the public lands *west* of the principal meridian to the new district, as that would immediately create embarrassments in this office, and the present land offices in that Territory, from which emigrants would inevitably suffer the inconvenience and expense of delay, without any benefit to the government.

"E. H.

"Hon. LOUIS MCLANE, *Secretary of the Treasury.*"

The undersigned admits that about a week or ten days previous to Mr. Wickliffe's letter being first referred to him, the Hon. Mr. Wing, delegate from the Territory of Michigan, visited him at his house, and questioned him as to the propriety and expediency of creating an additional land office in that Territory at the present session of Congress. The undersigned replied that no necessity was perceived for such a measure at the present time, but that at a future period (perhaps two or three years) it would probably be necessary and proper to establish *two,* one *east* and the other *west* of the principal meridian, the dividing line of the present offices, which was established at the last session of Congress with a view to such subsequent subdivision. It is recollected that Mr. Wing expressed an opinion that a new office might be advantageously created *east* of the meridian at the present time, and that he could designate such boundaries on the map as would accommodate purchasers; and as the undersigned was then too ill to go out, Mr. Wing was requested to call at the land office and confer with the chief clerk, who would exhibit to him the map, and again to see the undersigned on the subject. But it is not recollected that at that interview any design was expressed by Mr. Wing to include the town of *Monroe* in the proposed new district, nor was it intimated that the measure was then before Congress or any committee of that body. Mr. Wing did not again confer or communicate with the undersigned on the subject until after the adoption of the resolution now under consideration.

Second. "What information was it which was 'lately received,' which, on the 9th of February, 1832,

enabled the said Commissioner to comply with the official request made upon him in December, 1831, by giving the boundaries of said district, and which he had declined, because, in his opinion, (as expressed in two communications in writing to the Secretary of the Treasury,) the establishment of a new land office and district in Michigan was inexpedient?"

Answer. After the undersigned had recovered from his illness, some time between the 15th and 25th of January last, (the particular day is not recollected,) the Secretary of the Treasury informed him that he had read or shown to Mr. Wickliffe the two letters referred to, who expressed a wish or manifested a solicitude that they should be transmitted to him, with the reply of the Secretary to his (Mr. Wickliffe's) letter of the 29th of December, but that he (the Secretary) would not do so if the undersigned had any objections to the same; who answered that *he had no objections*, but requested the Secretary, in his reply to Mr. Wickliffe, to quote the language of the two several *references* of that letter to him.

On the morning of the 9th of February last the Secretary of the Treasury informed the undersigned that he had not replied to Mr. Wickliffe's letter of the 29th of December; that he had received a communication from the Hon. Mr. Wing, the delegate from Michigan, on the subject of the boundaries of the contemplated new land district in that Territory, and verbally informed the undersigned that if he would adopt the boundaries recommended by Mr. Wing, Mr. Wickliffe would accept his answer to that effect as the official and satisfactory reply to his letter of the 29th of December, and that the two previous communications on that subject would be considered as informal, and retained or destroyed. The following communication from Mr. Wing was then placed in the hands of the undersigned by the Secretary of the Treasury, and the subjoined reply was made on the same day:

"HOUSE OF REPRESENTATIVES, *January* 16, 1832.

"SIR: I have the honor herewith to submit for your consideration a boundary for the land district in Michigan contemplated by a bill now before the House of Representatives. It varies from that which the petitioners ask for; but, from my knowledge of the country, I believe the one which is here given, though smaller than the one contemplated by the petition, will best subserve the interests of the country and the convenience of purchasers.

"Very respectfully, your obedient servant,

"A. E. WING.

"Hon. LOUIS MCLANE."

"The most satisfactory boundary will probably be the one contemplated by the amendatory act of May 16, 1826, entitled "An act to alter the lines between the land districts in the Territory of Michigan, and extend the district of the meridian line, as to the boundary line running north and south between ranges six and seven."

"GENERAL LAND OFFICE, *February* 9, 1832.

"SIR: In compliance with your instructions, on a reference of a letter from the Hon. C. A. Wickliffe of the 29th of December last, requesting information as to the proper boundaries of a new land district in the Territory of Michigan so as to include the town of Monroe, I have the honor to state, without expressing any opinion of the necessity or expediency of the measure, that from information lately received, the following boundaries for a land district to include that town would accommodate purchasers and emigrants better than any other which I can recommend, to wit:

"All that part of the Territory of Michigan lying between the third and fourth ranges of townships south of the base line and east of the principal meridian, except so much thereof as lies north of the river Huron of Lake Erie, and also the first, second, third, fourth, fifth, and sixth ranges of townships south of said base line and west of said principal meridian.

"This answer would have been furnished before had the requisite information been previously received.

"I am, sir, very respectfully, your obedient servant,

"ELIJAH HAYWARD.

"Hon. LOUIS MCLANE, *Secretary of the Treasury.*"

The undersigned, in further answering, states that the information "lately received," as inquired for in said resolution, was the communication from Mr. Wing to the Secretary of the Treasury, above recited, and none other, and which first came to the knowledge of the undersigned on the day when his letter of the 9th of February was written.

Third. "Whether the first two communications in writing, in answer to the request aforesaid to give the boundaries of said district, addressed to the Secretary of the Treasury, and signed 'Elijah Hayward, Commissioner of the General Land Office,' formed a part of the informal correspondence between the Secretary and the said Commissioner on the subject of an additional land district in Michigan; whether these letters were unofficial?"

Answer. The first two communications above referred to, and which have already been recited, formed a part of the informal correspondence between the Secretary and the undersigned, on the subject of an additional land office in Michigan, and were not official. To have rendered them official documents, under the circumstances, the Secretary must have adopted them as a constituent part of his reply to Mr. Wickliffe's letter. This was not done, and their original character, therefore, remains unchanged.

In the multiplicity of business which is transacted in the executive offices of the government, personal conferences, verbal explanations, and informal written communications, between the head of a department and its subordinate officers, are almost of daily occurrence, as a means of facilitating the discharge of official duty. They are necessary for the purposes of information, advice, and instruction; and are never considered official, unless made so by the action of the Secretary under whose direction this intercourse is ordered and conducted. It is an expedient for convenience, without which it would not be possible for the numerous bureaus of the Treasury Department to discharge their several duties with that promptness which the public interest requires.

Fourth. "Whether they (the two first communications before referred to, from the undersigned to the Secretary of the Treasury) have or have not been recorded; and whether copies of the said letters have or have not been denied to a person having a *right* to demand them of the Commissioner, upon the allegation,

on the part of the Commissioner, that they formed a part of the informal correspondence between the Secretary of the Treasury and the Commissioner, alleging that the originals were destroyed ?"

Answer. The two communications alluded to in this inquiry were recorded at or about the time they severally purport to have been written ; as are all others, whether official or informal, having any connexion with, relation to, or in anywise pertaining to the public service, and which have received the signature of the Commissioner.

As to the remaining inquiry, the undersigned states that he has not denied copies of the two communications aforesaid to any person who had a *right to demand* them.

On the 8th of March last he received the following note from Mr. Wickliffe :

"REPRESENTATIVES HALL, *March* 7, 1832.

"SIR : I am desirous of being possessed of copies of the first two letters, by way of report, written by you to the Secretary of the Treasury, of —— day of ———, in answer to his request to furnish the boundaries of a new land district in Michigan, in obedience to the wishes of the Committee on Public Lands.

"I am, &c.,

"C. A. WICKLIFFE.

"ELIJAH HAYWARD, Esq., *Commissioner of General Land Office.*"

From the peculiar language of this note, in the individual character of the writer only, and as it contained no *request* to be furnished with copies of said letters, the undersigned was not certain whether it was the wish of Mr. Wickliffe to procure such copies from the records of the Land Office, or to receive the assent of the undersigned to obtain them from the Secretary of the Treasury. In this doubt he consulted the Secretary as to the proper reply, and transmitted the following:

"WASHINGTON CITY, *March* 12, 1832.

"SIR: I have received your letter of the 7th instant, in which you say 'I am desirous of being possessed of copies of the first two letters, by way of report, written by you to the Secretary of the Treasury, of —— day of ———, in answer to his request to furnish the boundaries of a new land district in Michigan, in obedience to the wishes of the Committee on Public Lands.'

"I do not know to what letters you allude, unless it be those which formed a part of the informal correspondence between the Secretary and myself on the subject of an additional land district in Michigan. If it is copies of such letters you are desirous of being possessed of, I have to advise you that they were unofficial, and I presume the originals have been destroyed by the Secretary, as is the custom in such cases.

"Respectfully, your obedient servant,

"ELIJAH HAYWARD.

"Hon. C. A. WICKLIFFE, *House of Representatives.*"

The undersigned would respectfully add that, had Mr. Wickliffe demanded or requested of him in express terms copies of these letters, it would then have been his duty to have *refused* the application, under the rule of the department dated October 20, 1830, which directs "that copies of accounts or other papers on file or of record in the department are to be furnished only to such individuals as may have a personal interest in them, or at their request."—(See document hereunto annexed, marked B.) Mr. Wickliffe's right, therefore, to copies of these letters is no greater than that of each and every member of Congress, and each and every other citizen having no personal interest therein.

The undersigned considers it his duty further to state, in support of his views on the question of establishing an additional land office in Michigan at the present time, so as to include the town of Monroe, that since the 9th of February, and before the 10th of March last, he received a communication on that subject from the land officers at White Pigeon Prairie, dated February 11, 1832, a copy of which is herewith transmitted, and marked A.

A copy of the printed bill alluded to in the resolution is also annexed, marked C.

All which the undersigned respectfully submits to your candid examination and impartial consideration; and has the honor to be, with great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. Messrs. DAVIS, ELLSWORTH, WHITE, GORDON, DANIEL, FOSTER, AND BEARDSLEY,
Committee on the Judiciary.

A.

LAND OFFICE, W. D., *White Pigeon Prairie, February* 11, 1832.

SIR: Since the present arrangement of the land offices within this Territory, and more particularly as respects the office under our immediate charge, we have not heard a solitary complaint from those doing business with the office, either as respects its location or from the distance of attending it.

The present location of the office is the best that could have been selected by the President. It is situated on the great western road leading to Chicago, called the Chicago road, and is about midway of the present population west of the principal meridian. The counties of Berrian, Cass, St. Joseph, and Kalamazoo, contain nineteen-twentieths of the population west of the meridian. The settlements in Jackson county are the most remote, and suffer the greatest inconvenience; yet some of her inhabitants during the last season visited this place for provisions, rather than go east for them, where they were equally cheap and plenty. We mention these facts to show that there is no difficulty in the intercourse with those settlements most remote from the office. If the President should think proper, at any future day, to remove the office into one of the northern counties, and to a place more central in the district, it would be, in all reasonable probability, to either the county of Kalamazoo or Calhoun; and, in that event, the inhabitants residing in the counties situated immediately west of the meridian would be as conveniently situated, as respects intercourse with the office, as those counties in the western and southern part of the district.

This communication is called from us, having understood that a bill is now before Congress for reviving the land office at Monroe, and that one of the provisions of the bill proposes to make the town-

ship line between ranges six and seven west of the meridian the western boundary of that contemplated land district. If we are correctly informed, we respectfully beg leave to call your attention to the subject, as we are satisfied that a reference to Farmer's map will at once convince you that it would be an improper and unnatural division, and would in part revive the old complaints that the people of St. Joseph's so long complained of, that of travelling over bad roads to the office at Monroe to purchase land.

Very respectfully, your obedient servants,

A. EDWARDS.
THOMAS C. SHELDON.

Hon. ELIJAH HAYWARD, *Commissioner General Land Office, Washington.*

B.

TREASURY DEPARTMENT, *October* 20, 1830.

SIR: Numerous applications being made by individuals for copies of accounts, and other papers on file or of record in this department, which it is frequently inconvenient and may sometimes be inexpedient to grant, it is deemed proper to embody in a regulation the general usage of the department in regard to such applications. The rule therefore is, that copies of accounts, or other papers on file or of record in the department, are to be furnished only to such individuals as may have a personal interest in them, or at their request; that if they relate to suits in which the United States are interested, such copies be transmitted to the district attorneys having charge of such suits, subject to the inspection of the parties applying for them; and that, when transmitted to district attorneys, they be sent through the Solicitor of the Treasury, that he may be duly apprised of all facts communicated to the opposite party.

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

S. D. INGHAM, *Secretary of the Treasury.*

C.

Mr. WICKLIFFE, from the Committee on the Public Lands, reported the following bill to establish a land office in the Territory of Michigan:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the Territory of Michigan which is comprehended within the following boundaries shall, from and after the passage of this act, constitute one land district for the sale and entry of the public lands, viz:

and there is hereby established a land office within the same, to be located at such place as the President, in his discretion, shall think proper to designate.

SEC. 2. *And be it further enacted,* That there shall be appointed by the President, by and with the advice and consent of the Senate, under the existing laws, a register and receiver in and for said district, whose compensation shall be the same as provided for other registers and receivers.

DECEMBER 23, 1831.

Testimony of the Hon. Louis McLane.

Question 1*st, by Mr. Wickliffe.* Was the letter of C. A. Wickliffe, of the 29th of December, enclosing a private bill, entitled "An act to establish a land office in the Territory of Michigan," requesting to trace the boundaries said district adjusted and designated, directed to you in your official character, read by you as such, and considered by you as an official application emanating from the Committee on Public Lands through their organ?

Answer. Yes; I so considered it.

Question 2*d, by Mr. Wickliffe.* As an official act did you, in the usual mode, refer it to the Commissioner of the General Land Office, with a request that he would perform the duty and furnish the information required?

Answer. When the letter was received by me I directed it to be referred to the Commissioner of the General Land Office, which was done by an indorsement in the handwriting of the chief clerk, that being one mode in which such references are usually made.

Question 3*d, by Mr. Wickliffe.* Was the letter of Mr. Hayward, dated the 5th of January, 1832, directed to you in your official character, in answer to your request, received by you as an official paper?

Answer. Yes.

Question 4*th, by Mr. Wickliffe.* What was the objection on your part to the said letter; please to state it, and point it out in your answer; and state also why it was you sent a second request to the Commissioner to describe such boundaries of the contemplated new district as he would recommend conformably to the request contained in the letter of the chairman of the Committee on Public Lands?

Answer. I considered the communication from the chairman of the Committee on Public Lands as informing the department that the committee had decided upon the expediency of that land office, and requiring of the department only the delineation of such boundaries as would be most convenient for the public service. Mr. Hayward, in the particular terms of his letter, declining to recommend any boundaries, and expressing his opinion in opposition to the establishment of the land office, the subject was again referred to him, with a more particular explanation of the object of the committee.

Question 5*th, by Mr. Wickliffe.* Was this an official act on your part, and was the answer returned by the Commissioner *official,* or was it a part of an *informal and unofficial correspondence* between you upon this subject?

Answer. I considered both official at the time the communication was made from the Commissioner of the General Land Office.

Question 6th, by Mr. Wickliffe. What was the objection on your part to this second letter, and what steps did you take to enable you to furnish the boundaries of the new land district to include the town of Monroe?

Answer. My objection to the second letter was similar to that made to the first, that it declined giving the boundaries. Desirous of meeting what I considered to be the views of the Committee on Public Lands, I invited an interview with Mr. Wickliffe. In that interview I showed him the two letters I had received from the Commissioner of the General Land Office, and explained to him my difficulties upon the subject. I asked if it would be agreeable to him and to the committee to receive from me the delineation of boundaries founded upon the best information I could obtain? He said that it would, but requested that the letters from the Commissioner of the General Land Office to me should be transmitted to the committee at the same time. I then determined to take that course, and having obtained from Mr. Wing, the delegate from Michigan, information as to the boundaries, which were satisfactory to me, I prepared a letter to Mr. Wickliffe, recommending those as the proper boundaries. Before sending that letter, I sent for the Commissioner of the Land Office, and informed him that Mr. Wickliffe desired that his letters should be sent to the committee, and the course I intended to pursue. At the same time I read him the draught of my letter to Mr. Wickliffe; he assented without any hesitation to the transmission of the letters, but desired that I would describe in my letter the indorsements in answer to which his letters were written. I directed the alteration to be made accordingly. It occurred to me subsequently that it would be better for the Commissioner of the Land Office and myself that there should be no apparent difference in our views. I therefore invited another interview with Mr. Wickliffe. In this interview I informed him that it would be personally gratifying to me if he would withdraw his request to have the answers sent to the committee; that the communications which had passed between me and the Commissioner of the General Land Office might be treated as informal and unofficial; and that he would agree to receive from me a communication from the Commissioner, adopting the boundaries recommended by Mr. Wing as the official reply from me to his letter of the 29th of December. I understood Mr. Wickliffe to assent to that arrangement, and I then sent for the Commissioner of the General Land Office, and explained to him what had taken place between Mr. Wickliffe and myself. He consented to adopt the boundaries recommended by Mr. Wing, and to make his reply accordingly. From this time I considered the communications made to me by the Commissioner of the General Land Office informal, and destroyed the letters.

Question 7th, by Mr. Wickliffe. Did you between the 15th and 25th of January last, or at any other time, "inform" the Commissioner of the General Land Office that the two letters of the Commissioner, dated the 5th and 10th of January, 1832, to you upon this subject would not be sent to C. A. Wickliffe in answer to his request of the 29th of December, if the said Commissioner had any objections to your doing so?

Answer. I inquired of the Commissioner if he had any objections, and he said he had none; but I have no recollection of having informed the Commissioner at any time that his two letters of the 5th and 10th of January, 1832, would not be sent to Mr. Wickliffe if the said Commissioner had any objections to my doing so. After exhibiting the letters to Mr. Wickliffe, I should not have felt myself at liberty to decline sending them had he insisted upon their transmission.

Question 8th, by Mr. Wickliffe. Are such letters referred to required to be recorded before sent to you, and is that the practice in the Land Office?

Answer. I cannot answer as to the practice of the Land Office.

Question 9th, by Mr. Wickliffe. Has it been the practice in the department, under the rule dated the 20th of October, 1830, marked A, and annexed to the answer of the Commissioner, to furnish members of Congress upon their request with copies of official letters of record touching and concerning business pending before either house of Congress? And did Mr. Wickliffe inform you of his intention to call for copies of said letters before he made the request of the Commissioner?

Answer. It is the practice in the office of the Secretary of the Treasury in ordinary cases to furnish members of Congress upon their request with copies of official letters of record touching and concerning business before either house of Congress. Mr. Wickliffe did inform me of his intention to apply for those papers.

Question 10th, by Mr. Wickliffe. Did the Commissioner consult with you after he had received the letter of Mr. Wickliffe of the 7th of March requesting copies of said letters, in order to ascertain from you whether it was his (Mr. Wickliffe's) "wish to procure copies from the records of the Land Office, and to assent to the assent of the Commissioner to obtain them from the Secretary of the Treasury?" and did you advise him to give the answer to that request contained in the letter of the Commissioner of the 12th of March, 1832?

Answer. The Commissioner did consult with me after he had received Mr. Wickliffe's letter of the 7th of March requesting copies of said letters, and it is probable, though I cannot distinctly state, for the purposes mentioned in his answer. On that occasion I informed the Commissioner that after Mr. Wickliffe's agreement to receive his communication as the official reply in answer to Mr. Wickliffe's first letter, I then considered the previous letters as informal, and forming no part of the records of my office, and had destroyed them. The Commissioner did not on that or upon any other occasion show me any letter or draught of a letter which was afterwards sent, nor did I advise that or any other form of answer.

Question 11th, by Mr. Hayward. Did you not say to me, at the interview in which I assented to the transmission of my two letters to Mr. Wickliffe, that there were two modes of your replying to Mr. Wickliffe's letter: one was to transmit my two letters as a part of your official report; and the other to make a separate reply without those letters; and that I might have my choice of these two modes?

Answer. I have no recollection of saying so.

LOUIS McLANE.

Subscribed and sworn to April 14, 1832, before

R. S. BRISCOE, *Justice of the Peace.*

Testimony of the Hon. Mr. Wing.

I was charged with the presentation to Congress of several petitions for the establishment of an additional land district in the southeastern part of the Territory of Michigan. On presenting them they were referred to the Committee on Public Lands, who agreed to report a bill in favor of the object. When the bill was printed I perceived that the boundary was left blank, and, on inquiring of the chairman why the boundary was not given in the bill, was informed that application was first to be made to the Treasury Department, or to the General Land Office, (I am not certain which,) to obtain the proper boundary. After waiting some days, and inquiring again of the chairman whether an answer had been received, he informed me it had not been; and perceiving that the bill stood nearly at the head of the calendar of business, and apprehending that if called up before the answer should be received the bill would lose its place on the calendar, I called myself upon the Commissioner of the General Land Office, at his own house, and had a conversation with him upon the subject. On naming the subject to him, he told me that when the land districts in that Territory were last arranged, the Territory had been divided into two districts by a line north and south, with a view to its ultimate subdivision into four districts by a line running east and west; and thought it would be better, whilst Congress was legislating on the subject, at once to create the fourth district. On stating to the Commissioner that I had not been requested to ask for the establishment of a district in the northwestern section of the peninsula, I intimated to him that I should nevertheless think it proper, inasmuch as that part of the country was rapidly settling. He observed that it might be done, leaving it to the discretion of the President to organize it whenever circumstances would justify it; and requested me to call at the office, (he being unable to go to the office,) and request Mr. Moore to examine the plats and maps with a view to the proper divisions. I called accordingly upon Mr. Moore at the office, and with him looked at the plats, &c., and had with him a desultory conversation on the subject, but arrived at no particular result in relation to the matter. Soon after I stated to Mr. Wickliffe, the chairman, the result of my interview with the Commissioner.

First question, by Mr. Daniel. Did you inform the Commissioner of the General Land Office that the committee had reported a bill to establish a land office in the Territory of Michigan; and did you show him the bill?

Answer. I do not recollect that I stated in terms to the Commissioner that a bill had been reported. I did not present him the bill.

Second question of Mr. Daniel. What did he say in approval or disapproval of an additional land office, or upon the subject of its being necessary to be established? And did he or did he not urge the propriety of so amending the bill as to establish two instead of one? Did he say anything upon the subject of the President being authorized to put one in operation at some future day, when the surveys and settlements should be sufficiently advanced to justify it?

Answer. I cannot state the precise words made use of by the Commissioner in relation to the necessity of the land office in the southeastern section of the Territory. He suggested the expediency of a fourth district in the northeast part of the Territory, to be organized at the discretion of the President.

Third question, by Mr. Beardsley. Did he say anything upon the necessity of the land office in the southeast section; if so, what?

Answer. That being the sole object of my call upon the Commissioner, it was the first subject of conversation; but his words I do not recollect. I understood the Commissioner to assent to the expediency of establishing a land district in the southeastern section of the Territory, though I do not recollect that he so stated in express terms.

Fourth question, by Mr. Foster. Was your conclusion that the Commissioner assented to the establishment of an office in the southeast part of the Territory drawn from any particular expressions of the Commissioner, or from his making no objections to it?

Answer. I left the Commissioner's house without a doubt upon my mind that he considered the establishment of the district at this time expedient, both from what I understood him to say of that part of the country generally and from his intimating no objections.

Fifth question, by Mr. Daniel. From the maps and surveys of the public lands then in the General Land Office, could or could not you have described the boundaries of the new district, including Monroe?

Answer I have never examined the maps and surveys in the General Land Office relating to the Territory but once that I can recollect. They appeared to be correct; but were I to be governed in deciding upon a boundary solely upon an examination of the maps and surveys, without any personal knowledge of the country, I might or might not give such a one as would best accommodate the country.

Sixth question, by Mr. Beardsley. Did you inform the Commissioner what tract of country was designed or intended to be embraced in the contemplated district; and if so, what information did you give him upon it?

Answer. I did generally; but not recollecting distinctly the boundaries asked for in the petitions, I think I did not define any precise boundary, except that the district was to be composed principally of the eastern part of the former southern land district of Michigan.

Seventh question, by Mr. Daniel. Had a previous land district been established to include Monroe, and had said district been discontinued; and did you or did you not inform the Commissioner of the General Land Office that it was intended to establish the boundaries of the district which had been discontinued?

Answer. A previous land district had been established, including Monroe, which had been discontinued or altered by act of Congress, and I communicated to the Commissioner of the General Land Office that it was contemplated to re-establish so much of the eastern part of the former district into a separate district as the circumstances of the country might require.

Question 8th, by Mr. Daniel. State at whose instance you prepared and furnished the boundaries which you sent to the Secretary of the Treasury for the land district in your letter of the 16th January last.

Answer. At the instance of the Secretary of the Treasury.

Question 9th, by Mr. Beardsley. Was the Commissioner well or ill when you called upon him as stated by you?

Answer. He stated that he was ill, and appeared to be so.

Question 10th, by Mr. Foster. After your first visit to Mr. Hayward, did you state to Mr. Wickliffe that the Commissioner had assented to the propriety of establishing a land office in the southeast section of

the Territory, and his suggestions authorizing the President to establish a fourth one at some future time, and at what time did you make this communication to Mr. Wickliffe?

Answer. I stated to Mr. Wickliffe the result of my interview with the Commissioner soon after the interview took place. The precise time I cannot recollect; I should think it within two or three days.

Question 11th, by Mr. Wickliffe. In the conversation with the Commissioner upon the subject of establishing the land office, to which you have alluded, did the Commissioner reply or say to you "that no necessity was perceived for such a measure at the present time?"

Answer. I recollect no such remark, but supposed him entirely to acquiesce in the expediency of the measure.

Question 12th, by Mr. Wickliffe. In making out the boundaries for the land districts did you or did you not consult and refer to copies of the maps and surveys, the originals of which were in the General Land Office, and accessible to the Commissioner of the General Land Office?

Answer. In making out the boundaries furnished to the Secretary of the Treasury I referred to Farmer's map of Michigan, which purports to be based in part upon the surveys returned to the General Land Office, but was governed principally by my own personal knowledge of the country. I presume the Commissioner has access to the original surveys in his office.

Question 13th, by Mr. Beardsley. In your conversation with the Commissioner did he say anything to you whether it might or might not become necessary at some future time to establish two new land districts; and if so, what did he say thereupon?

Answer. I did not understand the Commissioner to suggest the propriety of establishing, at some *future time, two* new land districts, but of *one* in the northwestern part of the territory, to be hereafter organized by the President when the circumstances of the country would require it.

Question 14th, by Judge Hayward. Have you a distinct recollection of the conversation between us at the interview you alluded to at my house?

Answer. The precise words used I do not recollect, but have a distinct impression as to the substance.

Question 15th, by Judge Hayward. When you first named to me the proposition of a new land district in the Territory of Michigan, did I not reply to you that I knew of no necessity for such a measure at the present time?

Answer. I do not recollect such a reply, and did not get that impression.

Question 16th, by Judge Hayward. Did you not, during that conversation, express to me the opinion that if you had the map before you you would designate the boundaries of a new district, in the southeastern part of the Territory, that would now be beneficial to the country and accommodate purchasers; and was it not after you had expressed such an opinion that I requested you to call at the Land Office and confer with the chief clerk, who would exhibit to you the map; and did I not request you, after you should have had such conference with the chief clerk and examined the map, to see me again on the subject?

Answer. I believe I did state that if I had the map I could designate a boundary which would accommodate purchasers in the southeastern part of the Territory; and although I do not recollect the precise order of the conversation, yet it is not improbable that it was subsequent to the above conversation that the Commissioner requested me to call at the Land Office and confer with the chief clerk. I had no distinct understanding that the Commissioner expected me to return to see him, but it is quite probable he did, since my personal knowledge of the country would have enabled me to give information which the maps alone would not afford.

Question 17th, by Judge Hayward. At the conversation alluded to did I make use of any language or expression, or state any facts or reasons in favor of a new land district in the southeastern section of Michigan at the present time; and if so, what was that language or expression, or facts stated, or reasons offered?

Answer. The reasons stated by Judge Hayward in favor of any change at all were directed principally to the propriety of including in the same bill a provision for a fourth district in the northwestern part of the Territory; very little was said in relation to the southeastern district then contemplated. As I understood the Commissioner to say that when the districts were last arranged it was under an expectation that a subdivision east and west would soon be required, and no doubt was raised, that I recollect, as to the expediency and necessity of creating the one now asked for.

Question 18th, by Judge Hayward. When I remarked to you that the two land districts of Michigan were so arranged at the last session of Congress as to admit of a future subdivision into four districts, did I not express to you my opinion in the following language: "If a new land district is to be established in the southeastern part of the Territory at the present session, it would be better at the same time to divide the western district, giving to the President the power to organize the district in the northwestern part of the peninsula whenever he should deem it proper, to prevent the necessity of future legislation on the subject?"

Answer. I think such was the tenor of the remarks made by the Commissioner.

Question 19th, by Judge Hayward. During the conversation between us to which you have alluded, do you or do you not now recollect that I expressed to you the following opinion in the following language: "I do not perceive any necessity for an additional land district in Michigan *at the present time,* but at a *future period* (perhaps two or three years) it would be necessary and proper to establish two, one east and the other west of the principal meridian?"

Answer. If Judge Hayward expressed such an opinion, I did not understand him. I certainly left his house with the impression that he assented to the propriety of establishing one or more additional land offices at the present time.

Question 20th, by Judge Hayward. Did you call upon me at the Land Office on the Monday morning immediately following the day when the resolution now under consideration was adopted; and what did you state to me was the object and purpose of your visit?

Answer. I did call at the Commissioner's office a day or two after Mr. Wickliffe's resolution was offered, in relation, I think, to a land warrant or some Indian reservations, and observed to the Commissioner whilst there, that, from the wording of that resolution, it might be inferred that I had some agency in causing the resolution to be introduced; but would take occasion to say that I had had no agency in it, nor had I any feeling on the subject or to that effect.

Question 21st, by Judge Hayward. Did you not at that time state to me that our previous conversation on the subject of a new land district in Michigan did not amount to much, at any rate; that I did not appear to think the measure necessary at the present time, but that two would be necessary at a future period?

Answer. I may have said that we had not much conversation on the subject of the land district now asked for, and may have stated that I had, since our first conversation, understood that he deemed the measure inexpedient at the present time; but could not have said that I originally understood him so. The first conversation which I had with Judge Hayward after the introduction of Mr. Wickliffe's resolution, was not very specific as to our original conversation at his house; and apprehensive that he might, from what passed, misapprehend my understanding of the case, I returned to Judge Hayward's office and stated to him distinctly my understanding of the original conversation, which is expressed in substance in the preceding answer to the 11th interrogatory.

Question 22d, by Mr. Daniel. Could the boundaries furnished by the Commissioner, with which the blank in the bill was filled, have been designated on the map in the Land Office?

Answer. I have no doubt that the boundary furnished by me to the Secretary of the Treasury, and which Judge Hayward afterwards told me was the one furnished in answer to Mr. Wickliffe's call, can be distinctly traced upon the maps in the office.

Question 23d, by Judge Hayward. Could not a variety of other boundaries of a new southeastern district in Michigan be distinctly traced on the map of that Territory?

Answer. No doubt of it.

Question 24th, by Mr. Beardsley. Can you state the language or substance of any remark made by the Commissioner upon the expediency or inexpediency of establishing a new land district in the southeastern part of the Territory? If so, state the same as accurately as possible.

Answer. The words, as I have before said, I do not recollect, but the substance of his remarks as I understood, was an assent to the expediency of establishing, at the present time, a new land district in the southeastern part of the Territory.

A. E. WING.

Sworn before the committee.

Testimony of Henry Jackson, esq.

Question by Elijah Hayward, esq. Were you present at a conversation between the Hon. Mr. Wing, of Michigan, and myself, at the General Land Office, on the Monday morning immediately following the adoption of the resolution now under consideration?

Answer. I was.

Question by Elijah Hayward, esq. Did you or did you not hear Mr. Wing state to me that he had called to assure me that he had no agency, either directly or indirectly, in getting up the said resolution, as he thought, from a part of it, I might suppose that he had some concern in bringing it forward?

Answer. I understood Mr. Wing distinctly to disavow any agency in it whatever; remarking, at the same time, that from the manner in which the resolution read in Gales & Seaton's paper, that the reverse was the fact.

Question by Elijah Hayward, esq. Did you or did you not, at the same time, hear Mr. Wing state to me that the previous conversation he and myself had had on the subject of a new land district in Michigan did not amount to much; that I did not appear to think the measure necessary at the present time; but that I thought two would be necessary at a future period?

Answer. I do not distinctly recollect that Mr. Wing stated that your previous conversation did not amount to much; but I think he admitted in his examination before the committee that he may have said so; but I perfectly recollect that, when the subject of the establishment of a new land district was discussed, your remark was, that at this time you considered it inexpedient, but that at a future day two might be necessary, and that the President of the United States coincided with you in opinion, but I have no recollection that Mr. Wing admitted it.

Question by Elijah Hayward, esq. Did Mr. Wing express any dissent to what I stated on that occasion?

Answer. I do not recollect that he did.

HENRY JACKSON.

Sworn before the committee.

22D CONGRESS.] No. 1056. [1ST SESSION.

STATEMENT OF THE QUANTITY AND COST OF THE PUBLIC LANDS OF THE UNITED STATES, THE RECEIPTS FROM THE SALES THEREOF, AND THE OBJECTS TO WHICH THEY HAVE BEEN APPROPRIATED.

COMMUNICATED TO THE SENATE APRIL 23, 1832.

To the Senate:

I transmit herewith a report from the Secretary of the Treasury, containing the information called for by the resolution of the 26th of March last, in which the President is requested to communicate to the Senate—

"1st. The total amount of public lands belonging to the United States which remain unsold, whether the Indian title thereon has been extinguished or not, as far as that amount can be ascertained from surveys actually made or by estimates, and distinguishing the States and Territories, respectively, in which it is situated, and the quantity in each.

"2d. The amount on which the Indian title has been extinguished, and the sums paid for the extinction thereof; and the amount on which the Indian title remains to be extinguished.

"3d. The amount which has been granted by Congress, from time to time, in the several States and Territories, distinguishing between them, and stating the purposes for which the grants were respectively made, and the amount of lands granted or money paid in satisfaction of Virginia land claims.

"4th. The amount which has been heretofore sold by the United States, distinguishing between the States and Territories in which it is situated.

"5th. The amount which has been paid to France, Spain, and Georgia, for the public lands acquired

from them respectively, including the amount which has been paid to purchasers from Georgia to quiet, or in satisfaction of their claims, and the amount paid to the Indians to relinquish their title within the limits of Georgia.

"6th. The total expense of administering the public domain since the declaration of independence, including all charges for surveying, for land offices and other disbursements, and exhibiting the net amount which has been realized in the treasury from that source."

ANDREW JACKSON.

WASHINGTON, *April* 23, 1832.

The President having referred to the Secretary of the Treasury a resolution of the Senate of the 26th of March last, in the following terms:

"*Resolved*, That the President of the United States be requested to cause the following information to be communicated to the Senate:

"1st. The total amount of public lands belonging to the United States which remain unsold, whether the Indian title thereon has been extinguished or not, as far as that amount can be ascertained from surveys actually made or by estimates, and distinguishing the States and Territories, respectively, in which it is situated, and the quantity in each.

"2d. The amount on which the Indian title has been extinguished, and the sums paid for the extinction thereof; and the amount on which the Indian title remains to be extinguished.

"3d. The amount which has been granted by Congress from time to time to the several States and Territories, distinguishing between them, and stating the purposes for which the grants were respectively made, and the amount of lands granted or money paid in satisfaction of Virginia land claims.

"4th. The amount which has been heretofore sold by the United States, distinguishing between the States and Territories in which it is situated.

"5th. The amount which has been paid to France, Spain, and Georgia, for the public lands acquired from them respectively, including the amount which has been paid to purchasers from Georgia to quiet, or in satisfaction of their claims, and the amount paid to the Indians to relinquish their title within the limits of Georgia.

"6th. The total expense of administering the public domain since the declaration of independence, including all charges for surveying, for land offices and other disbursements, and exhibiting the net amount which has been realized in the treasury from that source."

The Secretary has the honor to submit the accompanying statements from the Register of the Treasury and the Commissioner of the General Land Office, (marked A and B,) containing the information required.

LOUIS McLANE, *Secretary of the Treasury.*

The PRESIDENT *of the United States.*

Statement of payments by the United States to France, Spain, and the State of Georgia, for the public lands, also to the several Indian tribes, including the amount paid for extinguishing the Indian titles to lands within the limits of Georgia; the total expense of administering the public domain since the declaration of independence, and showing the net amount realized in the treasury from that source. Stated in pursuance of the resolution of the Senate of March 26, 1832.

Payment to France on account of the purchase of Louisiana—		
Principal	$14, 984, 872 28	
Interest	8, 529, 353 43	
		$23, 514, 225 71
Payment to Spain on account of Florida—		
Principal	4, 985, 599 82	
Interest	1, 265, 416 67	
		6, 251, 016 49
Payment to Georgia—		
To the State treasury	1, 065, 484 06	
To the holders of Yazoo scrip	1, 830, 808 04	
		2, 896, 292 10
Payment to Indian tribes,(on all accounts and including *$702,874 54 paid for extinguishing the Indian title to lands within the limits of Georgia, with the exception of a portion of the sum stated below,) viz:		
Payments prior to March 4, 1789	113, 966 31	
Payments under the present government	11, 852, 182 56	
		11, 966, 148 87
Payment to surveyors, commissioners, and other officers employed in the management and sale of the public domain, viz:		
Prior to the present government	18, 117 90	
Under the present government	3, 563, 834 54	
		3, 581, 952 44
		48, 209, 635 61
Net amount of money received at the treasury, from the sale of public lands, to September 30, 1831 †		37, 273, 713 31

T. L. SMITH, *Register.*

TREASURY DEPARTMENT, *Register's Office, April* 13, 1832.

* Of this sum, $249,850 48 were paid to the Creek nation, under the treaty of February 12, 1825, for lands in Georgia and Alabama.

† There was also paid in public securities, under the confederative government, $738,965 82.

GENERAL LAND OFFICE, *April* 20, 1832.

SIR: In relation to the information sought for by such of the resolutions of the Senate of the United States, bearing date the 26th ultimo, as you have referred to this office, I herewith transmit the accompanying tables, marked A and B.

The special sales of public lands which took place prior to the opening of the land offices, and which do not appear on the books of this office, are exhibited in the accompanying table, marked C, obtained from the office of the Register of the Treasury.

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

ELIJAH HAYWARD.

Hon. LOUIS MCLANE, *Secretary of the Treasury.*

A.

Statement rendered in pursuance of a resolution of the Senate of March 26, 1832.

State or Territory.	Estimated amount of acres unsold of lands to which the Indian and foreign titles have been extinguished.	Estimated amount of acres to which the Indian title has not been extinguished.	Aggregate of the two foregoing items, being the estimated amount of public lands remaining unsold, and Indian lands, the title to which was not acquired up to December 31, 1831.	The amount of lands sold at the land offices to December 31, 1831, after deducting lands relinquished and lands reverted to the United States.	Appropriated for internal improvements, education, or charitable institutions.				Lands appropriated for seats of government.	Saline reservations.	Aggregate of appropriations for each State and Territory.	Number of acres granted as donations to individuals, exclusive of private claims.
					Number of acres for internal improvements.	Number of acres for colleges, academies, and universities.	The one thirty sixth part of public lands appropriated for common schools.	For religious and charitable institutions.				
Ohio	5,242,221	(a) 344,613	5,586,834	7,564,549	922,937	(b) 92,800	678,576	(c) 43,525	.....	.....	1,737,838	(d) 151,700
Indiana	12,699,096	3,681,040	16,380,136	5,817,038	384,728	46,080	(e) 556,184	.....	2,560	23,040	1,012,592	1,280
Illinois	28,237,859	3,158,110	31,395,969	2,178,012	480,000	46,080	977,457	.....	2,560	206,128	1,712,225	2,080
Missouri	34,547,152	3,744,000	38,291,152	1,955,572	.....	46,080	1,086,639	.....	2,449	46,080	1,181,248	320
Mississippi	21,211,465	6,529,280	27,740,745	1,596,288	.....	46,080	685,884	.....	1,280	.....	733,244	15,571
Alabama	20,167,725	(f) 7,760,890	27,928,615	4,335,471	400,000	46,560	722,190	(g) 23,040	1,620	23,040	1,216,450	14,740
Louisiana	25,198,234	.....	25,198,234	344,753	.....	46,080	873,973	.....	.....	.....	920,053	12,880
Michigan	17,883,681	82,905,536	100,789,217	948,289	.....	46,080	543,893	.....	10,000	.....	599,973	1,679
Arkansas	31,912,381	288,000	32,200,381	78,000	.....	46,080	950,258	.....	.....	.....	996,338	.....
Florida	30,194,070	5,166,400	35,360,470	424,618	.....	46,080	877,484	(h) 23,040	1,120	.....	947,724	24,308
Aggregate	(i) 227,293,884	113,577,869	340,871,753	25,242,590	2,187,665	508,000	7,952,538	89,605	21,589	298,288	11,057,685	224,558

(a) Of this quantity the Indian title to 198,397 acres was extinguished by treaties ratified April 6, 1832.
(b) Including salt spring reservations, which are authorized to be sold by the State and the proceeds applied to literary purposes.
(c) Section No. 29 appropriated for religious purposes in the purchases made by John C. Symmes and the Ohio Company.
(d) Including donation of 100,000 acres to the Ohio Company.
(e) Including lands appropriated for schools in "Clark's grant."
(f) Of this quantity the title of the Creek Indians has since been extinguished to 6,140,160 acres by the treaty ratified April 4, 1832.
(g) For the benefit of the Connecticut Deaf and Dumb Asylum.
(h) For the benefit of the Kentucky Deaf and Dumb Asylum.
(i) This aggregate of unsold lands is to December 31, 1831.

GENERAL LAND OFFICE, *April* 20, 1832.

ELIJAH HAYWARD.

B.

Statement of the amount of lands granted or moneys paid in satisfaction of Virginia land claims.

	Acres.	Value of the scrip at the minimum price of $1 25 per acre.
Lands between the Little Miami and Sciota rivers in Ohio, set apart to satisfy Virginia military land warrants of the continental line, estimated at	*3, 709, 484	.....
Amount of land warrants converted into scrip under the provisions of the act of Congress, approved May 30, 1830, viz:		
Virginia continental line	50, 000	$62, 500
Virginia State line	260, 000	322, 500
Aggregate	4, 019, 484	385, 000

* Of this quantity there have been patented, to the 1st of April, 1832, 3,213,486 acres.

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *April* 20, 1832.

C.

A statement exhibiting special sales of public lands prior to the organization of the Land Office.

Year.	Where and to whom sold.	Sales of public lands.		Deposits forfeited.	Total proceeds.	Remarks.
		Quantity in acres.	Purchase money.			
1787..	New York	72, 974	$87, 325 59	$29, 782 65	$117, 108 24	
1792..	Pennsylvania	202, 187	151, 640 25	.....	151, 640 25	Paid in certificates of public debt.
1792..	John Cleves Symmes	272, 540	189, 693 00	.....	189, 693 00	Paid in army land warrants.
1792..	Ohio Company	892, 900	642, 856 66	.....	642, 856 66	Paid in certificates of public debt and army land warrants.
1796..	Pittsburg	43, 446	99, 901 59	525 94	100, 127 53	
		1, 484, 047	1, 171, 417 09	30, 308 59	1, 201, 725 68	

T. L. SMITH, *Register.*

TREASURY DEPARTMENT, *Register's Office, April* 20, 1832.

22D CONGRESS.] No. 1057. [1ST SESSION.

APPLICATION OF INDIANA IN RELATION TO SECURING THE RIGHTS OF THAT STATE IN THE SALINE RESERVE IN THE COUNTY OF DEARBORN.

COMMUNICATED TO THE SENATE APRIL 27, 1832.

JOINT RESOLUTION relative to the saline reserve in the county of Dearborn.

Whereas it appears that the northeast, northwest, and southwest quarters of section twenty-five, in township six, of range one west, of the principal meridian line drawn from the mouth of the Great Miami river, lying in the county of Dearborn, was, by and under the authority of the United States, reserved for the use of a salt spring, situate upon said section, and in accordance with the second proposition of the sixth section of the act of Congress, "to enable the people of Indiana Territory to form a constitution and State government for the admission of such State into the Union on an equal footing with the original States," approved April 19, 1816, was granted to this State for the use of the people of the same, to be used under such terms, conditions, and regulations as the legislature of said State shall direct, in conformity to which reservation and grant the said State of Indiana has uniformly, since the adoption of her constitution and form of State government, continued to exercise control over the said three quarter sections of land by leasing the same, as provided for in the second proposition of the compact aforesaid, and in particular that on January 4, 1830, the Hon. Miles C. Eggleston, the president

judge of the third judicial circuit, in which said saline reserve is situate, did, by indenture in writing, lease the same to David Guard for a term of three years from and after the date thereof, who took possession and placed certain persons as tenants thereon, to wit: Mary Muir, John Davis, and Thomas Branan; and whereas it also appears that the above-named tenants, being advised that they were entitled to a right of entry of said land, as occupants thereof, at the minimum price of United States lands under the pre-emption law, did proceed, some time within the year last past, through the agency of an attorney in fact, to cause an entry to be made of said land, and have procured patents in their own names to be issued from the General Land Office therefor, and have since sold and conveyed the same to third persons, who are now claiming to hold the same in virtue of such sale and conveyance; and whereas it also appears that the above-named agent and attorney in fact of those persons, acting or pretending to act under the power conferred upon him by them, did also proceed to sell and convey the said land to one Levi Millar, who is also now claiming the same in virtue thereof, but that previous to such sale being made by said agent the power of attorney made to him as aforesaid had been publicly revoked through the medium of the newspapers; and that those lands are of great value, and would command, in cash, the sum of eight thousand dollars, and if sold on a short credit would bring ten thousand dollars; and that, being justly and legally the property of the State under and by virtue of the compact aforesaid between the United State and the State of Indiana, the necessary steps should be taken by the State authorities to secure and retain the possession and use of the same to the State for the purposes for which the same was granted: Therefore—

Resolved, That the governor be authorized to open a correspondence with the Commissioner of the General Land Office, either directly or through the medium of our representation in Congress, relative to the existing difficulties concerning the above-described reserve, with a view either to regain the same or to obtain a grant of other lands of equivalent value in lieu thereof; and that he submit to the next general assembly the result of such correspondence, with such other information as may be in his power to obtain; and that he transmit a copy of this resolution to each of our senators and representatives in Congress, accompanied with a request that they will use their co-operation in effecting the object above contemplated.

H. P. THORNTON, *Speaker pro tem. of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved February 3, 1832.

N. NOBLE.

22D CONGRESS.] No. 1058. [1ST SESSION.

ON CLAIM TO LAND IN MISSISSIPPI AND ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 1, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, who have been instructed by a resolution of the House to inquire into the claims of Don Francisco Hemeterio de Hevia to four certain tracts of land on Pearl and Pascagoula rivers, and lots in Mobile, reported:

That the petitioner asks to be confirmed in his title to four several tracts of land, some of them of great extent, and all of them situated west of the Perdido, and within that section of country which was ceded to the United States as a part of Louisiana.

It appears that two months after the treaty of February 22, 1819, by which East Florida was ceded to the United States, the claimant presented a petition at Havana to the intendant of the army, and superintendent of the royal *hacienda*, in which, after reciting that in the years 1793, 1794, and 1799, he had obtained grants for those four tracts of land, the three first from the Baron de Carondelet, and the last from Don Manuel de Lauzos, commandant of Mobile, he prays that the surveyor general of East Florida, Don Manuel Sebastian Pintado, may be ordered to give him authentic copies of his grants, and other documents connected therewith. In the same petition he prays that the auditor of the royal treasury at Pensacola may be directed to certify whether the originals of the three first grants and an authentic copy of the last, were not, together with all other papers in the office, consumed by fire on the 24th of October, 1811. This petition is referred to the surveyor general, Pintado, and to the contador, Don Juan Miguel Losada. He states as a motive for making this application to the intendant of Cuba, that although those titles would always have been considered as valid under the government of Spain, yet the United States having taken possession of the country, appeared disposed to declare them null and void.

The copies procured from Don Vincente Sebastian Pintado, on this formal application, certified at the Havana, on the 10th of May, 1819, furnish the principal if not the only evidence of title He gives copies of four documents, which he says are contained in a bundle of various grants in his office. It is not pretended that there are any of the original grants in Pintado's office. Indeed, a certificate given by Pintado in 1813, is copied into this new record, and its substance is the following: "That there are in his office four documents, of which Hevia, it seems, had previously obtained copies, to wit: 1st. A copy certified by Don Manuel de Lauzos, former commandant at Mobile, dated March 9, 1793, of a petition of Hevia, with a decree of the Baron de Carondelet, granting him land on Pearl river, including an island. 2d. A copy certified also by Don Manuel de Lauzos, of another petition of Hevia, and decree of the Baron, dated November 3, 1793, granting him an island in Mobile river, with other lands on the opposite bank. 3d. Also a copy, certified by the same person, of a concession made by the Baron de Carondelet to the same Hevia, of the 13th October, 1793, of an extent of land on the river Pascagoula, including also an island. 4th. The fourth document is a grant made by Lauzos himself, to Hevia, in 1799, of certain lots in the town of Mobile. Of all these documents copies are given, and certified by Pintado.

The evidence, therefore, before the committee consists *of copies of copies* heretofore made by Don Manuel de Lauzos. How have the original title papers or grants signed by the Baron de Carondelet been accounted for? Don Manuel de Lauzos certifies that the originals were remitted to the Baron de Carondelet. Hevia pretends, and endeavors to prove by the certificate of Don Juan Miguel Losada, that these originals and a copy of one of those documents were burned in Pensacalo, in October, 1811. In 1813 he speaks of these originals as having been mislaid and not to be found in the *secretaria*, and in his petition to the authorities of Cuba, he intimates that they had been deposited in the *contaduria*, in Pensacola, and burned.*

It appears that the claimant married, in the year 1800, the daughter of Don Manuel Lauzos, by whom all these papers are certified.

In looking critically into these copies, such as they are, to see whether the usual forms were pursued, which might furnish intrinsic evidence of their being genuine or spurious, the committee could not forbear noticing the following particulars, which, to say the least of them, taken in connexion with the relations existing between the claimant and Don Manuel Lauzos, through whose agency these grants were obtained, and the youth of Hevia, at their pretended date, throw a shade of suspicion over the whole transaction. First, that the governor general signed simply "Carondelet," which is without precedent so far as any member of the committee is acquainted with his practice, which was invariably to sign "*El Baron de Carondelet*," in full. Secondly, that his order or decree does not express the conditions required by the ordinance of O'Reilly, which is believed to have been his invariable practice in these inchoate grants. That he directs Lauzos to put the claimant in possession instead of addressing the order to the surveyor general; and that he directs the original to be returned to him for the information of the surveyor, to be deposited in the secretary's office.

To suppose that these are genuine grants would be to declare that the Baron de Carondelet had granted lands contrary to the express terms of the ordinance of 1770, which was then in force. In these cases not only no survey was ordered, but it does not appear that any was ever made, or that Hevia was ever in possession.

The claims ought, therefore, in the opinion of the committee, to be rejected.

22D CONGRESS.] No. 1059. [1ST SESSION.

ON CLAIM TO RIGHT OF DOWER IN LOTS OF LAND BELONGING TO THE UNITED STATES IN WASHINGTON CITY.

COMMUNICATED TO THE SENATE MAY 4, 1832.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the petition of Rebecca Blodget, reported:

The petitioner claims a further sum from the United States for her right of dower in certain lots of land situated in the city of Washington, on a part of which the general and city post offices are located.

In 1828 a bill was passed in her favor, which ascertained the yearly value of her dower to be the sum of $333 33, and allowed her that sum from the year 1826, when she presented her petition to Congress for the first time.

The committee who reported that bill were satisfied that her claim for dower arose on the death of her husband in 1814; but, from analogy to the strict rule in private cases, confined her allowance to the time of demand.

The present committee are of opinion that the reasons for this limitation on the right of dower, do not exist in this case. The United States have enjoyed the property during all the time since the death of the husband of the petitioner. They have been subjected to no damage or inconvenience by reason of her non-claim, and were not liable to be legally questioned for withholding her dower. Under these circumstances the committee think that it would not become the government to avail itself of a limitation that would be, however useful as a general regulation among individuals, unjust and oppressive here.

Furthermore the committee have ascertained that, soon after the decease of her husband. the petitioner (who then and since has resided in Philadelphia) adopted measures for the purpose of seeking out and establishing her dower rights. She employed, at different periods, several respectable professionable gentlemen to look into her husband's property and titles; and if her claims were not formally presented at an earlier period, it did not arise from the want of vigilance on her part, but from the nature and intricacy of her case, where strangers to her husband could only learn the extent and condition of his property from the public records.

The committee therefore report a bill, allowing the petitioner her arrears of dower from 1814 to 1826, at the rate of the former adjustment, making, in the whole, the sum of $3,999 96.

* If the originals had been sent back to the Baron, they would have been found in New Orleans, of which there is no evidence.

IN 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 the 18th March, 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 the 29th August, 1794.

On the 8th January, 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 the 2d January, 1805, Peter and Blodget conveyed the premises to Beckley, to whom also Munroe, the superintendant of the city, conveyed that part of the land on which the hotel stood that belonged to the city.

On the 21st May, 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 seizen 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 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's 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.

22D CONGRESS.] No. 1060. [1ST SESSION.

STATEMENT OF THE AMOUNT OF MILITARY AND FORFEITED LAND SCRIP RECEIVED AT THE SEVERAL LAND OFFICES OF THE UNITED STATES IN 1828, 1829, 1830, AND 1831.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 9, 1832.

TREASURY DEPARTMENT, *May* 4, 1832.

SIR: In compliance with a resolution of the House of Representatives, dated the 20th March last, directing the Secretary of the Treasury "to communicate a statement showing what amount of the sales of public land has been paid in the notes and bills of the United States Bank, in each of the States and Territories, respectively, where public land has been sold, in each year, between the 1st of January, 1828, till the 1st of January, 1832; and also what amount of such sales has been paid in the notes of other banks, in scrip, by law made receivable for public land, or in specie, within the same time, in such States and Teritories," I have the honor to transmit a report from the Commissioner of the General Land Office, accompanied by an exhibit of the amount of scrip received at the land offices in the different States during the period embraced by the resolution, and stating the reasons why the other information asked in the resolution cannot be furnished.

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

LOUIS McLANE, *Secretary of the Treasury.*

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

GENERAL LAND OFFICE, *May* 2, 1832.

SIR: In reference to the resolution of the House of Representatives, passed on the 20th ultimo, in the words following, to wit:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to this House a statement showing what amount of the sales of public lands has been paid in the notes and bills of the United States Bank, in each of the States and Territories, respectively, where public land has been sold, in each year, between the 1st of January, 1828, till the 1st of January, 1832; and also what amount of such sales has been paid in the notes of other banks, in scrip, by law made receiveable for public land, or in specie, within the same time, in such States and Territories," and which you have referred to this office, I have the honor to report that the receivers are required by the Secretary of the Treasury, to make an indorsement on each receipt, showing the various denominations of bank notes, or gold and silver coins, of which each payment is composed. From causes, however, some of which can easily be conjectured, growing out of the hurry of business at the public sales, there are so many interruptions of these indorsements on the receipts, that they do not afford a continuous view of the various denominations of money received in any one of the land districts, so as to admit of furnishing the information required. In case the receivers had invariably made their indorsements, as contemplated by the department, on each receipt, it is to be remarked that the constant giving of change, both in notes and in coins, would so materially vary both the denomination and kinds of notes and coins on hand, which they would actually deposit into bank, that there would be little identity with the denomination and kind of notes and coins indicated by these indorsements, although the value would, of course, remain the same.

It has been ascertained that during the period mentioned in the resolution there were 81,985 receipts issued at the several land offices, and from the foregoing causes it will be perceived that the means do not exist in this office of affording the information required as to the various kinds of notes, bills, and specie, for which those receipts were given.

In compliance with that portion of the resolution which requires a statement of the amount of scrip received in payment at the land offices during the period mentioned, I beg leave to submit the enclosed statement, marked A.

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

ELIJAH HAYWARD.

Hon. LOUIS McLANE, *Secretary of the Treasury.*

A.

Statement showing the amount of military scrip, and forfeited land scrip, received at the land offices in the different States and Territories, for the years 1828, 1829, 1830, *and* 1831.

State or Territory.	1828.	1829.	1830.	1831.	Total.
Ohio	$42,064 44	$121,182 72	$46,216 61	$117,635 36	$327,099 13
Indiana	5,580 94	24,907 58	13,161 50	112,544 78	156,194 80
Illinois	3,742 86	9,333 41	7,227 40	50,048 33	70,312 00
Missouri	4,222 53	9,711 86	3,945 05	1,437 58	19,317 02
Mississippi	1,588 90	23,275 61	8,092 94	15,642 61	48,600 06
Alabama	21,467 60	35,009 40	37,289 29	20,035 27	113,801 56
Louisiana	.....	644 50	402 16	1,037 50	2,084 16
Michigan	233 77	615 20	5,333 62	2,986 91	9,169 50
Florida	.....	.....	11,000 00	200 00	11,200 00
Total	78,901 04	224,680 28	132,668 57	321,528 34	757,778 23

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *May* 2, 1832.

22D CONGRESS.] No. 1061. [1ST SESSION.

ON CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 9, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred a bill from the Senate (No. 59) making provision for Thomas B. Magruder and wife, reported:

The petitioners allege that Ann Brashears, the mother of Elizabeth Magruder, petitioned Congress, showing that land had been granted to her by the Spanish government, and that the same had been confirmed to her by an act of Congress of 1830, being the residue of a tract of 800 arpents surveyed for her by the Spanish authorities, the other 320 acres having been granted to Foy, and conveyed to Richard Sparks; that said Ann had conveyed the same, since the confirmation, to the petitioners; that the act of 1830, confirming said claim, makes provision that any claim which others may have under the United States is to be excepted therefrom; and also state that, prior to the confirmation, and during the pendency of the same, the government sold the land, and in consequence thereof the petitioners derive no advantage therefrom, and now ask to be permitted to locate the same quantity of land elsewhere.

The petitioners produce the deed of conveyance, as alleged; they also present a plat of the land, certified by the register of the land office, exhibiting the claim of said Ann and the interfering Spanish grant of Foy; and also a statement of the sales of said tract of land, as made by the United States; from which it appears that the land claimed lies in fractional section No. 54, township 12, range No. 3 east of the principal meridian, and lying west of the grant to Foy; and also a part of the land claimed lying in fractional section No. 20, lying east of the claim of Foy; and that the whole of the land in said sections fifty-four and twenty was entered under the laws of the United States, on July 18, 1816, by William Carson; and also that portion of the land claimed lying in section twenty, being 139.98 acres, and lots one, two, three, and four of section fifty-four, containing 324 acres and 11 poles, were relinquished to the United States by those claiming under said Carson, they not having made payment therefor, and retaining lot No. 5 of section fifty-four. And it also appears that said lots one, two, three, and four, of section fifty-four, were sold by the United States to Mary Bullock, at public sale, on the 23d of November, 1827; and that the land lying around the northern end of the grant of Foy was sold to Elias Bridges by the United States in October, 1817, and a small part of it relinquished and resold the 30th of January, 1830, to J. Burnet.

The plat does not show what disposition has been made of the 20th section, lying east of Foy's grant, and which was relinquished by Carson; so that, at the time of the passage of the act of Congress in 1830, the whole of the land had been sold by the United States, except section twenty, and it does not appear whether that has been sold or not. The act of Congress of 1830, confirming the claim of Ann Brashears, is a mere relinquishment of the claim of the United States, and expressly excepting from said confirmation any portion of the same which may have been sold by the United States; and the committee which reported the bill on the 12th February, 1828, expressly negative the idea of any just claim from the Spanish government, and recommend its confirmation as a donation, because the petitioner had long occupied the same, and there was no person claiming the residue of the eight hundred arpents. The committee are not of opinion that the act of 1830 creates any obligation, either in law or equity, on the government of the United States to pay the money arising from said sales to said petitioner, or give other land in lieu thereof, unless there was a good and valid claim for said land to said Ann from the Spanish government, and such as the government of the United States was bound to recognize under the treaty with Spain.

The committee, in consequence of this view of the case, examined all the papers submitted to them accompanying the Senate bill; and they find among the papers now referred to them the original papers submitted to Congress in 1811, accompanied with a copy of the adjudication of the board of commissioners rejecting said claim in 1807, and which was referred to the Committee on Public Lands in 1811. The

only title then set up and proven was that she claimed the land by virtue of a survey made of it for her by the Spanish authorities in 1788, by virtue, as they allege, of a warrant from the Spanish government, which is alleged to be lost. A copy of the warrant, or proof of its contents is not made; and it is presumed by the committee that it was nothing more than the ordinary concessions issued by the Spanish government to individuals desirous of settling the public lands, and to be void on condition that no settlement was made in a certain limited time.

From an examination of the records submitted to them it appears that on the 29th of October, 1804, the said Ann Brashears filed a claim for 300 arpents of land before the commissioner of the United States, and which claim was numbered 958, and which was founded on a certificate of survey from the Spanish government, and plat, dated November 11, 1788. And in her behalf a witness, Wm. Thomas, was sworn who deposed that Ann Brashears obtained a warrant from the Spanish government for 800 arpents of land, and that he was deputy surveyor under Vousdan and surveyed the 800 arpents, which included the place of Foy and where he then resided, and that the survey made by him included the 300 arpents now claimed. And another witness, John Gerault, deposed that William Dunbar succeeded Vousdan as the surveyor, and that he, as deputy surveyor, surveyed the 320 arpents for Ben. Foy; that Foy was entitled to 500 arpents, but agreed to take 320 and leave the balance of the 800 arpents for Mrs. Brashears.

The plat filed with the commissioner at the same time is a survey for 300 acres for Ann Brashears, dated the 11th of November, 1788, and signed by Vousdan, the surveyor, who likewise certifies that the same was unoccupied and not claimed by any other. A statement of her claim, accompanied by the preceding papers, is filed with the register. She sets up claim to 300 arpents by virtue of said survey, and by virtue of her being at that time the head of a family, and above twenty-one years of age, and inhabited and cultivated the same on the 27th of October, 1795, which application is signed by Stephen B. Minor, in her behalf, and dated the 22d of March, 1804. This paper is also accompanied by a certificate of said Minor, bearing date the 27th day of October, 1798, in which he certifies that said Ann did petition for 800 acres of land, and that she obtained a grant or order of survey for 500 acres, which he placed in the hands of Vousdan for her, and paid his fees, and also paid him eight dollars to get the grant.

On the 12th of May, 1807, upon the preceding statement of facts, the claim was rejected "for want of proof."

The said Ann Brashears presented her petition to Congress on the 30th of January, 1811, alleging that she had a Spanish warrant and grant, and immediately settled on and cultivated the same, and continued then to do so; and that Foy settled on her land and obtained a grant without the knowledge of the Spanish officers; that it was a part of her claim, and that she agreed to surrender, at the instance of the Spanish governor, 320 arpents to said Foy, upon a promise that she should have the same quantity of land elsewhere; that the surveyor certified the 300 acres by mistake, but how, she did not know. She intrusted the management of it to her father, and that, after his death, her warrant was missing, and nothing to be found but the certificate of survey, which was referred to the Committee on Public Lands; and the same paper was frequently presented afterwards to Congress, and referred to the Committee on Private Land Claims, and rejected. On the 2d January, 1827, a new petition is presented by Thomas B. Magruder, who married the daughter of said Ann, in which he alleges that in 1788 a "patent and grant" issued to said Ann for 800 arpents; that she was then, and ever has been since, "a resident in that part of the country;" that the same was surveyed; that she entered on and cultivated the same "by raising several crops of corn," &c., and that she resided on and cultivated the same on the 25th of October, 1795; that she intrusted the patent and order of survey to one Wm. Thomas, who lost the same; that he had procured evidence of their loss, to accompany a former petition, which was handed to the Hon. George Poindexter, the representative of Mississippi, and which was never presented by him, and never returned to her. He then alleges the issuance of the grant and order of survey, in 1788, for 800 arpents, which were placed in the hands of the surveyor, who only surveyed 300 acres by mistake, and returned a plat for the same. He then states the grant and survey to Foy, in 1791, and then compromises as above stated; he then states the application to the commissioners by Minor, in 1804; that, by mistake, he only claimed 300 arpents, supposing the balance to have been granted to Foy; that he neglected to inform said Ann what further evidence was wanted, and the claim for 300 arpents was rejected by the board for the want of proof of the Spanish patent; that no other person has, or sets up, claim to the same; that she paid taxes, &c.; that the same is unoccupied by any other, except the said Ann and said Sparks, claiming under Foy. Said petition was accompanied by no new evidence, except the affidavit of a man named Gipson Clark, who swears he was present when the land was surveyed, and that it was made for said Ann, who was then an inhabitant of the government, and still is an inhabitant of said county; said witness was a resident of the neighborhood at the time of said survey, and continued so when his affidavit was taken, in 1816; that said Ann always claimed the land, "and, has reason to believe, always paid taxes on the same."

Upon the facts thus stated, the Committee on Private Land Claims made a favorable report, allowing the same as a donation, and also in 1830, and the bill passed, as stated in the preceding part of this report.

The committee are satisfied, from the preceding statement of facts, that no Spanish patent or grant, vesting the absolute estate in said Ann, ever was issued by the Spanish government.

Under the act of Congress of the 3d March, 1803, when land was claimed by an incomplete Spanish title, by warrant or order of survey, actual possession, "inhabitation and cultivation," on the part of the claimant, is required on the 27th of October, 1795, and the claimant must have been the head of a family, or twenty-one years of age; and, by the same law, any individual residing on and cultivating a tract of land at the time aforesaid, without title, was entitled to 640 acres as a donation

The committee cannot believe there could have been any difficulty in 1804, when the claim was first filed, in proving the "habitation and cultivation" on the 27th of October, 1795, which was alleged to be true, if the fact had been so, and by which the said claimant would have been more benefitted by the donation from the United States than by the setting up of a complete or incomplete Spanish title for the balance of the 800 arpents, after deducting the grant of Foy. From the want of proof on that point, the committee are constrained to believe that the fact was not so, although so alleged in the various petitions. The committee are confirmed in this opinion from the testimony of G. Clark, taken in 1816, and who resided in the neighborhood from 1788 to 1816. He says he was present at the survey in 1788; that Mrs. Ann Brashears "was then an inhabitant of said government, and still is an inhabitant of the county aforesaid, and has always continued to be from that time." And again, he says: "Said Ann has always claimed the land, and, has reason to believe, she has always paid the taxes thereon." And the committee

cannot doubt, if it had been true that said Ann inhabited and cultivated the same, that said witness would have so stated the fact.

Said Magruder states in his petition "that the 800 arpents, so originally granted to Mrs. Ann B., *is now*, and *hitherto* has been, unoccupied by any person other than the said Mrs. Ann B." And again, that "no person hath any claim to any part of the residue of said tract of 800 arpents," unless some late entry has been made as land of the United States. And in a letter, bearing date the 6th December, 1826, from Port Gibson, addressed to William Haile, esq., and filed with the papers in this case, the said Magruder says, in conclusion: "I am sorry to trouble you, but as the property is of great value, and *is now occupied* by those from whom I receive no thanks, I hope you will use your exertions to have the claim settled."

In the opinion of the committee, the claimant never had a complete Spanish title; never had an inchoate title, accompanied by possession, as required by the act of the 3d March, 1803, and that she did not have possession on the 29th of October, 1795, and not, therefore, entitled to a donation, under said act, from the United States; and, consequently, that she had no claim, either legal or equitable, to authorize the passage of the act of 1830, and that the said Ann has now no claim, in consequence of the passage of the act of 1830, against the United States for other land in the place of that claimed by her, or to the money for which the same has been sold; they therefore recommend the rejection of the bill.

22D CONGRESS.] No. 1062. [1ST SESSION.

ON CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 10, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Gad Humphreys, reported:

That said petitioner alleges that, in the spring of 1825, he purchased one moiety of a tract of land lying in East Florida, of fifteen hundred acres, it being a Spanish grant and confirmed by the commissioners of the United States grant, and that he, being the agent of the Seminole Indians, settled and commenced improving the same, and in "progress of time laid out in buildings of various kinds large sums of money." He also alleges that at the time he settled on it the land lay north of the boundary assigned the Seminole Indians by the United States, "perhaps twenty miles," and that afterwards the boundary of said Indians was extended so far north as to include his plantation, and bring it within the Indian boundary. He states "that he was afterwards removed from the office of agency, and was compelled to remove out of the limits of the said Territory, and consequently all his expenditures in the settlement and improvements aforesaid, together with the premises, have become a total loss, for which he prays remuneration."

A Spanish grant to one Alvarez is produced for 1,500 acres, and a conveyance to Humphreys for one-half in 1825; he produces also the affidavit of Francis Richards, jr., who swears that he acted as overseer for him in 1825, "at the place where the Seminole agency is now established," that he cleared from forty to sixty acres, and that the clearing of the land was worth "twelve dollars per acre at least;" he also produces the affidavit of J. M. Hanson, who swears that he knows the land claimed by Humphreys, "where the territorial Indian agency is at present, and that the cutting and clearing is worth ten dollars per acre." Said Humphreys also produces what purports to have been a valuation of the improvements and the land by Gabriel Prush, Simon Bukham, Thomas Sedwith, and Stephen W. Walton; in which they state that the land is worth five dollars per acre, "and that the improvements for clearing 240 acres of said land are worth four dollars per acre," and that the improvements in building are worth twelve hundred and fifty dollars, and that the loss of said property to the owner would be worth five hundred dollars per annum, which purports to have been sworn to by three of them; he also proves, by John A. Coffee, that he surveyed the 1,500 acres for Humphreys, upon which the Indian agency is now situated, and that it is within the Indian boundary, which was also run by him; he also proves the same fact by one or two other witnesses, and by Alvarez, that he sold him one-half the land, and the deed shows for the sum of sixty-six cents per acre.

This is all the testimony submitted to the committee. Upon examination of the testimony submitted to them, the committee were surprised at the government of the United States establishing an agency on lands owned by individuals, and also with the difference as to the valuation of the clearing of the land; one swearing it worth twelve dollars, and another that it was worth ten, and three others that it was worth only four dollars per acre. One of the members of the committee accidentally became acquainted with the agent who succeeded Colonel Gad Humphreys, and made inquiry of him as to the valuation of the land and the improvements, when, to his surprise, he learnt that the buildings on the tract of land used for residence and council-house were built by the United States, as he had always understood, and were so occupied and used by him as the property of the government. This information caused an inquiry to be made at the War Department, and the information in reply accompanies this report; from which it appears—

First. That Colonel Gad Humphreys was the agent of the Seminoles in 1823, when the treaty was made, and reservation was made to him of one mile square, which was rejected by the Senate of the United States.

Secondly. That on September 20, 1825, he forwarded to the War Department a description of the site selected for the agency, a plan of buildings, and estimated their cost at five thousand dollars, and "that the site was within and bordering on the original boundary line."

Thirdly. That on November 12, 1825, he was informed that the site was approved, but that the cost of buildings must not exceed $2,000.

Fourthly. That he concealed at all times from the department that the public buildings had been erected on his own tract of land.

Fifthly. That on April 13, 1828, he presented his account for the buildings and vouchers, amounting to $1,418 85, which was paid out of the contingent fund of the War Department.

Sixthly. That said Humphreys was removed as agent on March 18, 1830.

Upon the statement of facts above made, it is apparent that the case has not been so prepared and presented by the petitioner as to enable the committee to afford any relief to the petitioner without the hazard of doing very great injustice to the government; they incline to the opinion that the order of the Secretary of War extending the Indian boundary under the treaty of 1823, so as to include the land of the petitioner, which was not of itself an act of the government, divesting the petitioner of his real estate, so as to make the government liable to the same, or to justify the officers of the government in turning him out of possession.

The conduct of the petitioner, as above stated, in locating the agency on his own land, without the consent or knowledge of the government, and expending the public money in making public buildings on the same, whilst acting as an officer of the government, does not entitle the applicant to favorable consideration, and, the committee think, will justify the government in retaining the possession until they are amply indemnified for such improper location of the Indian agency, and such a misapplication of the public funds by the petitioner.

22D CONGRESS.] No. 1063. [1ST SESSION.

STATEMENT OF DONATIONS OF PUBLIC LANDS TO THE SEVERAL STATES AND TERRITORIES, TO CORPORATE BODIES, AND TO INDIVIDUALS, FOR PUBLIC PURPOSES, OR OTHER CAUSES.

COMMUNICATED TO THE SENATE MAY 10, 1832.

GENERAL LAND OFFICE, *May* 9, 1832.

SIR: In obedience to a resolution of the Senate of the United States, passed on the 20th ultimo, in the words following, to wit: "*Resolved*, That the Commissioner of the General Land Office be directed to report to the Senate a detailed statement of the donations of the public lands of the United States, made to the several States of the Union and territorial governments, to bodies corporate created within the States, and to individuals, for public services or other causes, either by special or general laws, specifying the objects for which such donations have been granted to the States and territorial governments," I have the honor, herewith, to submit the enclosed statement, furnishing the information required.

With great respect, your obedient servant,

ELIJAH HAYWARD.

The PRESIDENT *of the Senate.*

Statement rendered in pursuance of a resolution of the Senate of April 20, 1832.

State or Territory.	Appropriated for internal improvements, education, or charitable institutions.				Lands appropriated for seats of government.	Saline reservations.	Aggregate of the foregoing appropriations for each State and Territory.	Number of acres granted as donations to individuals, exclusive of private claims.
	Number of acres for internal improvements.	Number of acres for colleges, academies, and universities.	The 1-36th part of public lands appropriated for common schools.	For religious and charitable institutions.				
Ohio	922,937	*92,800	678,576	†43,525	.....	.....	1,737,838	‡151,700
Indiana	384,728	46,080	§556,184	.....	2,560	23,040	1,012,592	1,280
Illinois	480,000	46,080	977,457	.....	2,560	206,128	1,712,225	2,080
Missouri	.....	46,080	1,086,639	.....	2,449	46,080	1,181,248	320
Mississippi	.....	46,080	685,884	.....	1,280	.....	733,244	15,571
Alabama	400,000	46,560	722,190	‖23,040	1,620	23,040	1,216,450	14,740
Louisiana	.....	46,080	873,973	.....	.....	.....	920,053	12,880
Michigan	.....	46,080	543,893	.....	10,000	.....	599,973	1,679
Arkansas	.....	46,080	950,258	.....	.....	.....	996,338	.....
Florida	.....	46,080	877,484	¶23,040	1,120	.....	947,724	24,308
Aggregate	2,187,665	508,000	7,952,538	89,605	21,589	298,288	11,057,685	224,558

* Including salt spring reservations, which are authorized to be sold by the State, and the proceeds applied to literary purposes.
† Section No. 29, appropriated for religious purposes in the purchases made by John C. Symmes and the Ohio Company.
‡ Including donation of 100,000 acres to the Ohio Company.
§ Including lands appropriated for schools in "Clark's grant."
‖ For the benefit of the Connecticut Deaf and Dumb Asylum.
¶ For the benefit of the Kentucky Deaf and Dumb Asylum.

NOTE.—No measures having been yet taken by the government for the surveying and disposing of the public lands in the State of Tennessee, no attention has been given to the appropriation made of any part of that domain for the purposes of education, or other objects.

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *May* 9, 1832.

22D CONGRESS.] No. 1064. [1ST SESSION.

ON THE DISTRIBUTION OF THE PROCEEDS OF THE PUBLIC LANDS AMONG THE SEVERAL STATES.

COMMUNICATED TO THE SENATE MAY 18, 1832.

Mr. KING, from the Committee on Public Lands, to whom was referred the bill reported by the Committee on Manufactures, entitled "A bill to appropriate for a limited time the proceeds of the sales of the public lands of the United States, reported:

That, after a careful and attentive consideration, they are decidedly of opinion that it is founded in error, both in its principles and details.

The principle of the bill rests upon the proposition that no reduction ought to be made in the price of the public lands, and that the moneys hereafter to be received from them should be distributed among the States for purposes of education, internal improvement, payment of State debts incurred for internal improvement, and the colonization of free negroes upon the western coast of Africa. The details of the bill, after assigning *ten per centum* out of the proceeds of the sales to the States in which they lie, propose to distribute the remainder to all the States in the ratio of their federal representative population, to be applied by each State to the objects above mentioned.

The committee believe the principle of this bill to be erroneous; *first*, because it refuses to admit the public lands, which are one of the subjects of revenue, into the list of articles on which the reduction of the revenue, consequent upon the extinction of the public debt, is about to be made; and, *secondly*, because it changes the character of the relationship (and that most injuriously to the new States) between those States and the federal government; substituting an individual pecuniary State interest in the soil, instead of a general congressional superintendence over its disposition, and leaving the power of legislation over this soil in the hands of those who are to divide the money which they can make out of it.

The details of the bill are obviously erroneous, because they make no distinction in the rate of distribution between the States which did or did not cede vacant lands to the federal government; between those which have or have not received grants of land or appropriations of money for objects of internal improvement; and between those which have or have not a black population to be colonized in Africa.

The decisive condemnation which this committee have pronounced upon the bill from the Committee on Manufactures, imposes on them the task of presenting their own views on the subject of the public lands, and of examining the views which have been presented by the Committee on Manufactures; and this task will not be performed.

The public lands of the United States are derived partly from the munificent benefactions of patriotic States and partly from purchases from foreign powers; but in any view which this committee deem it proper to take of the subject, they hold it unnecessary to make any distinction between the lands which were the subject of purchase and those which were acquired by gratuitous grant. They are all equally the property of the United States; equally subject to the disposition of Congress; and equally deserving the same disposition, whatsoever that may be. The fact of the purchase of any part of the federal domain would not have been adverted to by this committee, except for the argument which has been founded upon it in favor of keeping up the price of the public lands. It is said that the lands cost money, and that the federal government must be reimbursed that money, with the interest which has accrued upon it, and all the costs which have attended the administration of the lands. Under this idea of an account between the federal lands on one side and the federal government on the other the sum of $48,077,551 40 is charged upon the lands, the sum of $37,272,713 31 are credited to them, and the sum of $10,804,838 and 9-10ths of a cent is struck as a balance due from the lands to the government.

Admitting the correctness of this account, both in theory and in detail, for argument's sake, and still it would only imply a necessity for such further sales as would cover the balance struck; and by no means would justify a levy to the amount of one billion three hundred and sixty-three millions five hundred and eighty-nine thousand six hundred and ninety-one dollars, which the Committee on Manufactures seem to think is the pecuniary value of the federal domain.

But this committee cannot agree to the correctness of this account, either as stated or as conceived; and they will rapidly point out its leading errors in both particulars.

1st. The account as stated.

1. An error of near three-quarters of a million occurs in the credit allowed to the lands for money paid into the treasury. The exact amount to the 31st of December last is $38,003,869 89, instead of $37,272,713 31, as stated.

2. Another error, exceeding a million of dollars, is committed in failing to credit the lands with the amount of certificates of public debt received in payment from 1785 to 1796, amounting to $1,201,725 68.

3. A third error lies in the omission to credit the lands with interest on the moneys received for them, while charging interest on the moneys paid for them. This error makes a difference of nearly fifteen millions to the prejudice of the lands.

4. Another error of ten millions results from a failure to credit the lands with eight millions of acres of military bounties bestowed upon the soldiers of the late war, and which, at the price assumed by the account as the value of the lands, would amount to ten millions.

5. A fifth error, and the largest of the whole, consists in charging the whole sum of $29,765,241 20, being the purchase money and interest paid for Louisiana and Florida, upon the vacant lands which these provinces contained, when the fact is incontestible that these provinces were purchased, not for their wild lands but for their sovereignty! That the acquisition of jurisdiction over contiguous territory; the acquisition of ports and harbors in the Gulf of Mexico; the acquisition of the mouths of rivers which flowed from our dominions; and the removal of foreign powers from our immediate borders were the real objects of the purchase, and would have been considered as cheaply acquired although not an acre of vacant land had been obtained. These errors, without pursuing the investigation further, are entirely

sufficient to relieve the lands from the balance which has been struck against them, and are certainly of sufficient magnitude to merit correction in an account which implies minute accuracy down to the ninth part of a cent.

2dly. As to the theory of this account.

This committee deny its correctness. They condemn the whole plan, idea, and conception of keeping accounts, and striking balances between the federal government and the federal domain. They cannot consent to bring down this government from its lofty station of parental guardianship over the people to the low level of a land speculator. The people are the children of the country. They love, and they defend it. When that country is in danger—when the public foe treads or menaces its soil—they rush to its succor; they pour out their blood like water; they open their purses with both hands; they give life and property for the safety of their country; and it is the duty of this government to credit them with the full value of this generous devotion, and so to execute its guardianship as to increase the number of its people, to amplify their means, and to excite their love of country. The lands ought to be credited with the inhabitants which it maintains; with the products of their industry; with the taxes which they have paid, and can and will pay. In this point of view the idea of an account between the federal government and the federal lands disappears from the scene, and the people, their property, their patriotism, their moral and intellectual worth, stand forward as the *true price* which the government has received in exchange for the barren title which it held over its lands; and the thirty-eight millions which have been paid, in comparison to *such a price*, sink below the power of words to express, or figures to ascertain. What language can paint the insignificance? What imagination can conceive the nothingness of the money which has been paid for the lands, (and so much of it instantly squandered,) compared to the number of the people now living upon these lands, their value in the social and political system, their capacity to bear arms, and to pay taxes for their country, and the innumerable posterity which is to flow from them?

The committee venture to suggest that the view which the Committee on Manufactures have taken of the federal domain is fundamentally erroneous; that they have misconceived the true principles of national policy with respect to wild lands; and from this fundamental mistake and radical misconception have resulted the great errors which pervade the whole structure of their report and bill.

The Committee on Manufactures seem to contemplate the federal domain merely as an object of revenue, and to look for that revenue solely from the receivers of the land offices; when the science of political economy has ascertained such a fund to be chiefly, if not exclusively, valuable under the aspect of population and cultivation, and the eventual extraction of revenue from the people in its customary modes of taxes and imposts.

The celebrated Edmund Burke is supposed to have expressed the sum total of political wisdom on this subject in his well-known propositions to convert the forest lands of the British Crown into private property; and this committee, to spare themselves further argument, and to extinguish at once a political fallacy which ought not to have been broached in the nineteenth century, will make a brief quotation from the speech of that eminent man:

"A landed estate is certainly the very worst which the Crown can possess. * * * Lands are of a nature more proper for private management than for public administration. They are fitter for the care of a frugal land steward than of an office in the State. * * * If it be objected that these lands at present will sell at a low market, this is answered by showing that money is at a high price. The one balances the other. Lands sell at the current rate, and nothing can sell for more. But be the price what it may, a great object is always answered whenever any property is transferred from hands which are not fit for that property to hands that are. The buyer and the seller must mutually profit by such a bargain, and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the exchequer. * * * The revenue to be derived from the sale of the forest lands will not be so considerable as many have imagined; and I conceive it would be unwise to screw it up to the utmost, or even to suffer bidders to enhance, according to their eagerness, the purchase of objects wherein the expense of that purchase may weaken the capital to be employed in their cultivation. * * * The principal revenue which I propose to draw from these uncultivated wastes is to spring from the improvement and cultivation of the kingdom, events infinitely more advantageous to the revenues of the Crown than the rents of the best landed estates which it can hold. * * * It is thus that I would dispose of the unprofitable landed estates of the Crown—throw them into the mass of private property, by which they will come, through the course of circulation and through the political secretions of the State, into well regulated revenue. * * * Thus would fall an expensive agency, with all the influence which attends it."

This committee take leave to say that the sentiments here expressed by Mr. Burke are the inspirations of political wisdom; that their truth and justice have been tested in all ages and all countries, and particularly in our own age and in our own country. The history of the public lands of the United States furnish the most instructive lessons of the inutility of sales, the value of cultivation, and the fallacy of large calculations. These lands were expected, at the time they were acquired by the United States, to pay off the public debt immediately, to support the government, and to furnish large surpluses for distribution. Calculations for a thousand millions were made upon them, and a charge of treachery was raised against General Hamilton, then Secretary of the Treasury, for his report in the year 1791, in which the fallacy of all these visionary calculations was exposed, and the real value of the lands soberly set down at an average of twenty cents per acre. Yet, after an experiment of near fifty years, it is found that the sales of the public lands, so far from paying the public debt, have barely defrayed the expenses of managing the lands, while the revenue derived from cultivation has paid both principal and interest of the debts of two wars, and supported the federal government in a style of expenditure infinitely beyond the conceptions of those who established it. The gross proceeds of the sales are but thirty-eight millions of dollars, from which the large expenses of the system are to be deducted, while the clear receipts from the customs, after paying all expenses of collection, amount to $556,443,830. This immense amount of revenue springs from the *use* of soil reduced to private property. For the duties are derived from imported goods, the goods are received in exchange for exports, and the exports, with a small deduction for the products of the sea, are the produce of the farm and the forest. This is a striking view, but it is only one-half the picture. The other half must be shown, and will display the cultivation of the soil, in its immense exports, as giving birth to commerce and navigation, and supplying employment to all the trades and pro-

fessions connected with these two grand branches of national industry, while the business of selling the land is a meagre and barren operation, auxiliary to no useful occupation, injurious to the young States, by exhausting them of their currency, and extending the patronage of the federal government in the complicated machinery of the Land Office Department. Such *has been* the difference between the revenue received from the *sales* and from the cultivation of the land; but no powers of calculation can carry out the difference and show what it will be, for while the *sale* of the land is a single operation and can be performed but once, the extraction of revenue from its *cultivation* is an annual and perpetual process, increasing in productiveness through all time, with the increase of population, the amelioration of soils, and scientific improvements in the arts of agriculture.

This committee, thus differing fundamentally from the Committee on Manufactures on the primary question of *policy* with respect to the disposition of the federal domain, have naturally arrived at conclusions wholly opposite to those of that committee. Instead of valuing these lands for themselves as an article of merchandise, they value them for their uses as a means of giving wealth and strength to the country. Instead of holding them up as a prize which cannot be sold high enough, they deem them of very little value for all the net revenue which their sales will ever bring into the federal coffers. Instead of hugging them to the federal bosom as a treasure which cannot be drawn close enough, they consider them rather as an inconvenient burden, which ought to be got rid of without delay. Instead of looking upon the alienations of the soil as so many diminutions of the federal wealth, they consider the profit of the exchequer as only beginning after such transfers. Instead of viewing the lands as "*squandered*," which are gratuitously bestowed or liberally sold to settlers and cultivators, they deem such lands as sold for a price above all value—a price which Congress itself cannot "*squander*"—a price which will consist of the heroic and patriotic population which the lands will sustain, and which will be ready to contribute in men and money whenever the voice of their country shall call for aid.

This committee will now condense and briefly exhibit the leading reasons why the price of the public lands should be reduced, the sales of them accelerated, and the federal title speedily extinguished in the new States:

1st. Because the new States have a clear right to participate in the benefits of a reduction of the revenue to the wants of the government, by getting the reduction extended to the article of revenue chiefly used by them.

2d. Because the public debt being now paid, the public lands are entirely released from the pledge they were under to that object, and are free to receive a new and liberal destination for the relief of the States in which they lie.

3d. Because nearly one hundred millions of acres of the land now in market are the refuse of sales and donations through a long series of years, and are of very little actual value, and only fit to be given to settlers or abandoned to the States in which they lie.

4th. Because the speedy extinction of the federal title within their limits is necessary to the independence of the new States; to their equality with the elder States; to the development of their resources; to the subjection of their soil to taxation, cultivation, and settlement; and to the proper enjoyment of their jurisdiction and sovereignty.

5th. Because the ramified machinery of the Land Office Department, and the ownership of so much soil, extends the patronage and authority of the federal government into the heart and corners of the new States, and subjects their policy to the danger of a foreign and powerful influence.

6th. Because the sum of four hundred and twenty-five millions of dollars, proposed to be drawn from the new States and Territories by the sale of their soil, at one dollar and twenty-five cents per acre, is unconscionable and impracticable—such as never can be paid—and the bare attempt to raise which must drain, exhaust, and impoverish these States, and give birth to the feelings which a sense of injustice and oppression never fails to excite, and the excitement of which should be so carefully avoided in a confederacy of free States.

These reasons, thus summarily stated, and given to the Senate without comment, because their obvious truth and justice supersede the necessity of illustration or commentary, are sufficient to show that the RIGHTS and INTERESTS of the new States require a reduction in the price of the public lands. But reasons which require this reduction and the adoption of other measures for the speedy extinction of the federal title to the territory within these States are not confined to them, but extend to the federal government itself, and are weighty and cogent in favor of putting an end to the anomalous relation which the present condition of the public lands establishes between the federal and the State governments.

The heads of some of these reasons are:

1st. The nature of the duties which attach to the primary disposition of the soil is essentially local, and unfit for the exercise of the federal legislature. Congress cannot continue to charge itself with the local concerns of all the new States in the primary disposition of their soil without neglecting the general concerns of the Union, or neglecting the interests of the new States, or acting upon systems and ideas brought from old States, and inapplicable or injurious to the new ones.

2d. The danger of a multitude of projects—now that the lands are released from their pledge to the public debt—for the application of their proceeds to different objects, or their distribution among the States or the people; projects in which the Constitution of the Union may be disregarded, the rights of the new States sacrificed, the dignity and purity of the legislation endangered, and the lands set up as a prize to be scrambled or bargained for, as interest or ambition may suggest and uncontrollable majorities decide.

3d. The danger of collisions with the new States. It is well known that strong views of present sovereignty over these lands are now entertained in some of these States, and that a reduction of price and speedy extinction of the federal title are demanded in the whole of them. By releasing itself from the management of these lands Congress may avoid all the collisions which may grow out of these views of present sovereignty, or demands for diminished prices and accelerated sales.

4th. The administration of the public lands is an inconvenient agency, an expensive branch, and an unprofitable source of revenue; and a cessation of the agency, and a release from the expense would form a respectable item in that plan of retrenchment which all the friends of economy so much desire.

5th. The federal government has no need for the revenue now derivable from the sales of these lands, but it may have need for more revenue in time to come. Give them, then, the destination which will produce most revenue when really wanted. Pass them from hands that cannot use them into hands that can; and, in times of peril and danger, when the country calls upon her children, a patriotic population, an indepen-

dent yeomanry, and a vast cultivation, will furnish the men and the money which the exigencies of the State may require.

For these reasons this committee deem it equally desirable and advantageous to both parties—the federal government and the new States—to put an end, with all convenient despatch, to the anomalous relation which the present condition of the public lands establishes between them—a relation of unprofitable authority on one side, and of injurious dependence on the other. The self-evident propriety of such a consummation would vindicate itself, and leave this committee nothing further to say, had it not been for an array of objections to any measures which will promote this event—to any legislation which will either reduce the price of the lands or transfer them to the States, which have recently emanated from one of the Senate's committees. These objections have been brought forward with an emphasis, displayed with a confidence, and diffused with a liberality which must fix the attention of Congress and the people; and this committee cannot overlook an array of argument so adverse to their own conclusions, without seeming to admit an inability which they do not feel, or to affect a delicacy which the occasion forbids, or to grant an impunity to error which it is their duty to detect.

These objections, if this committee may be permitted to collect their substance into a few heads, will be found to reduce themselves to the following topics:

1st. That the present system of the United States is a wise one, and ought not to be impaired.

2d. That a reduction in the price of the public lands will lessen the value of all other lands.

3d. That such reduction will be injurious to former purchasers.

4th. That it will lessen the value of donations made to the States of Ohio, Indiana, Illinois, and Alabama, for the purposes of internal improvement.

5th. That it will excite speculation and retard the settlement of new States.

6th. That it will operate as a bounty to emigration, and diminish the population in the elder States.

7th. That the new States are growing faster than the old States, and need no incentive to settlers.

8th. That the present price is fair and equitable.

9th. That the federal government will be able to draw an immense revenue from the sale of public lands, and ought not to squander them away.

10th. That this revenue will be paid by the old States, and not by the new ones.

Brief and precise answers will now be submitted by this committee to each of these objections; and,

1st. As to the destruction of the present land system.

This committee will neither repeat nor deny an encomium, of forty years' standing, upon the excellence of this system, but they will take issue upon the fact of its supposed destruction. They have always understood the excellence of this system to lie, not in the *price* of the public land, which is variable, and has varied at different times, but in the scientific and immutable order of the surveys, and the clear derivation of title from the government itself. The price of the land may be reduced without altering these surveys or affecting the derivation of title, and, consequently, without impairing the excellence of the system. It has been reduced without impairing it. The reductions of 1819–'20, from two dollars to one dollar and twenty-five cents per acre, was considered by none as impairing the excellence of the land system. By an immense majority of Congress and the people it was considered as improving it; and, doubtless, a similar reduction at this time would be found equally innocent in its operation on the system, and equally beneficial in its influence upon the people.

2d. As to the diminution in value of other lands.

This committee will not suppose that this objection will apply to the productive capacity or prolific principle of the soil. It can only apply to its market value; and, supposing the objection to have any foundation in that sense, it can only come from sellers and speculators. Buyers and cultivators repel the objection; and these are the classes which it has been the policy of all legislation to favor. But inferior lands are no cheaper at a low price than superior soils are at a high price. In every State of the Union there are now innumerable tracts of land, many of them with improvements upon them, selling for less than the present minimum price of the federal lands, while others command ten or twenty times as much. Land, like everything else offered for sale, finds its value in a free market. The good is higher, the bad is lower. Ten dollars the acre will be given for one tract, and another will not command ten cents. It is, therefore, absurd and contradictory to consider land as a single article, like the stock of the United States Bank, to fall or rise in the same degree, at the same time, and in all places, from the operation of a single cause. It is by no means certain that the reduction of the price of the public lands will operate upon the price of all other lands; and if it did, the operation would be beneficial to the most numerous and the most meritorious classes—the buyers and cultivators. The same objection was made in 1819, but did not prevent Congress from making the reduction, nor bring upon the country the evils which were predicted.

3d. The supposed injury to former purchasers.

This objection, like the preceding one, can only apply to sellers and speculators, not to buyers and cultivators. Former purchasers, who belong to the latter classes, can receive no injury, and may derive a great advantage from the reduction. They will have an equal privilege with others to make purchases at the reduced rates, and may add to the size of their farms, and procure settlements for their children, by availing themselves of the advantage.

4th. The supposed deterioration of certain donations made to States for internal improvement.

This effect, if certain, should have no influence upon the legislation of Congress in the general administration of the public lands. There is no principle which binds the donor to keep up forever the value of his gift, especially when the attempt to keep it up may prevent him from doing justice to others. The gifts in question were made years ago. They have generally been applied to their object; but, whether applied or not, they were selected from the best lands then liable to entry, and will sell according to their quality when brought into market. Besides, three out of four of the States which received these donations are now in favor of reduction; and the three others which received no donation are now applying for it, without any intention of relinquishing the application through fear of a reduction. In a word, this objection lies wholly in the breasts of the new States, and if they waive it, no others have a right to reproduce it.

5th. The supposed excitement to speculation and consequent retardation of settlement.

This committee can see no such evils resulting from the reductions which they will recommend. One dollar per acre for fresh lands and fifty cents per acre for those which have been picked and culled, and many times gleaned over for a series of years, with a right of preference to settlers and occupants, will present no field to the cupidity of speculators. Speculation in wild lands has long proved to be an unprofitable

business. The man that indulged in a dream of principalities has frequently waked up to find himself without a home; the expenses of management, the infidelity of agents, the consuming moth of taxation having first devoured his available means, and afterwards delivered his domain to the sheriff or the marshal. Instead of being retarded, the settlement of the new States and Territories has been greatly accelerated by attempts at speculation. Nearly eight millions of acres of military bounty lands in Missouri, Illinois, Arkansas, and Michigan, have passed into the hands of the people at a few cents per acre, while the federal government has sold but five millions of acres in those four States and Territories. Sixty dollars per quarter section, being thirty-seven and a half cents per acre, is stated by the most extensive land agent in this city as the *average* price at which these bounty lands have been sold to the people for *settlement*, and the personal knowledge of several members of this committee would even make it less. The opinion of the new States themselves ought to stand for something in this point: and it is evident that they have no fear of speculation and non-settlement from a reduction in the price of the public lands, since six out of seven of those States, namely, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, through their respective legislatures, have memorialized Congress in favor of the reduction. If the opinion of these six States should weigh something, the example of Massachusetts and Maine ought to be conclusive; for these two States have been in the actual sale of their public lands for many years, at all prices, from three and a half cents per acre to sixty cents, and that for new lands never before in market, and under laws expressly enacted to *promote the settlement of the country*. No. The phantom of speculation is paraded in vain before the eyes of the people. They are not afraid of it. They see too much land, public and private, in market to fear speculators. Monopoly is impossible. From the southern gulf to the northern lakes—from the peninsula of Florida to the peninsula of Michigan—all around, within a circumference of thousands of miles, and over an area of hundreds of millions of acres, they see land for sale. The United States alone, within the limits of the States and Territories, possess 340,000,000 of acres. Individuals in different parts of the Union would sell 100,000,000 more. If the whole capital of the Bank of the United States was laid out in public land, at fifty cents per acre, it would purchase but 70,000,000 of acres, leaving 270,000,000 for individual purchasers, besides the immense amount in the hands of private sellers.

6th. The supposed bounty to emigration.

This objection was first presented to Congress in a report from a late Secretary of the Treasury, (Mr. Rush,) who considered this emigration as an injury to the manufacturers, in depriving them of working people, and proposed some plans of federal legislation for preventing the injury by checking the tendency to emigrate, and rendering the population of the old States more fixed and stationary. The same objection was presented to Congress at the present session, in the memorial of the manufacturers who assembled in convention at New York, in which memorial this evil of emigration is largely insisted upon, and the advantage of inducing the people to remain and work in the factories, instead of going off to clear wild land in the west, is openly maintained. The adoption of the objection in the report made by the Senate's Committee on Manufactures may refer itself to the same motive; and the readiest mode of checking the supposed evil of emigration is to remove the inducement by holding up the lands, and especially the inferior qualities, at a price beyond their value.

This committee will not argue the question how far it is right and proper for Congress to legislate with a view to prevent emigration from the old States to the new ones. They have witnessed with pain the obtrusion of the topic on the federal legislature. They have perused with deep regret the elaborate tables which have been constructed to show that the seven new States populate faster than the seventeen old ones. Such tables can have no other effect than to inflame the jealousy of the old States, and to rouse within their bosoms the most invidious feelings against their younger sisters. They evidently turn upon the idea that these young States are foreign dominions; and thus, while the public lands within them are treated as the property of the Union, the States themselves are rather looked at as out of the Union, and drawing off the population of the Union. Surely the well-being of this confederacy requires the federal legislature to shut its eyes upon such topics and tables. If the new States populate more rapidly than the older ones, it is one of the few advantages of their position, and they ought not to be deprived of it. If people choose to go to the west, it is a right they inherit under our free form of government, and for the exercise of which they are not amenable to federal legislation. This committee will not argue these questions. They take their position upon the clear and broad admission, that a refusal to reduce the price of public land for fear it may injure the manufacturers by inducing emigration to the west, is an authentic declaration that the price must be kept up to prevent such emigration! And they venture to say that such refusal can only be viewed as an act of the severest injustice to the new States. This committee dismiss the whole objection, to them a painful one, with the remark that it stands in direct contradiction to the one last answered. *That* objection turned upon the supposition that reduced prices of the public lands would excite speculation AND RETARD THE SETTLEMENT OF THE NEW STATES. *This* upon the supposition that the same reduction will excite emigration and TOO RAPIDLY POPULATE THE NEW STATES AT THE EXPENSE OF THE ELDER ONES.

7th. The rapid population of the new States under the present land system, and the inference that no alteration is necessary.

This objection has been brought forward with a confidence and a plausibility which evinces the great reliance which is placed upon it; but a few authentic facts will dispel the illusion and show that the new States have grown up, not so much by the aid of the present system as in spite of it; that they owe their population not so much to the *sales* of the federal government as to the bounties of former sovereigns, the liberalities of some of the old States, and the easy sales of individuals. A rapid review of the *sales* of the public lands and the settlement of the States will confirm this statement and put an end to the objection so imposingly brought forward. These are the facts: The State of *Ohio* contains 26,000,000 of acres; of this quantity the United States has sold but 7,564,549 acres under the present land system, which is but little more than one-quarter part of the State. Her population and improvements, if only counted to the extent of these *sales*, would make but an indifferent figure among the great States of the Union. The truth is, Ohio owes at least two-thirds of her present greatness to settlements on Virginia military bounties, on land sold before the adoption of the present system at the easy rate of sixty-six and two-thirds cents per acre, payable in revolutionary certificates; on the western reserve, sold by Connecticut to individuals at a few cents per acre; on donations to settlers, to Nova Scotia and Canadian refugees, and for schools and other purposes; and on the public lands where a multitude of poor people are seated without titles.

Deduct these settlements, and this flourishing State, instead of ranking third or fourth, would be

classed with the ninth or tenth States of this Union. The same result is still more aggravated in the other States. *Indiana* has a superficies of 22,000,000 acres, of which the federal government has sold 5,817,038 acres; *Illinois*, 39,000,000, and 2,178,012 acres sold; *Missouri*, 39,000,000, and 1,955,572 acres sold; *Alabama*, 32,000,000, and 4,335,471 acres sold; *Mississippi*, 30,000,000, and 1,596,288 acres sold; *Louisiana*, 30,000,000, and no more than 344,753 acres sold. In all these States the mass of their population are living either upon the lands which were the bounties of foreign sovereigns, or bounties to soldiers of the late or revolutionary war, or upon the present public lands. The number of this latter class is inconceivably great. An official return of the year 1828 placed the non-freeholders of the new States and Territories at 140,000 men; that is to say, in *Ohio*, 37,286; in *Indiana*, 13,485; in *Illinois*, 9,220; in *Missouri*, 10,118; in *Alabama*, 39,668; in *Mississippi*, 5,505; in *Louisiana*, 3,466; in *Florida*, 1,906; in *Michigan*, 985. The entire population of these States and Territories at that time was about 2,100,000; and as the adult male population, in civilized and fertile countries, is in the ratio of one to six in the whole population, (which would give 350,000 men in 2,100,000 souls,) it is thereby demonstrated that upwards of one-third of the inhabitants of the new States are not freeholders!—that more than one-third of a population, in communities almost exclusively agricultural, and where freehold estates are the first objects of every man's ambition, are either tenants to landlords or trespassers on the public domain!—facts which show the impolicy of the present land system, the fallacy of attributing the growth of the new States to it, the necessity of abandoning the idea of revenue from land, and substituting a system of donations to settlers and easy sales to general purchasers.

8th. As to the equity of the present case.

This price is manifestly unjust, because it is the same for all qualities—the same for the refuse as for the first choices. The slightest knowledge of the subject will suggest the necessity of graduated prices adapted to the different varieties of soil. Admitting that the present price might not be excessive for first-rate land and for first choices, yet it is surely too much for the second and third rate, and for the refuse of sales and donations going on for a long series of years. But on this point the Senate is not left to conjecture or to the information of members from the new States; they have official information, as detailed as it is authentic, and obtained under the sanctions of the highest responsibilities. They have the returns of the register and receivers of the land offices drawn up district by district under a resolve of the Senate, and executed under the direction of the Commissioner of the General Land Office. These returns describe the quality of the unsold lands in each district, state their average value and quantity, and the length of time they have been in market under the laws of the United States, or were subjected to be given away by foreign sovereigns before they came under the dominion of the United States. The information extends to near 100,000,000 of acres, which is much the largest portion of the lands now in market, and is the part to which the lowest price recommended by this committee will apply.

In *Ohio* not more than half a million of acres was returned as first-rate land, which has probably since been sold or taken under the donations to the State. The mass consisted of second and third rate soils, with a considerable quantity unfit for cultivation; the whole had been in market from five to thirty years, and the values variable from fifty cents to a dollar. In *Indiana* one and a half million were returned as first rate, which must have been disposed of before this time; from forty cents to a dollar were the average prices, and the length of time it had been exposed to sale from two to twenty years. In *Illinois* one district was averaged at fifty cents, another at forty-eight, another at thirty, a fourth at twelve and a half, a fifth at one hundred cents. In *Missouri*, the St. Louis district, which had been well picked by donations from the French and Spanish crowns before it came under the dominion of the United States, and since gleaned over by sales and settlements rights, the average price was placed at fifteen cents. In the Cape Girardeau district, in which the best lands had also been given away under the French and Spanish governments, the price is twelve and a half cents; the highest average in the State was sixty-two and a half cents. In *Alabama*, in some parts of which State the Spanish crown had been giving lands to whoever would take them for fifty or one hundred years before they were exhibited to sales under the laws of the United States, the refuse of one district was set down at five cents, others as containing little or no first-rate land, and millions unfit for cultivation. The same remarks apply to the State of Mississippi, where the prices varied from five to forty cents. In *Louisiana* the valuable lands had been given away under the French and Spanish crowns. The unsold parcels were principally pine barrens, or prairies, or swamps. In the *Orleans* district "NEARLY ALL" is returned as unfit for cultivation; the same return is made of the *St. Helena* district; two other districts of *Ouachita* and *Opelousas* are returned, respectively, at the average values of twenty-six and fifty cents. The Territories of *Arkansas*, *Florida*, and *Michigan*, come too nearly under the same general remarks which apply to the neighboring States to require particular references to the returns from them. This committee think it right to endeavor to fix the attention of Congress upon these masses of unsold and unsalable lands, which have been so thoroughly picked and culled, and gleaned over, which are really worth so little, and which, nevertheless, are held up at the price of first choices in new and fresh lands. No arts of speech or power of argument can make the people believe that this is just; nor can it be advantageous to the treasury in a revenue point of view, the sales being exceedingly slow among the refuse lands, and the money received principally derived from townships lately brought into market. The interest of every party requires a distinction to be made between the old and the new lands, and this committee will keep that distinction in view in the scale of prices which they will recommend.

9th. As to the immense revenue which the federal government can extract from the sales of the lands.

This ideal revenue is estimated at $425,000,000 for the lands now within the limits of the States and Territories, and at $1,363,589,691 for the whole federal domain. Such chimerical calculations preclude the propriety of argumentative answers. They are best exposed in recurring to that amount against the lands in which they were supposed not to have paid the expenses of their administration, and in contrasting similar splendid calculations, made forty years ago, with the actual amounts of revenue derived. In the year 1791, when General Hamilton, then Secretary of the Treasury, proposed to sell the public lands at twenty cents an acre, he was accused of treachery and corruption; and calculations were made to show that, by fixing a minimum price of two dollars, and screwing the price up to the highest point at public auctions, money enough might be derived from their sales, not only to pay the public debt and support the federal government, but to leave large surpluses for distribution among the States or the people. Statesmen of the present day, who have lived to see the delusions of the calculations made in General Hamilton's time, should be on their guard against similar fallacies, and should turn their eyes from the *sale* of the lands to their *settlement* and *cultivation*. In the hands of the people they cannot be squandered; in the hands of Congress they may be. This committee will not repeat what they have

previously urged in favor of settlement and cultivation as the great, inexhaustible fountains of strength and wealth. They will only present, for the sake of illustration, an existing case in our own country to confirm their policy; it is the case of Alabama. This flourishing young State, though composed almost entirely of public lands, and selling them for the highest prices, has contributed infinitely more through the custom-houses than through the land offices to the supply of the federal exchequer. The sales last year amount to $894,265, her exports to three millions and a quarter, which would not have brought back imports paying less than $1,400,000.

This committee turn with confidence *from* the land offices to the custom-houses and say, *here are the true sources of federal revenue. Give lands to the cultivator*, and tell him to keep his money and lay it out in their *cultivation*.

10th. As to the payment of the land revenue by the old States.

This objection assumes that the two millions and a half of people now in the new States and Territories will not become purchasers of public land; that the 140,000 non-freeholders, returned by the marshals in 1828, will not wish to become freeholders. This committee object to the validity of that assumption. They maintain that the present population, whether freeholders or not, will wish to purchase, and will be the largest purchasers. Those who have freeholds will wish to add to their farms, or procure farms for their children; those who are tenants or occupants without title will wish to reach the security and independence of an indefeasible estate in the soil. Emigrants will undoubtedly purchase, but the amount will be in the ratio of their numbers to the existing population; that is to say, infinitely less. And besides, after a few years' residence, these emigrants become identified with the old settlers, and begin to make money within the State, and to apply it to new purchases of land, so that the amount claimed to be paid by the old States reduces itself to the first purchases of the annual emigration. The revenue, then, will be paid by the new States, and will continue to exhaust them of their current money as long as the sales continue. Other States are now struggling for a reduction of the revenue on the articles which they chiefly use. The new States would be unfaithful to themselves if they did not struggle equally hard to extend the reduction to the great article of revenue chiefly used by their citizens.

These brief answers to the objections to a *reduction* of the price of the public lands appear to this committee to be conclusive; they will, therefore, pass from that division of the subject, and bestow a few considerations upon the policy of TRANSFERRING them to the States in which they lie.

This policy is recommended by all the topics which have been urged in favor of perfecting the sovereignty of the new States over the soil within their limits, and releasing the federal government from the administration of the public lands. It is opposed upon the grounds—1st. That they are the common property of all the States, and ought not to be ceded gratuitously to a few of them. 2d. That a sale for an adequate consideration would establish the unwise relation of debtor and creditor between the purchasing States and the federal government. 3d. That the new States may be incompetent to the faithful administration of so large a fund.

The answers which suggest themselves to this committee, in reply to these objections, are:

1. That admitting the general community of ownership, it is impossible to admit that the inhabitants of distant States have the same moral claims upon these lands with those who reside upon or among them, whose ancestors have perished in their defence, whose labor has given them value, and who have undergone all the privations and hardships incident to the settlement of new countries. These circumstances give equitable claims to the inhabitants of the new States which political science and public justice cannot disregard. Nor can a gratuitous cession be considered as an injury to a part of the States if the whole are considered as identified in interest, for the growth and prosperity of the new States will be the growth and prosperity of the Union, and their wealth and population will be available in all times of need for the defence and support of the whole.

2. The impolicy of establishing the relation of debtor and creditor between the new States and the federal government is freely admitted. Both parties should endeavor to avoid to any large extent the creation of that unwise relation. A large debt would be an oppressive burden on the new States, and an annual interest would be a devouring moth upon their resources. Eventual collisions and mutual animosity might be the result. The federal government should not wish to load the younger members of the confederacy with the oppressive burden of a heavy debt, nor to consume their resources with the annual exactions of interest. Easy sales, liberal donations to settlers, and a cession of the inferior lands to the States for beneficial and meritorious objects, might accomplish the transfer in a reasonable time without the creation of an embarrassing debt.

3. That the new States might be incompetent to the faithful administration of such a fund is a proposition to which this committee cannot assent, without admitting the incapacity of these States for self-government, and contradicting the evidence of actual experience. To argue the capacity of the new States to manage their own affairs might seem to be indelicate in a committee chiefly coming from such States; but to refer to the example of a new State not subject to the imputation, and now successfully discharging that duty, to which other new States, it is supposed, might prove unequal, must be as unexceptionable as appropriate. The State of *Maine* is that State. She manages wisely the public lands which she received in division from the State of *Massachusetts*. Sixty cents per acre was the highest minimum for fresh lands. Actual settlers had an hundred acres each for thirty dollars, one-half payable in work in opening roads in their own township. Timbered lands, unfit for cultivation, were placed at lower minimums, according to their value, and usually less than twenty-five cents per acre. Bog and waste lands were sold for what they would bring, in some instances as low as three and a half cents per acre. These are wise provisions; they correspond with the approved maxims of political economy. They are worthy the imitation of the Congress of the United States, and no doubt would be faithfully copied by other new States if, like *Maine*, they had the right of the primary disposition of the soil in their own hands.

This committee have said that the bill reported by the Committee on Manufactures, to divide the proceeds of the sales of the public lands among the several States for a limited time, is a bill wholly inadmissible in principle, and essentially erroneous in its details.

They object to the *principle* of the bill, because it proposes to change, and that most injuriously and fatally for the new States, the character of their relation to the federal government on the subject of the public lands. That relation, at present, imposes on the federal government the character of a *trustee*, with the power and the duty of disposing of the public lands in a liberal and equitable manner. The principle of the bill proposes to substitute an individual State interest in the lands, and would be perfectly equivalent to a division of the lands among the States; for the power of legislation being left in their

hands, with a direct interest in their sales, the old and populous States would necessarily consider the lands as their own, and govern their legislation accordingly. Sales would be forbid or allowed; surveys stopped or advanced; prices raised or lowered; donations given or denied; old French and Spanish claims confirmed or rejected; settlers ousted; emigration stopped, precisely as it suited the interest of the old States; and this interest, in every instance, would be precisely opposite to the interest of the new States. In vain would some just men wish to act equitably by these new States; their generous efforts would expose them to attacks at home. A new head of electioneering would be opened; candidates for Congress would rack their imaginations and exhaust their arithmetic in the invention and display of rival projects for the extraction of gold from the new States; and he that would promise best for promoting the emigration of dollars *from* the new States, and preventing the emigration of people *to* them, would be considered the best qualified for federal legislation. If this plan of distribution had been in force heretofore, the price of the public lands would not have been reduced in 1819–'20, nor the relief laws passed, which exonerated the new States from a debt of near twenty millions of dollars. If adopted now, these States may bid *adieu* to their sovereignty and independence! They will become the feudatory vassals of the paramount States! Their subjection and dependence will be without limit or remedy. The five years mentioned in the bill had as well be fifty or five hundred. The State that would surrender its sovereignty for ten *per centum* of its own money would eclipse the folly of *Esau*, and become a proverb in the annals of folly with those who have sold their birthright for *"a mess of pottage."*

The details of the bill are pregnant with injustice and unsound policy.

1. The rule of distribution among the States makes no distinction between those States which did or did not make cessions of their vacant land to the federal government. Massachusetts and Maine, which are now selling and enjoying their vacant lands in their own right, and Connecticut, which received a deed for two millions of acres from the federal government, and sold them for her own benefit, are put upon an equal footing with Virginia, which ceded the immense domain which lies in the forks of the Ohio and Mississippi, and Georgia, which ceded territory for two States. This is manifestly unjust.

2. The bill proposes benefits to some of the States, which they cannot receive without dishonor nor refuse without pecuniary prejudice. Several States deny the power of the federal government to appropriate the public moneys to objects of internal improvement or to colonization. A refusal to accept their dividends would subject such States to loss; to receive them would imply a sale of their constitutional principles for so much money. Considerations connected with the harmony and perpetuity of our confederacy should forbid any State to be compelled to choose between such alternatives.

3. The public lands in great part were granted to the federal government to pay the debt of the revolutionary war; it is notorious that other objects of revenue, to wit, duties on imported goods, have chiefly paid that debt. It would seem then to be just to the donors of the land, after having taxed them in other ways to pay the debt, that the land should go in relief of their present taxes; and that so long as any revenue may be derived from them it should go into the common treasury, and diminish, by so much, the amount of their annual contributions.

4. The colonization of free people of color on the western coast of Africa is a delicate question for Congress to touch. It connects itself indissolubly with the slave question, and cannot be agitated by the federal legislature without rousing and alarming the apprehensions of all the slaveholding States, and lighting up the fires of the extinguished conflagration which lately blazed in the Missouri question. The harmony of the States and the durability of this confederacy interdict the legislation of the federal legislature upon this subject. The existence of slavery in the United States is local and sectional. It is confined to the southern and middle States. If it is an evil, it is an evil to them, and it is their business to say so. If it is to be removed, it is their business to remove it. Other States put an end to slavery at their own time, and in their own way, and without interference from federal or State legislation, or organized societies. The rights of equality demand for the remaining States the same freedom of thought and immunity of action. Instead of assuming the business of colonization, leave it to the slaveholding States to do as they please, and leave them their resources to carry into effect their resolves. Raise no more money from them than the exigencies of the government require, and then they will have the means, if they feel the inclination, to rid themselves of a burden which is theirs to bear and theirs to remove.

5. The sum proposed for distribution, though nominally to consist of the net proceeds of the sales of the public lands, is, in reality, to consist of their gross proceeds. The term net, as applied to revenue from land offices or custom-houses, is quite different. In the latter, its signification corresponds with the fact, and implies a deduction of all the expenses of collection; in the former it has no such implication, for the expenses of the land system are defrayed by appropriations out of the treasury. To make the whole sum received from the land offices a fund for distribution, would be to devolve the heavy expenses of the land system upon the custom-house revenue; in other words, to take so much from the custom-house revenue to be divided among the States. This would be no small item. According to the principles of the account drawn up against the lands, it would embrace—

1. Expenses of the General Land Office.
2. Appropriations for surveying.
3. Expenses for six surveyors general's offices.
4. Expenses of forty-four land offices.
5. Salaries of eighty-eight registers and receivers.
6. Commissions on sales to registers and receivers.
7. Allowance to receivers for depositing money.
8. Interest on money paid for extinguishing Indian titles.
9. Annuities to Indians.
10. Future Indian treaties for extinguishing title.
11. Expenses of annual removal of Indians.

These items exceed a million of dollars. They are on the increase, and will continue to grow at least until the one hundred and thirteen million five hundred and seventy-seven thousand eight hundred and sixty-nine acres of land within the limits of the States and Territories now covered by Indian title shall be released from such title. The reduction of these items, present and to come, from the proposed fund for distribution, must certainly be made to avoid a contradiction between the profession and the practice of the bill; and this reduction might leave little or nothing for division among the distributees. The gross proceeds of the land sales for the last year were large, they exceeded three million of dollars; but they were equally large twelve years ago, and gave birth to some extravagant calculations then, which vanished with a sudden decline of the land revenue to less than one million. The proceeds of 1819 were

$3,274,422; those of 1823 were $916,523. The excessive sales twelve years ago resulted from the excessive issue of bank paper, while those of 1831 were produced by the several relief laws passed by Congress. A detached year is no evidence of the product of the sales; an average of a series of years presents the only approximation to correctness; and this average of the last ten years would be about one million and three-quarters. So that, after all expenses are deducted, with the five per centum now payable to the new States, and ten per centum proposed by the bill, there may be nothing worth dividing among the States; certainly nothing worth the alarm and agitation which the assumption of the colonization question must excite among the slaveholding States; nothing worth the danger of compelling the old States, which deny the power of federal internal improvement, to choose between alternatives which involve a sale of their principles on one side, or a loss of their dividends on the other; certainly nothing worth the injury to the new States which must result from the conversion of their territory into the private property of those who are to have the power of legislation over it, and a direct interest in using that power to degrade and impoverish them.

In one particular the bill possesses a feature which, detached from the rest, might indemnify, in a slight degree, the new States for the loss they have incurred in giving up the right of taxing the federal lands for the inadequate consideration of 5 per cent. upon the proceeds of the sales. Every new State is long since satisfied that, in agreeing to this article in the compact, it has sustained an immense loss; the increase of this per centum is then a debt of justice to the new States; and instead of 10, as proposed in the bill from the Committee on Manufactures, it ought to be 15, so as to make the whole per centum 20.

The committee, considering that the public lands are one of the subjects of revenue, and that the Senate, by its vote of March 22, referred the question of reducing the revenue from this source to the Committee on Manufactures, which was then occupied with preparing a bill for the modification of the tariff, and the general adjustment of the revenue system, do recommend, first, that an amendment be offered to the bill reported by that committee, entitled "A bill further to amend the several acts imposing duties or imposts," to reduce the price of fresh lands to a minimum of one dollar per acre, and to fifty cents per acre for lands which shall have been five years or upwards in market; and secondly, that the bill which has been referred to their consideration be amended so as to strike out the whole, except so much as proposes to allow ten per centum to the new States, and to increase that allowance to 15 per cent.

APPENDIX.

No. 1.

Extract from the report of Mr. Rush, Secretary of the Treasury, December, 1827.

"The manner in which the remote lands of the United States are selling and settling, whilst it may possibly tend to increase more quickly the aggregate population of the country, and the mere means of subsistence, does not increase capital in the same proportion. It is a proposition too plain to require elucidation, that the creation of capital is retarded rather than accelerated by the diffusion of a thin population over a great surface of soil. Anything that may serve to hold back this tendency to diffusion from running too far and too long into an extreme can scarcely prove otherwise than salutary.

"It cannot be overlooked that the prices at which fertile bodies of land may be bought of the government under this system operate as a perpetual allurement to their purchase.

"It has served, and still serves, to draw in an annual stream the inhabitants of the majority of the States, including among them a portion, not small, of the western States into the settlement of fresh lands lying still further and further off. If the population of these, not yet redundant in fact, though appearing to be so under this legislative incitement to emigrate, remained fixed in more instances, as it probably would be by extending the motives to manufacturing labor, it is believed that the nation would gain in two ways: first, by the more rapid accumulation of capital; and next, by the gradual reduction of the excess of its agricultural population over that engaged in other vocations. It is not imagined that it would ever be practicable, even if it were desirable, to turn this stream of emigration aside; but resources opened through the influence of the laws, in new fields of industry, to the inhabitants of the States already sufficiently peopled to enter upon them, might operate to lessen in some degree, and usefully lessen, its absorbing force. Agriculture itself would be essentially benefited; the price of lands in all the existing States would soon become enhanced, as well as the produce from them, by a policy that would in anywise tend to render portions of their population more stationary by supplying new and adequate motives to their becoming so."

No. 2.

Extract from the memorial of the tariff convention, presented to Congress March 26, 1832.

"The last advantage which your memorialists propose to mention, as resulting from the establishment of domestic manufactures, is their effect in restraining emigration from the settled to the unsettled parts of the country. It is true, as a general principle, that manufactures add to the wealth and population of a country the whole amount of the capital and labor to which they give employment; but, in the particular case of the United States, where large tracts of good unoccupied land are continually for sale at low prices, it is probable, as your memorialists have already remarked, that some of the persons who, under the influence of the protecting policy, invest their capital and labor in manufactures, would, if this field of employment had not been opened to them at home, have emigrated to some of the unsettled parts of the country, and been occupied in clearing land. But when an individual can obtain a profitable market for his labor at his own door, in the midst of his friends and kindred, and of objects that are connected with the agreeable associations of his early years, he will hardly be tempted to go in search of it to a

distant, unexplored wilderness. The increase of population which thus takes place in the manufacturing States, by creating an increased demand for provisions and materials, renders it in turn more advantageous for the agricultural States to extend their industry at home than to send off continually new colonies. In this way the tide of emigration, without being wholly dammed up, is considerably checked throughout all the settled parts of the Union, and the population of all begins to put on a more consolidated shape.

"An inhabitant of one of our Atlantic States, who, before the adoption of the protecting policy, was prevented, by the fear of foreign competition, from investing his capital in manufactures, may have employed it in carrying coffee from Batavia to Antwerp, or in clearing wild lands on the banks of the Missouri; and in so doing may have given it the direction which was at that time, under all the circumstances, the most judicious. But it does not thence follow that it was the best which he could possibly have given it had he been at liberty to choose, or that it is not his policy and duty, as a member of the community, to concur in so regulating the circumstances under which he acts, as that he shall be able to employ his capital at the place of his residence, rather than in the opposite side of the globe."

No. 3.

Extracts from the laws of the State of Maine for the sale and settlement of her public lands.

"That such townships of land belonging to the State as may be suitable for settlement and cultivation shall be surveyed and divided into lots of 100 acres each, as nearly as may be; and the land so surveyed and allotted shall be sold to such persons only as may wish to become actual settlers in any township, shall have each a lot of 100 acres, wherever he may wish to make a selection of land not contracted for, at 30 cents per acre, one half to be paid in money at the time of contracting, and the other half to be paid in labor in making roads in said township under the direction of the agent."—(Act of 1824, sec. 1.)

"That whenever, in any township, contracts shall have been made for 40 settlers, the residue of such township shall be sold at 60 cents per acre, until otherwise ordered by the legislature."—(Same act, sec. 3.)

"That such lands as may be unfit for settlement and cultivation, and properly falling under the denomination of timber land, shall be laid out in lots and sold for its just value, not exceeding 500 acres to any one person."—(Same act, sec. 4.)

"That in every case where any person has commenced a settlement on any of the lands belonging to this State, prior to the passage of this act, such person shall be entitled to a prior right of purchase."—(Same act, sec. 8.)

"That the same agent be, and he hereby is, authorized to sell, in lots of one mile square, any meadow, bog, or waste land, which does not fall under the denomination of settling, or timber land, either at auction or private sale, as, in his opinion, shall best promote the interest of the State."—(Act of 1825, sec. 2.)

"That the said agent is hereby authorized to sell timber on the public lands, where the same is decaying, and, in his opinion, it is for the public interest to do so."—(Same act, sec. 3.)

"That it shall be his duty to sell at public auction, or private sale, all grass growing on the public land from year to year; to take suitable measures for the preservation of timber and grass standing and growing thereon; and to prosecute, in behalf of the State, for all trespasses which have been or may be committed on the same, and seize and to sell at public auction all kinds of lumber and grass cut by trespassers," &c.—(Act of 1828, sec. 1.)

22D CONGRESS.] No. 1065. [1ST SESSION.

STATEMENT OF THE QUANTITY OF PUBLIC LAND SOLD AND THE RECEIPTS THEREFROM TO THE CLOSE OF THE YEAR 1831.

COMMUNICATED TO THE SENATE MAY 21, 1832.

TREASURY DEPARTMENT, *May* 19, 1832.

SIR: I have the honor to submit a report prepared by the Commissioner of the General Land Office, which, with the accompanying statements, contains the information requested by a resolution of the Senate, dated the 20th ultimo.

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

LOUIS McLANE, *Secretary of the Treasury.*

The Hon. PRESIDENT *of the Senate.*

GENERAL LAND OFFICE, *May* 17, 1832.

SIR: In obedience to a resolution of the Senate of the United States, passed on the 20th ultimo, in the words following to wit: "*Resolved,* That the President be requested to cause the Commissioner of the General Land Office to lay before the Senate the whole amount of money arising from the sales of the public lands in each State or Territory in which the public lands lie; exhibiting separately the amount in each State or Territory, from the commencement of the sale of public lands by the United States, and

exhibiting the quantity of land sold in each State or Territory," and which has been referred to this office, I have the honor to submit the enclosed general statement furnishing the information desired, accompanied by the several minor tables, marked A, B, C, and D.

I am, with great respect, sir, your obedient servant,

ELIJAH HAYWARD

Hon. LOUIS MCLANE, *Secretary of the Treasury.*

Statement prepared in pursuance of a resolution of the Senate of April 20, 1832.

State or Territory	Acres.	Net amount of sales and moneys paid by purchasers to December 31, 1831.
Sales in New York in 1787	72, 974.00	$117, 108 24
Sales at Pittsburg in 1796	43, 446.61	100, 427 53
Sales to the Ohio Company	892, 900.00	642, 856 66
Sales to J. C. Symmes and associates	272, 540.00	189, 693 00
Sales at the land offices in the State	7, 564, 549.00	*16, 163, 783 38
Total for the State of Ohio	8, 846, 409.00	17, 213, 868 81
Indiana	5, 817, 038.00	7, 597, 791 21
Illinois	2, 178, 012.00	2, 758, 463 46
Missouri	1, 955, 572.00	2, 917, 319 45
Mississippi	1, 596, 288.00	2, 545, 810 03
Alabama	4, 335, 471.00	8, 949, 995 96
Louisiana	344, 753.00	629, 638 49
Michigan	948, 289.00	1, 239, 424 12
Arkansas	78, 000.00	97, 644 27
Florida	424, 618.00	571, 868 39
Aggregate	26, 524, 450.00	†44, 521, 824 19

* This item includes all the moneys received for land sold in that portion of the district of Cincinnati lying in the State of Indiana.

† This sum includes the following items:

Certificates of public debt, and army land warrants, per statement marked A	$984, 189 91
Forfeited land stock and military land scrip, per statement B	757, 778 23
Mississippi stock, per statement C	2, 448, 789 44
United States stock, per statement D	257, 660 73
	4, 448, 418 31

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *May* 17, 1832.

A.

Statement exhibiting special sales of public lands prior to the organization of the land offices.

Year.	Where and to whom sold.	Sales of public lands.		Deposits forfeited.	Total proceeds.	Remarks.
		Quantity of acres	Purchase money.			
1787	New York	72, 974	$87, 325 59	$29, 782 65	$117, 108 24	
1792	Pennsylvania	202, 187	151, 640 25		151, 640 25	Paid in certificates of public debt.
1792	John Cleves Symmes	272, 540	189, 693 00		189, 693 00	Paid in army land warrants.
1792	Ohio Company	892, 900	642, 856 66		642, 856 66	Paid in certificates of public debt and army land warrants.
1796	Pittsburg	43, 446	99, 901 59	525 94	100, 427 53	
		1, 484, 047	1, 171, 417 09	30, 308 59	1, 201, 725 68	

T. L. SMITH, *Register.*

TREASURY DEPARTMENT, *Register's Office, May* 19, 1832.

B.

Statement showing the amount of forfeited land stock and military land scrip received in payment for the public lands in each of the States and Territories to the 31st of December, 1831, viz:

Ohio	$327,099 13
Indiana	156,194 80
Illinois	70,312 00
Missouri	19,317 02
Mississippi	48,600 06
Alabama	113,801 56
Louisiana	2,084 16
Michigan	9,169 50
Florida	11,200 00
	757,778 23

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *May* 17, 1832.

C.

Statement exhibiting the amount of Mississippi stock surrendered in the land offices in the States of Alabama and Mississippi, issued under an act of Congress of March 31, 1814, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory.

Year ending—	Huntsville.	West of Pearl river.	St. Stephen's.	Cahaba.	Tuscaloosa.	Total.
Dec. 31, 1816	$525 00	$65,225 00	$57,331 83	.....	.....	$123,081 83
1817	1,450 00	89,657 07	105,687 23	$177,843 03	.....	374,637 33
1818	1,165,977 59	102,947 30	49,501 45	158,647 99	.....	1,477,074 33
1819	29,807 14	102,361 63	75,207 23	213,189 04	.....	420,565 04
1820	4,375 00	450 00	9,600 00	22,749 91	.....	37,174 91
1821	75 00	.....	600 00	1,152 08	$1,625 00	3,452 08
1822	.....	7,128 92	.....	2,825 00	1,350 00	11,303 92
1823	.....	.....	.....	.....	.....	.....
1824	.....	.....	.....	1,350 00	.....	1,350 00
1825	.....	.....	.....	.....	150 00	150 00
	1,202,209 73	367,769 92	297,927 54	577,757 05	3,125 00	2,448,789 44

T. L. SMITH, *Register.*

TREASURY DEPARTMENT, *Register's Office, May* 16, 1832.

D.

Statement exhibiting the amount of stock of the United States received in payment for public lands under the authority of the act of March 3, 1797, entitled "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States."

Received in Steubenville	$135,479 64
Marietta	4,289 54
Zanesville	160 53
Chilicothe	81,014 11
Cincinnati	36,716 91
	257,660 73

NOTE.—The act of March 3, 1797, was repealed by that of April 18, 1806.

T. L. SMITH, *Register.*

TREASURY DEPARTMENT, *Register's Office, May* 17, 1832.

22D CONGRESS.] No. 1066. [1ST SESSION.

ON CLAIMS TO LAND IN ALABAMA.

COMMUNICATED TO THE SENATE MAY 26, 1832.

TREASURY DEPARTMENT, *May* 25, 1832.

SIR: I have the honor to transmit a copy of a report numbered 2, of the register and receiver of the land office for the district of St. Stephen's, prepared in obedience to the third section of the act of Congress approved March 2, 1829.

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

LOUIS McLANE, *Secretary of the Treasury.*

The Hon. PRESIDENT *of the Senate.*

LAND OFFICE, *St. Stephen's, Alabama, May* 3, 1832.

SIR: We have forwarded with this report, No. 2, upon claims presented to us under the third section of the act of Congress of March 2, 1829.

We are, very respectfully, your obedient servants,

JOHN B. HAZARD, *Register.*
J. H. OWEN, *Receiver.*

Hon. ELIJAH HAYWARD, *Commissioner of the General Land Office.*

No. 2.

Abstract of claims to lands situated west of the Perdido, east of Pearl river, and below the 31st degree of north latitude, presented to the register and receiver of the land office at St. Stephen's, Alabama, acting as commissioners under the authority of the third section of the act of Congress of March 2, 1829, entitled "An act confirming the report of the register and receiver of the land office for the district of St. Stephen's, in the State of Alabama, and for other purposes."

Number.	By whom claimed.	Original claimants.	Nature of claim.	Tract claimed.	Quantity claimed.	Quantity allowed.	Possession.	
							From—	To—
					Arpents.	*Arpents.*		
1	Legal representatives of John Forbes & Co.	Margaret de Lusser.	Spanish survey	Grand Terre, east side of the Tensaw river.	5,040	5,040	April 15, 1803.	April 15, 1813.
2	Legal representatives of Wm. E. Kennedy.	John Ward.....	Spanish concession	Bounded on the south and west by Bon Secours and Mobile bay.	6,400	6,400	1800.....	....do....
3	Heirs of Miguel Eslava...	Miguel Eslava	Spanish permit, dated Mar. 26, 1803, for 800 arpents; and Spanish permit, dated Feb. 25, 1803, for 5,000 arpents for adjoining tracts.	Bayou Decraw, west side of Mobile bay.	5,800	5,800	1802.....	Present time.

REMARKS.

Claims No. 1 and 2 appear to have been regularly transferred from the original grantees to the present claimants.

The original grantees, or their legal representatives, appear to have been residents of that part of Louisiana situated east of Pearl river, west of the Perdido, and below the 31st degree of north latitude, on the 15th day of April, 1813, and on that day, and for ten consecutive years previous to that day, to have been in possession of the tracts claimed. The present claims are therefore recommended for confirmation; but if either of the foregoing claimants had a claim to any part of the above-described lands heretofore confirmed to him, the quantity heretofore confirmed to be included in and make a part of the quantity now recommended for confirmation. All of which is respectfully submitted.

JOHN B. HAZARD, *Register.*
J. H. OWEN, *Receiver.*

LAND OFFICE, *St. Stephen's, Alabama, May* 3, 1832.

22D CONGRESS.] No. 1067. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE SENATE MAY 30, 1832.

Mr. KANE, from the Committee on Private Land Claims, to whom was referred the petition of Sarah Milligan, widow of Lawrence Milligan, deceased, and of Mary Liddle and Catharine Bien, daughters of L. Milligan, reported:

That a tract of land was granted by the Spanish government, in 1802, to Lawrence Milligan, having a front of twenty arpents, by the depth of forty, containing 800 arpents superficial measure, on the Bayou Bœuf, in the western district of Louisiana, which was surveyed and located under that government, and the title acknowledged by the United States, and confirmed by the board of commissioners, and was, therefore, a complete title to the land under a certificate marked B, No. 907. That the said title was duly located pursuant to the certificate in 1824, as will appear by the copy of the said survey. That the land was then occupied by William Hargrove, who held by purchase from the United States, under the act of April 12, 1814. The petitioners then instituted a suit against the said Hargrove, in 1825, for the recovery of the land; the said Hargrove set up a title under the United States, and pleaded a prescription of ten years. The court held the possession under the title of the United States good under the laws of Louisiana. The petitioners pray that, as they had a title under the former government, duly acknowledged by the American government; that as they have lost their land by the illegal act of the government in disposing of the property of individuals, they may be permitted to locate the same quantity on any public land in the said land district.

The committee are of opinion that the prayer of the petitioners is reasonable and ought to be allowed, and report a bill accordingly.

22D CONGRESS.] No. 1068. [1ST SESSION.

ON THE CLAIM OF INDIANA TO CERTAIN LANDS IN THAT STATE.

COMMUNICATED TO THE SENATE JUNE 7, 1832.

Mr. TIPTON, from the Committee on Public Lands, to whom were referred a joint resolution of the general assembly of the State of Indiana of the 3d of February last, and a resolution of the Senate of May 3, 1832, with instructions to inquire into and report all the facts and proceedings in relation to a reservation and sale of the northeast, northwest, and southwest quarters of section 25, township 6, of range 1 west of the meridian, drawn from the mouth of the Great Miami river, reported:

That from an examination of the resolution presented to the Senate by the general assembly of Indiana it appears that that State claims the three quarter sections of land above referred to by virtue of the 6th section of the act of Congress of April 19, 1816, which grants to that State all salt springs within its limits, and the land reserved for the same, not exceeding in the whole the quantity contained in thirty-six entire sections, and alleges that ever since the adoption of her constitution she has had undisputed possession of these lands; has, in accordance with the terms of the said grant, leased and exercised other acts of ownership over them; and that, particularly, on the 4th day of January, 1830, these three quarter sections of land were leased by the Hon. M. C. Eggleston, president judge of the third judicial circuit, on behalf of the State, to one David Guard, for a term of three years, who took possession, and placed Mary Muir, John Davis, and Thomas Branan thereon as tenants; and they complain that these tenants, through the agency of an attorney, have been permitted to purchase these lands from the United States, as occupants thereof, under the pre-emption law of May, 1830, at the minimum price of one dollar and twenty-five cents per acre, when, in fact, they were the rightful property of the State of Indiana, and are worth in cash eight thousand dollars.

It is further stated in the resolution that patents have been issued from the General Land Office for this property; and that the holders under the patents have conveyed the same to third persons, who are now claiming to hold the same in virtue of such sale and conveyance, thereby defrauding the State of Indiana of her vested rights therein.

In the investigation of this matter, it would seem to be the duty of the committee to present to the Senate—1st. All the facts going to establish the claim of the State of Indiana to the land in question, by showing that there is or is not a salt spring on section 25, to bring it within the provisions of the acts of Congress of 1796 and of 1816, under which the reservation and grant is claimed by that State; and 2dly. To present the facts in relation to the sale by the officers of the government and the attorney in fact who transacted the business on the part of the claimants under the pre-emption law.

The committee are of opinion that, to effect this object, it will be most plain and intelligible to refer to the general laws, to incorporate all special acts in relation to the section of land in question, and all the correspondence between the late and present Commissioner of the General Land Office, and the land officers at Cincinnati, and with the committee and members of Congress.

These will consist of a reference to the general act of 1796, (page 421 of the Land Laws,) the 4th section of the act of 1800, (page 457,) the 12th section of the act of 1804, (page 501,) the 4th section of the act of 1806, (page 538,) the act of April 24, 1820, (page 770,) the act of May 29, 1830, and of the

incorporation of the special acts of February 24, 1815, the act of April 19, 1816, under which the State claims, and of the act of February 12, 1831, directing these three quarter sections of land to be sold as other public lands are sold.

The correspondence is numbered from 1 to 9, including the petition of David Guard, which is also submitted.

No. 1.

GENERAL LAND OFFICE, *May* 12, 1832.

SIR: I have the honor to communicate to the Committee on Public Lands, in compliance with your letter of the 7th instant, copies of all the correspondence of this office which contain all "the facts and proceedings in relation to the reservation and sale of the northeast, northwest, and southwest quarters of section 25, of township 6, of range 1 west meridian," as known to this office, required by the resolution of the Senate of the 3d instant, which is herewith returned.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. WILLIAM R. KING, *Senate United States.*

No. 2.

[Extract.]

LAND OFFICE, *Cincinnati, February* 8, 1826.

In regard to the saline reservation, (section 25, township 6, 1 west,) about which the Hon. Mr. Noble has made inquiry, I have to state that Daniel Perine entered the southeast quarter on the 25th of May, 1815, under an act of the 24th February preceding, (Land Laws, page 135,) the same having been duly examined at the instance of the register and receiver, and found to contain no "salt spring, or springs valuable for the purpose of making salt." No law having since been passed in relation to the remaining three quarters, (unless, indeed, the act of April 24, 1820, may be so construed,) they have not hitherto been offered at public sale, and are not, therefore, considered now open for entry.

The authority under which this tract was originally reserved will be found in the 3d section of the act of May 18, 1796, by turning to page 113 of the last edition of the "Land Laws"

PEYTON S. SYMMES, *Register.*

The COMMISSIONER *of the General Land Office.*

No. 3.

GENERAL LAND OFFICE, *March* 18, 1826.

SIR: Your letter of the 8th ultimo, explanatory of the entry by Daniel Perine of the southeast quarter of section 25, township 6, range 1 west, has been received. The provisions of existing laws will be sufficient authority for the offering of the three remaining quarters of that section at the next public sale of relinquished lands.

I am, &c.,

GEO. GRAHAM.

P. S. SYMMES, Esq., *Register, &c., Cincinnati, Ohio.*

No. 4.

GENERAL LAND OFFICE, *March* 18, 1826.

SIR: Enclosed is a copy of a letter from the register of the land office at Cincinnati, Ohio, in relation to what was supposed to be a saline reservation, in section No 25, township 6, range 1 west of meridian line. The entry of the southeast quarter of that section appears to have been made under the authority of a special act to that effect, (*vide* Land Laws, page 135.) The three remaining quarters, not having yet been exposed to public sale, will be offered for sale, with the relinquished lands under the existing laws.

I am, &c.,

GEO. GRAHAM.

Hon. JAMES NOBLE, *Senate United States.*

No. 5.

GENERAL LAND OFFICE, *December* 14, 1829.

SIR: The Hon. W. Findlay having inquired, in your behalf, to ascertain the time when section 25, township 6, 1 west, in the Cincinnati district, would be offered for sale, I have to inform you that it will be

included in the next proclamation directing sales at the land office at Cincinnati, and I have to request that you will in the meantime prevent, as far as in your power, *any* person from injuring that tract by taking from it either stone or timber.

Very, &c.,

G. GRAHAM.

Mr. DAVID GUARD, *Lawrenceburg, Indiana.*

No. 6.

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

Your petitioner, David Guard, of the county of Dearborn and State of Indiana, showeth unto your honorable bodies that section 25, township 6, range 1 west of the principal meridian of the lands directed to be sold at Cincinnati, was reserved from public sale, under the impression that said section contained a valuable salt spring; that many years ago, when salt was obtained with great difficulty in the western country, some fruitless attempts were made to procure salt therefrom, but, after much labor and pains, it was found totally impracticable to do so at any reasonable expense, and the spring was accordingly abandoned as useless and worthless; that in the year 1815 a law was passed by Congress authorizing the register and receiver of public moneys at the land office at Cincinnati to permit one Daniel Perine, of Indiana, to enter and become the purchaser at private sale, on the usual terms of sale, of the southeast quarter of the said section, if the said register and receiver should be satisfied that it contained no salt spring valuable for the purpose of making salt; that, after due examination by the said register and receiver, they became satisfied there was no spring upon it valuable for the purpose of making salt, and permitted the said Daniel Perine to enter the said quarter, and purchase the same on the usual terms of sale. Your petitioner would further beg leave to represent that the said remaining three quarters of said section is extremely rough and broken, so much so that it is not susceptible of ordinary tillage, and can be useful for pasture only and the small portion of timber upon it, and even the latter has been so long a subject of depredations by the surrounding inhabitants as to become almost worthless, and, if remaining much longer unoccupied, it will be valueless to the government and useless to individuals. This land joins the lands of your petitioner, in consequence of which he feels desirous to attach it to his farm, believing it will be more advantageous to him than to any other person, and perhaps will indemnify him for the purchase money; wherefore he prays your honorable bodies to permit him to enter the remaining three quarters of the said section, and become the purchaser of the same at private sale, in the same manner and for the usual price of public lands. And he, as in duty bound, will ever pray, &c.

Respectfully, yours,

DAVID GUARD.

No. 7.

LAND OFFICE, *Cincinnati, June* 3, 1831.

SIR: Among the tracts recently claimed by pre-emption rights are the three remaining quarters of the section near Lawrenceburg, commonly known and designated as the "lick section," or "*saline reserve,*" (NE., NW., and SW., 25, 6, 1 W.) But as some doubts arose, on the part of the receiver and myself, whether this section had not been "*reserved from sale*" in such a manner as to shield it from the operation of the act of May 29, 1830, and more especially as it was expressly ordered to be offered at next August sales by authority of an act of Congress passed *after* the date of the *pre-emption law,* with the advice of Judge McLean, we came to the conclusion that it would be most decorous to avoid looking behind the peremptory *congressional order* to sell for the grounds of a decision, and the applications filed by Mr. Lane were, accordingly, received as *conditional* only, and subject to the revision and direction of your department.

As Mr. L. was anxious that the papers should be forwarded in time to meet him on his arrival at Washington, I enclose them herewith, and will forward in a few days, with our returns, such additional facts on the subject as the records of the office and further inquiries may develop.

I am, &c.,

PEYTON S. SYMMES.

Hon. ELIJAH HAYWARD, *Commissioner of the General Land Office.*

No. 8.

GENERAL LAND OFFICE, *June* 10, 1831.

SIR: Your letter of the 3d instant has been received. No evidence can be found in this office going to show that section 25, township 6, range 1 west, or any part thereof, was directed to be reserved from sale by reason of its including a salt spring, or from any other cause.

The act of 24th February, 1815, entitled "An act for the relief of Daniel Perine," authorized the entry by said Perine of the southeast quarter of that section, but does not intimate that the tract was reserved from sale by authority.

Your letter of the 8th February, 1826, represents that the three remaining quarters of that section had not been offered at public sale, but does not state that they were reserved from sale by authority. If your office exhibits *no authority* for making the reservation, those tracts cannot be regarded as subject to the restriction imposed by the 4th section of the pre-emption law of 29th May, 1830, which is, that the right of pre-emption contemplated by that act "shall not extend to any land which is reserved from sale

by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatsoever."

If, therefore, pre-emption claims are established to those three quarter sections under the act of 29th May, 1830, they are valid in law, and the subsequent act, directing them to be exposed to public sale, cannot take effect, inasmuch as in so doing it would interfere with rights *vested* by a previous act. The papers are returned herewith.

I am, &c.,

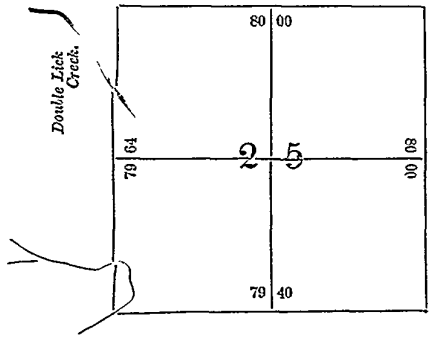
E. HAYWARD.

PEYTON S. SYMMES, Esq., *Register, &c., Cincinnati, Ohio.*

P. S.—In case you should discover any evidence in your office which justified you in reserving those lands from sale, you will be pleased to suspend proceedings and report thereon.

No. 9.—A.

Diagram of section 25, *township* 6, *range* 1 *west of meridian line.*



Copy of field-notes.

Exterior lines.—"Generally of the best quality." "Timber: sugar tree, walnut, mulberry, and hickory."

Interior lines.—"Moderate ridges; second-rate land." "Timber: ash, oak, elm, and sugar tree."

By a special act of Congress of February 24, 1815, the sale of the southeast quarter of this same section is authorized, as will appear from the following:

"*Be it enacted, &c.*, That the register and receiver of public moneys for the district of Cincinnati shall permit Daniel Perine, of Indiana Territory, to enter and become the purchaser, at private sale, of the southeast quarter of section numbered twenty-five, of township numbered six, in range numbered one west, in the Cincinnati district, if on due inquiry the said register and receiver shall be satisfied that the said quarter section does not contain any salt spring or springs valuable for the purpose of making salt. And the said Daniel Perine shall be entitled to a grant of the aforesaid quarter section on completing the payments therefor on the terms and conditions provided for the sale of public lands sold at private sale."

That part of the act of April 19, 1816, under which the State of Indiana claims, is the second proposition of the 6th section, and is as follows:

"That all salt springs within said Territory, and the land reserved for the use of the same, together with such other lands as may by the President of the United States be deemed necessary and proper for working the said salt springs, not exceeding in the whole the quantity contained in thirty-six entire sections, shall be granted to the said State, for the use of the people of the said State, the same to be used under such terms, conditions, and regulations as the legislature of the said State shall direct: *Provided*, The said legislature shall never sell nor lease the same for a longer period than ten years at any one time."

On the 16th day of December, 1831, a bill was introduced on leave into the Senate of the United States granting to David Guard, of Indiana, the right to purchase at private sale the southwest, northwest, and northeast quarters of section 25, township 6, of range 1 west. This bill was referred to the Committee on Public Lands, who reported it as amended, and it passed in the following words:

"*Be it enacted, &c.*, That it shall be the duty of the President of the United States to offer at public sale, as soon as may be, the southwest, northwest, and northeast quarters of section numbered twenty-five, of township number six, in range number one west, in the Cincinnati district, under the same rules and regulations that govern the sale of other public lands of the United States."

By the act of 1796 aforesaid the surveyor was required to note in his field book all mines, salt licks, salt springs, and mill seats. The same act reserves from sale all salt springs with one mile square, and such other sections as the President shall designate. From this act to the act of 1816, under which the State claims, all the acts of Congress reserve from sale, by express words, all salt springs and such sections as had been reserved for their use by order of the President.

There being no evidence in the field-notes or in any book, map, or plat in any of the offices, that section 25 ever had upon it a salt spring, or was ever reserved as such, or for the use of a salt spring, or for any other purpose, the committee cannot see by what authority the State claims this section as being embraced in the provisions of the act of 1796 or of 1816.

In 1815 Congress passed a special act authorizing Daniel Perine, of the Indiana Territory, to enter, at private sale, the southeast quarter of this section; and in 1831 an act passed directing the President to cause the three remaining quarters to be sold at public sale. At the time of passing the last-mentioned act the delegation in Congress from the State of Indiana, part of whom were members of the convention that formed her constitution, alive to her interest, and well acquainted with her rights, would surely have

claimed this land if they had considered it a reservation belonging to that State. It appears to the committee, from the above documents and proceedings, that the Commissioner of the General Land Office and the register at Cincinnati acted with great caution in the sale of the three quarter sections of land mentioned in the resolution; and if there has been fraud practiced by the attorney in fact for the purchasers, or by any other person, the committee have not been able to detect it. They therefore offer the following resolution:

Resolved, That the committee be discharged from the further consideration of the memorial of the legislature of Indiana and the resolution of the Senate of the 3d of May, 1832.

22D CONGRESS.] No. 1069. [1ST SESSION.

RELATIVE TO MAKING PROVISION FOR ADJUSTING CERTAIN PRIVATE LAND CLAIMS DERIVED FROM THE SPANISH GOVERNMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JUNE 14, 1832.

DEPARTMENT OF STATE, *Washington, June* 12, 1832.

The Secretary of State, to whom, on the 22d instant, was referred the resolution of the House of Representatives of February 7, 1832, on the expediency of providing by law for the final adjustment of all the claims to land derived from the former government of Spain and its local authorities in that part of West Florida between the Mississippi and Perdido rivers, from the date of the Louisiana treaty of 1803 to the proclamation of President Madison, in 1810, either by a confirmation of the titles or a reference of them to the judiciary, with directions to report to the House of Representatives the recent correspondence between the Spanish minister and the Secretary of State, with the opinion of the latter upon the justice and validity of these claims, has the honor to report:

That the government of the United States having by several acts asserted their right to all the territory between the Mississippi and the Perdido, under the treaty of 1803, it would be improper to contradict that asserted right, and unnecessary to support it. Assuming, therefore, as the groundwork of this report, that the construction which the United States have put on the treaty of cession is in this respect the true construction, and that by it they acquired a right to all the land referred to in the resolution of the House, it is equally true that the Spanish government, from the time the transfer of Louisiana took place, put a different construction upon it, maintained that it did not include any part of the Floridas, refused to deliver the possession of this territory when the rest of the ceded country was transferred to the French, held it when we received the country from France, and kept the whole until the year 1810, when a part of it was wrested from them by an insurrection, and the residue until 1813, when it was forcibly taken by the troops of the United States; and that during all this period they exercised an undisturbed jurisdiction over this territory, and disposed by sale of sundry tracts of land, as well to citizens of the United States as to Spanish subjects. For these sales the proper officer of the crown received a consideration in money, caused the lands to be surveyed, and gave to the purchasers titles in form.

After West Florida became incorporated into the Union, either as part of the State of Louisiana or of the then Territory of Mississippi, a board of commissioners was constituted to receive the evidence of title from the claimants to the lands between the Mississippi and the Perdido and to report the same to the General Land Office, declaring that those who neglected to record their titles should never after receive a confirmation thereof, and that no title not recorded should be received in evidence.

But by the act of Congress entitled "An act for erecting Louisiana into two Territories, and providing for the temporary government thereof," it was enacted that all grants for lands ceded by the French republic to the United States by the treaty of April 30, 1803, the title to which was in the government of Spain at the date of the treaty of St. Ildefonso, and every proceeding towards obtaining any claim to such lands made subsequent thereto, should be null and void, with an exception in favor of actual settlers prior to December 20, 1803, who had obtained a right under the laws and usages of Spain; but these were to be entitled to not more than six hundred and forty acres of land.

This law precluded the commissioners from allowing any claim under the Spanish grants made in virtue of the sales above mentioned, as they were, all of them, after the date of the treaty of St. Ildefonso, which was made in the year 1801.

Many of the purchasers under the Spanish government filed their claims; others, deterred by the provisions of the law of 1804, made after most of the purchases had been completed, neglected to do so, knowing that their claims would be rejected, and evinced a disposition to demand from the Spanish government the reimbursement of the purchase money they had paid.

Things remained in this situation until negotiations were opened, in the year 1818, for the cession of the Floridas to the United States. The first formal and written proposition came from Spain, through their minister, in a note enclosed in his letter of the 14th of October of that year, preceded, no doubt, by verbal communications. The part of the note immediately bearing on this subject is in the following words: "His Catholic Majesty, to give an eminent proof of his generosity, and of the desire which animates him to strengthen the ties of friendship and good understanding with the United States, and to put an end to the differences which now exist between the two governments, cedes to them in full property and sovereignty the provinces of East and West Florida, with all their towns and forts, such as they were ceded by Britain in 1783, and with the limits which designated them in the treaty of limits and navigation concluded between Spain and the United States on the 27th of October, 1795. *The donations or sales of land made by the government of his Majesty, or by legal authority, until this time are, nevertheless, to be recognized as valid.*"

To this part of the proposition Mr. Adams answers, in his letter of October 31, 1818: "Neither can

the United States recognize as valid ALL the grants of land UNTIL THIS TIME, and at the same time renounce all their claims, and those of their citizens, &c. * * * * * * *
It is well known to you, sir, that notice has been given by our minister in Spain to your government that all the grants of land LATELY alleged to have been made [alleged to have been lately made] by your government *within those territories* must be cancelled, unless your government should provide some other adequate fund from which the claims above referred to may be satisfied. From the answers of Don J. Pizarro to this notice, we have reason to expect that you will be sensible of this necessity, and that *some time must be agreed upon, subsequent to which no grant of land,* WITHIN THE TERRITORIES in question, shall be considered as valid."

In the reply of the Spanish minister he adverts to the sale of the lands "*in the two Floridas, ceded by his Catholic Majesty,*" as the means by which the United States would be enabled to pay the sums due to their citizens.

When the treaty was nearly concluded, the Chevalier de Onis was prevented by indisposition from meeting Mr. Adams; and Mr. Hyde de Neuville, then minister of France, seems to have been admitted, informally, as a mediator between the negotiators. In one of his notes on the subject of the confirmation he uses the following observation, which seems to be addressed to the Chevalier de Onis, in order to explain to him the views of Mr. Adams: "The Secretary of State observed to me, that certainly it could never be the intent of the federal government to disturb the individuals in the enjoyment of property acquired legally or *bona fide;* but that a treaty ought not to be made to cover frauds, and that nothing more could be demanded of the United States than the King could offer; that they put themselves precisely in his place, and that they would fulfil all his engagements, but most certainly it could never be understood that they should do more. The Secretary of State proposes even, if Mr. Onis desire it, that the article shall be inserted in the treaty such as Mr. Onis has proposed, on condition that the explanation above stated" [that all grants not annulled by this convention are valid to the extent that they are binding on his Catholic Majesty] "shall be given in a note." The article as proposed by Mr. Onis, to which Mr. Adams is said by Mr. Neuville to have consented with the above modification, is in these terms: "All the grants of land made by his Catholic Majesty, or by his authorities, in the *aforesaid territories of the two Floridas,* and others which his Majesty cedes to the United States, shall be confirmed and acknowledged as valid, excepting these grants which may have been made after the 24th day of January last year, the date of the first proposals which were made for the cession of those provinces, which shall be held null, in consideration of the grantees not having complied with the conditions of the cession."

In all this negotiation not an objection seems to have been raised to the confirmation of all the Spanish *bona fide* grants, excepting only certain extravagant concessions, covering nearly the whole of the ceded country, made subsequent to the first offer of the cession of the country. The idea of disturbing any such titles is expressly disavowed by Mr. Adams, and the treaty was finally concluded on the 22d February, 1819, in the same spirit that prevailed during the negotiation, the 8th article stipulating in these terms:

"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."

Subsequent, however, to the signature of the treaty, doubts arose whether the large grants intended to be cancelled had really been executed before or after the date fixed by the treaty (January 24, 1818.) This led to a warm correspondence between the agents of the two governments, during the whole of which not a doubt respecting the operation of the treaty, as confirming all the grants prior to 1818, is raised. And, finally, the treaty is ratified with an explanatory article, by which the date in the 8th article is stated to be one fixed "for the *confirmation of the grants of lands* made by the King in the Floridas," excepting specially the large grants.

From these statements the House of Representatives will be the better able to decide on the true intent of the 8th article, so far as it relates to the concessions or grants of land mentioned and described in their resolution. These were all long anterior to the date fixed by the article, (January 24, 1818,) they were completed in their form, made by the proper officer, and for a valuable consideration. The lands lie in that territory which, when in the possession of Spain, was by them called West Florida, and are situated to the east of the river Mississippi. They came, therefore, in every point, within the stipulations of the 8th article, that they "shall be ratified and confirmed to the same extent that the said grants would be valid if the territories had remained under the dominion of his Catholic Majesty."

Two objections seem to have been raised against this construction by the Supreme Court, in a cause in which the validity of one of these concessions was brought in question. In that case the principal ground of decision against the confirmation was drawn from the language of the article, which declares that the concessions *shall be* ratified and confirmed; which the court say is an act not done by the treaty itself, but made obligatory upon another branch of the government to do, which branch is the legislature, not the judiciary; that the legislature had not yet performed this obligation, created by the treaty; and that until it should be done, the court could not declare the treaty to be valid, inasmuch as the sales were made subsequent to the date of the treaty of St. Ildefonso, and therefore void, unless they were confirmed by the treaty of 1819. But they add, if the language of the article had been different, if the treaty had declared by words, *in presente,* that the grants *are* confirmed, then the treaty would have been a law obligatory on the court, and, by its paramount force, would have operated a repeal of the 14th section of the act of 1804, above quoted and referred to, and have induced a different decision.

If this part of the decision shall be found to be based on just principles, then there is a clear obligation upon the legislature to pass a law confirming those grants and repeal the law of 1804, which prevented their confirmation by the commissioners before the treaty.

In a late case decided in the Supreme Court reference is made to the language used in the Spanish version of the 8th article, to which their attention was not drawn in the case of Foster and Elam *vs.* Nelson. They there, with great strength of reasoning, demonstrate that the language of the 8th article

in the Spanish original is that which is used by the party who grants, and contains, in his own words, the condition on which he cedes; that therefore this language must govern; and, as words expressing a present confirmation of the grants are used, not a future obligation on the other party to confirm them, that the concessions made before the 24th January, 1818, in the language of the article, "quedan," *remained confirmed and ratified*, and that therefore no act of legislation was necessary, but that the prior concessions were, *ipso facto*, confirmed. This part of the decision is important, and it is therefore given in the words of the court:

"It became, then, all important to ascertain what was granted by what was excepted. The King of Spain was the grantor; the treaty was his deed; the exception was made by him; and its nature and effect depended on his intention, expressed by his words in reference to the thing granted and the thing refused, and excepted in and by the grant. The Spanish version was in his words, and expressed his intention; and though the American version showed the intention of this government to be different, we cannot adopt it as the rule by which to decide what was granted, what excepted, and what reserved: the rules of law are too clear to be mistaken, and too imperative to be disregarded by this court. We must be governed by the clearly expressed and manifest intention of the *grantor*, and not the *grantee in private, à fortiori*, in *public grants*. That we might not be mistaken in the intention or in the true meaning of Spanish words, two dictionaries were consulted, one of them printed in Madrid; and two translations were made of the 8th article, each by competent judges of Spanish, and both agreeing with each other, and the translation of each agreeing with the definition of the dictionaries. 'Quedaran,' in Spanish, correctly translated, means 'shall remain;' the verb '*quedar*,' in French, '*rester*;' Latin, '*manere*,' '*remanere*;' and English, '*remain*,' in the present tense. In the English original, the words are 'shall be,' words in the future. The difference is all important as to all Spanish grants. If the words of the treaty were that all the grants of land 'shall remain confirmed,' then the United States, by accepting the cession, could assert no claim to these lands thus expressly excepted. The proprietors could bring suits to recover them without any action of Congress, and any question arising would be purely a judicial one. 'Shall be ratified,' makes it necessary that there should be a law ratifying them, or authorizing a suit to be brought, otherwise the question would be a political one, not cognizable by this court, as was decided in Foster and Elam *vs.* Nelson.

"But, aside from this consideration, we find the words used in the Spanish sense as to the grants made after January 24, 1818, which are, by the same article, in English, '*hereby declared, and agreed to be, null and void*.' The ratification is in Spanish and English. The Spanish words in the Spanish version are, '*quedado*' and '*quedan*' in reference to the annulled grants; the English are, '*have remained*,' '*do remain*.' The principles of justice, and the rules of both law and equity, are too obvious not to require that, in deciding on the effect and legal operation of this article of the treaty by the declared and manifested intention of the King, the meaning of Spanish words should be the same in confirming as in annulling grants. A regard to the honor and justice of a great republic alike forbids the imputation of a desire that its legislation should be so construed, and its law so administered, that the same word should refer to the future as to confirming, and to the present in annulling grants in the same article of the same treaty.

"For these reasons, and in this connexion, we consider that the grants were confirmed and annulled, respectively, simultaneously with the ratification and confirmation of the treaty; and that when the territory was ceded the United States had no right in any of the lands embraced in the confirmed grants."

Had the decision stopped here, the undersigned would have been of opinion that the case was open for relief to the persons claiming under the grants described in the resolution which has been referred to him. But after this explicit declaration that the Spanish version is to govern; that under it the early grants are, *ipso facto*, by the treaty confirmed; and that no further legislation is required, the court, "to avoid (as it says) all possible misapprehension," declare that they give validity to the grant which they were then considering by virtue of laws which empowered them "*to decide according to the stipulation of any treaty*," but that should they be called on to decide on the validity of a title acquired by any Spanish grant not embraced by these laws they would feel bound to follow the course pursued in Foster and Elam *vs.* Nelson, in relation the stipulation in the 8th article of the Florida treaty, "*that the legislature must execute the contract before it can become a rule for this court.*"

This conclusion, so contrary to that which the undersigned would have drawn from the premises, has continued the difficulty which he had hitherto found to answer what he considers the just complaint of the Spanish government in the letters which, by the resolution of the House, he has been directed to report. Convinced in his own mind that the claims which were urged by the minister of Spain were well founded, he was in hopes, first, that the legislature, by passing a law to do that which the court had declared, in the case of Foster and Elam *vs.* Nelson, to be an obligation created by the treaty upon the legislative, not the judiciary, branch of the government, would have enabled him to answer the Spanish minister that justice had been done to the claimants; and when, by the failure of their petition presented to Congress for that purpose, he lost that hope, he encouraged the one that has now equally proved vain, that the discovery which he made and pointed out of a difference between the Spanish and English version of the treaty, would have induced the court to decide that their opinion in the case of Foster and Elam *vs.* Nelson was erroneous, as being based only on the English version. They did, as has been shown, most explicitly decide that that version should govern; that it imports a present confirmation, not a promise to confirm in future. But yet, as they give formal notice that they will persevere in a decision given expressly on the assumption that the English version is to govern, the undersigned is bound to believe that they have been governed by some good reasons which have not occurred to him from the view, probably an erroneous one, he has taken of the case. However this may be, the declaration is explicit, and imposes on the undersigned the necessity of a strong appeal to the legislature to relieve him, should they deem his reasoning correct, from the embarrassments he is under in making a proper reply to the claim of the minister of Spain in behalf of his government. While the suits of the grantees were pending his answer was easy: "The judiciary will decide, and their decision will be satisfactory, because it will be just. If they decide against the claim you must submit, because they are the proper judges of the legal right. If they allow the claim, it is all you ask." But they have decided, not against the claim, nor yet have they allowed it; but, while they acknowledge that the treaty intended to protect the right of the claimants, they say it created an obligation on the legislature to do a preliminary act, which act they have not done. Following this out, it will at once be seen that the hard task would be imposed on the Secretary of State of saying to a foreign minister, my government has, by treaty, engaged to do an act of justice to the grantees of your sovereign, which they have hitherto refused to perform, although a co-ordinate branch has acknowledged the obligation by a solemn decision. It can scarcely be

alleged, as a sufficient answer to this, that the legislature substantially fulfilled this obligation by the appointment of a board of commissioners to decide on the validity of the Spanish grants, and to report for confirmation such as they deemed valid: first, because the commissioners could confirm no grant exceeding 640 acres; but, conclusively, because they were expressly bound by law not to confirm any of them, the law of 1804 expressly inhibiting the confirmation of any grant made subsequent to the treaty of St. Ildefonso. But these grants were all made two and three years subsequent to that treaty, and were rejected on that ground, as appears by the certificates of the commissioners of the land offices, hereunto annexed.

It has also sometimes, and by some of the judges, in their opinions, been argued that the lands west of the Perdido having been decided by the government of the United States to be included in the purchase of Louisiana, the stipulations of the treaty of 1819 could not apply to them, and that the grants agreed to be confirmed by the 8th article of that treaty were such only as were made in East Florida and that part of West Florida which lies east of the Perdido, and they reason thus: "The 8th article confirms the grants of land in the 'territories ceded by his Majesty to the United States.' What lands were ceded? For this we must look to the 2d article, where we find that *his 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.* Now, the territories to the west of the Perdido did not belong to him; they had been incorporated into the Union under the Louisiana treaty. Therefore the grants made in that region cannot come within the purview of the 8th article, which contemplates only the territories belonging to the King of Spain."

The error of this reasoning consists in discarding that rule of construing an agreement which directs that the intent of the parties is to govern, and that this intent is to be sought as well in the avowed object of the agreement as in the language used to carry it into effect, and that for this purpose such construction of doubtful words should be adopted as will reconcile them where they apparently differ from each other.

The object of this treaty was, as is expressed in the preamble, "to consolidate on a permanent basis the friendship and good correspondence which happily prevails between the two parties, and to settle and terminate all their differences and pretensions by a treaty," &c.

Now, what were those differences? Spain, when she executed the treaty for ceding Louisiana, insisted that, except the island of New Orleans, no part of it lay to the east of the Mississippi; that all the rest of her dominions in that quarter were included in the provinces of East and West Florida. She kept possession of them for some years after the country was ceded to the United States, when they were wrested from her by force. During the early part of that period, she made the sales and concessions now in question, and ever since protested against the occupation by the United States. One of the differences to be settled was, then, this very one of the right to that part of West Florida which lies west of the Perdido. How was this to be effected? Precisely in the way that was devised by our able negotiator, Mr. Adams, by using such language as would end the dispute without the mortifying acknowledgment by either party that it had been wrong. We claimed that Louisiana extended eastward to the Perdido; the Spaniards that, with the exception of New Orleans, it was bounded by the Mississippi. To the country east of the Perdido we had no claim; but Spain, for a proper consideration, agrees to cede it to us. Now, if the second and eighth articles relate solely to the territories purchased by that treaty, what would have been the description? Certainly different from that actually used. The Perdido, and not the Mississippi, would have been assumed as the western boundary. But, although this would have designated the territory which, according to the argument, was all that is intended by the two articles, it would have left undetermined one of the principal causes of dispute. How was this to be avoided? By taking the Mississippi as the western boundary, and thus including in the cession all the disputed territory. It cannot be doubted that this was one of the great objects of the treaty; but, whatever may be our opinions on this point, it will be conceded that, to give effect to this intent, the written language of the treaty must be such as will justify it.

Let us examine it with that view:

"His Catholic Majesty cedes to the United States all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida." Here are two designations of the territory ceded: *all the territories east of the Mississippi which belong to him,* and those territories are further described as those *known by the name of East and West Florida.* Now, it never was doubted that the designation of West Florida, while that country was possessed by Great Britain, and after it was ceded to Spain, was applied to the territory bounded by the Mississippi. The whole of the description, then, will apply to the lands in question as it was understood by one of the parties; and as this description was given in the very act by which the whole of the Spanish claim was relinquished to the United States, it was a matter of little moment to this latter power what words were used by Spain to avoid a confession which, in a compromise, they never could be called on to make; that their previous pretensions were unjust, provided the same precautionary language were observed with respect to the United States. The treaty was a compromise. Spain undoubtedly had a claim, founded on at least a color of right, to the territory between the Perdido and the Mississippi, a claim they had always asserted. In delivering possession of Louisiana, to which we contended this was an appendage, they refused to deliver this territory. Our commissioners did not demand it, nor did those of France when the province was transferred. The Crown of Spain remained in peaceable possession until an insurrection deprived them of the possession of a part, and an invasion by our troops some time after, of the rest. Spain had made these sales and grants to *bona fide* purchasers for a valuable consideration, while they were in this peaceable possession. How, therefore, could Spain be supposed to consent to any arrangement that should formally acknowledge that she had unjustly refused to deliver possession of what she had ceded, and had sold lands to which she had no title; nor could the United States, with propriety, acknowledge that they had unjustly taken and retained the possession. The cession of the territories east of the Perdido afforded an opportunity of using language that would effect the purpose of both powers without committing the dignity of either. By describing the country ceded as lying to the east of the Mississippi, and known by the name of East and West Florida, it included as well that part of West Florida formerly in dispute as the territory then first ceded by that treaty; and by agreeing that the *bona fide* concessions in the territory ceded should be confirmed to the possessors, the United States did an act of justice which equity would seem to have demanded, even had there been no stipulations. For let it always be remembered that Spain was the sovereign *de facto* of the disputed territory at the time the grants in question were made, and continued in the undisturbed possession of it for many years after.

It seems also worthy of remark, that these grants having been made for a pecuniary consideration paid into the treasury of Spain; not only justice to her grantees, but a strong actual interest, must have induced her, in any treaty, to have stipulated for a confirmation of these grants, the annulling of which would have created a just claim for a large amount upon the treasury of that country.

It must be clear, therefore, from the language of the negotiators, both before and after the signature of the treaty, which has been quoted in the beginning of this report, corroborated by what was called for both by the interest and honor of Spain, that the confirmation of these grants was an object of high importance to that power, and that she thought this object was attained by the treaty. If, therefore, the language is at all doubtful, according to the just reasoning of the Supreme Court, hereinbefore quoted, the words of the condition on which the cession was made must be construed in the sense in which it is understood by Spain, and honor and justice require that the condition should be fulfilled.

If the opinion of the undersigned had been called for before the decision of the Supreme Court, in the case of Foster and Elam *vs.* Nelson, he would have said that the words, "shall be ratified and confirmed," even taking the English version for the text, as used in the treaty, import an actual, not a future confirmation; because, when such words are used by the body having the power to do the act, and the words are not coupled with any condition or limitation as to time, they then operate *in presenti*, and take effect at once. Here there is no doubt that the President and Senate had a right by treaty to confirm the grants; the Supreme Court have said so, when they declare, that if the words had been *are confirmed*, that they would have repealed the law of 1804, which annulled those grants; but, since that decision, and the other in the case of Arredondo, the undersigned is bound to consider the eighth article in the treaty as an obligation upon the faith of the country, which can only be fulfilled by an act confirming the *bona fide* grants in question.

It may not be improper to add, as coming within the spirit of the resolution, that, on many of the tracts in question, settlements were made subsequent to the dates of the grants, and that the settlers have received donations of their lands from the United States. The confirmation of the grants, therefore, to the original grantees would create great distress and confusion by disturbing the possessions of the settlers; to avoid which the grantees, it is understood, would willingly agree to relinquish their claim to all such settlements as may have been made on their tracts, respectively, on receiving a confirmation of their title to the residue, and an equivalent in lands of the United States, in the State of Louisiana, for the lands of which they may have been deprived by the confirmation of settlement rights.

The letter of Mr. Tacon, the minister of Spain, dated the 24th of October, 1829, annexed to this report, will show to the House of Representatives the light in which the question of these grants is viewed by the Spanish government. The list to which that letter refers was, before the undersigned came into the department, transmitted to an agent who was then despatched to Cuba to obtain the originals, and cannot now be furnished; but the annexed list of the claims filed before the commissioners for the land office west of Pearl river, it is supposed, will give an idea of the quantity of land that may be claimed under these grants. There were also several Spanish grants and confirmations made after 1803, east of Pearl river and west of the Perdido, the number of which cannot be ascertained, but they are not supposed to be considerable. No formal answer having been given by the late Secretary of State to this letter of the Spanish minister, application has frequently been renewed to the undersigned who, in an informal manner, has urged the necessity of delay until the legislature should definitely have acted on the case. For this delay the pendency of the suits above mentioned, and of the application of the claimants to Congress, afforded a motive that seems to have been deemed satisfactory; but now the undersigned cannot much longer avoid giving an official answer, the character whereof must depend on the proceedings of Congress, which he has no doubt will be consistent with justice and a faithful regard to national engagements.

The undersigned, Secretary of State, most respectfully offers to the consideration of the House the draught of a bill which would effect the purpose of satisfying the claimants under the Spanish grants, and quieting the possessions of those who may hold under donations, confirmations, or sales, made by the United States, of lands comprehended in the said Spanish grants.

All which is respectfully submitted, with the expression of a decided opinion that the eighth article of the treaty between the United States and Spain, if it did not confirm the grants and sales in question, at least created an express obligation upon the former power to confirm them; that this obligation has not been fulfilled, and that its performance ought no longer to be delayed. The scrupulous regard we have hitherto paid to our engagements with foreign powers has not only established our character for fidelity and honor, but is indispensable when we wish to enforce our claims upon other nations. To suffer it to be sullied by a reasonable doubt would be a serious injury at all times, and in the present instance would operate injuriously on the negotiations in which the Executive is now engaged to procure indemnity for injuries that have been inflicted on our commerce.

EDWARD LIVINGSTON.

List of accompanying papers.

A, B, C. Certificates of the commissioners of the land offices for the Pearl river districts.
D. Letter of Mr. Tacon to Mr. Van Buren, (with enclosure,) dated October 24, 1829. Translation.
E. Draught of bill.

A.

Extracts from Report, No. 5, or "register of claims to land in the district east of Pearl river, in Louisiana, founded on grants said to be derived from either the French, British, or Spanish governments, which, in the opinion of the undersigned commissioner, are not valid agreeably to the laws, usages, or customs of such government."

	Present claimant.	Original claimant.	Nature of claim, and from what authority derived	Date of claim.	Quantity claimed.
					Arpents.
1	Harry Toulmin and Edmund P. Gaines	John Trouillet	Spanish government	August 14, 1807	800
2	John Forbes & Co	John Forbes & Co	do	March 7, 1807	5,040
					Acres.
3	Claire R. Carman	Margaret Collon	do	June 18, 1805	1,600

"All these grants have been made by the Spanish government since the right of Spain to Louisiana has ceased to exist, and are therefore void. Nor are they entitled to the benefit of the proviso contained in the 14th section of the act of Congress, passed on the 26th of March, 1804, in favor of settlers, because the grantee was not a settler at the date of the grant, nor has been since, except in No. 2, which cannot be confirmed, because the quantity exceeds that allowed by law, and the claimant has other claims coming within the proviso of the law. Some of these grants refer to ancient grants or concessions, and purport to be made in consideration thereof. No. 1 refers to a grant said to have been made by the French government, and destroyed at the time of the conquest of the Floridas by the Spaniards. These claims cannot derive any validity from the grants or concessions said to have been anciently made, because they do not appear; nor from the subsequent confirmation, because at the time of confirmation Spain had no right to Louisiana; nor can the subsequent grant be any evidence of a former grant or concession, because the evidence adduced, if any, to prove that there was a former grant, was before a tribunal which had no cognizance of the case.

"It is certainly remarkable that Spain should not have confirmed, until the year 1807, a grant said to have been destroyed at the conquest of the Floridas, after a rightful possession of the country for twenty years. If any reference in a grant, void in itself, were sufficient to render it valid, the whole of Louisiana might have been granted by Spain after she had transferred her right even without the control of the true proprietor.

"WILLIAM CRAWFORD, *Commissioner.*"

B.

Extract from the Report, No. 8, of the Register and Receiver at Jackson Court-House, being a "register of claims to land in the district east of Pearl river, in Louisiana, founded on complete grants and orders of survey, which, from their nature, require a special report."

	Present claimant.	Original claimant.	Nature of claim.	Date of claim.	Quantity.
					Arpents.
1	Representatives of William Donaldson	William Donaldson	Spanish grant	June 20, 1804	20,000

"No. 1. A grant from the Spanish government, issued the 20th of June, 1804, by John V. Morales. This grant is void under the fourteenth section of the act of March 26, 1804, which enacts that all grants for lands within the territories ceded by the French republic to the United States by the treaty of April 30, 1803, the title whereof was, at the date of the treaty of St. Ildefonso, in the Crown, government, or nation of Spain, and every act and proceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title, or claim to such lands, and under whatsoever authority transacted or pretended, 'should be, and the same were thereby declared to be, and to have been from the beginning, null, void, and of no effect in law or equity.' Nor can it derive any relief from the equity of the provisoes contained in the said section which require, first, that the *grantee* should be an actual settler upon the lands so granted; second, that such grant should not secure to the grantee *more than one mile square* of land, together with such other and further quantity as heretofore had been allowed for the wife and family of such actual settler agreeably to the laws, usages, and customs of the Spanish government. It is further to be remarked in relation to the merits of this claim—first, that, from the date of the application for the purchase, the Spanish authorities, in Louisiana, must have been apprised of the cession of the province by France to the United States, and could not in good faith make grants of lands, and especially such excessive sales, after such knowledge; secondly, the title in form was not issued until the 20th of June, 1804—more than fourteen months after the cession of the province, and six months after its actual delivery to the United States."

C.

Extract from register C "of claims to land in the district west of Pearl river, in Louisiana, founded on grants said to be derived from either the French, British, or Spanish governments, which, in the opinion of the undersigned commissioner (James O. Cosby) are not valid, agreeable to the laws, usages, or customs of such government."

Present claimant.	Original claimant.	Nature of claim	Date of claim.	Quantity claimed.
				Arpents.
William Plunkett *et al.*	Margaretta Plunkett	Spanish patent	Dec. 5, 1803	550
William Corner	William Corner	do	Dec. 12, 1803	400
Thomas Billis	Christopher Miller	do	May 17, 1804	600
Caleb Weeks	Caleb Weeks	do	Dec. 24, 1803	313
John P. Sanderson	James McLeroy	do	June 25, 1804	800
Manuel Garcia	Manuel Garcia	do	Sept. 1, 1806	15,000
John Rhea	William Gardner	do	June 25, 1804	200
William Vardeman	William Vardeman	do	May 22, 1810	1,200
John Rhea	James Foster	do	July 4, 1804	1,200
David Lejeune	David Lejeune	do	Oct. 8, 1806	142
John Rhea	James Brennan	do	July 9, 1804	1,000
Do	Antonio Son	do	July 3, 1804	784½
Do	James Clark	do	July 21, 1804	200
Do	John Higgins	do	June 4, 1804	400
Chew & Relf, executors of D. Clark.	Gilbert Audry	do	Feb. 29, 1804	30,000
Heirs of James Juranerly	Charles Raymos	do	March 5, 1804	20,000
Thomas Power	Bernard Villars	do	Jan. 17, 1805	40,000
Chew & Relf, executors of D. Clark.	Thomas Urquahart	do	Nov. 29, 1803	10,263
John Lynd	John Lynd	do	July 12, 1806	32,025
A. Va. de la Gord	A. Va. de la Gord	do	May 17, 1804	1,000
Francis Herault	Francis Herault	do	Oct. 3, 1806	2,000
Chew & Relf, executors of D. Clark.	George Pollock	do	Jan. 5, 1805	40,000
Do	Philip E. Dagues	do	Jan. 17, 1805	40,000
Charles Proffit	Charles Proffit	do	Nov. 18, 1803	1,000
Executor of Isaac Johnson	Isaac Johnson	do	Dec. 10, 1803	143½
Lilly & Co	Cornelius Seely	do	Nov. 23, 1804	155
Do	Thomas Anderson	do	July 3, 1804	400
Robert Young	Pedro Deloquy	do	May 17, 1804	800
John Murdock	Widow Coma	do	July 20, 1804	320
Do	Pedro R. Deloquy	do	May 23, 1804	427
John B. Labetut	John B. Labetut	do	Jan. 20, 1804	16,000
A. Duplantier	A. Duplantier	do	April 26, 1804	10,000
Anthony Grass	A. Grass	do	Jan. 20, 1804	3,000
Do	do	do	Oct. 20, 1806	80
John Martin	James Jackson	do	June 11, 1805	256
James Martin	John McGowan	do	Mar. 15, 1805	400
V. S. Pintada	V. S. Pintada	do	Feb. 23, 1804	1,250
Do	do	do	May 22, 1810	283
Do	do	do	May 20, 1810	200
Do	do	do	May 22, 1810	108
Do	do	do	May 22, 1810	279
F. Guedray	F. Guedray	do	Aug. 14, 1806	4*a* 6*t* 5*f*
C. & M. de Armas	C. & M. de Armas	do	Oct. 23, 1806	20,000
Eulogia de Cassas	J. Rufinica	do	April 1, 1807	14*a* 18*t* 5*f*
Joseph Reynes	Joseph Reynes	do	Jan. 2, 1804	40,000
Alexander Bookter	Alexander Bookter	do	Feb. 7, 1804	1,000
Eliza Bookta	David Jones	do	April 12, 1804	400
Catholics of Feliciana	Catholics of Feliciana	do	Sept. 1, 1804	62
Brown & McDonough	G. Lachiapella	do	Mar. 28, 1804	120,000
Bernard Marigny	do	do	June 28, 1804	35,000
Bernard Marigny *et al.*	James Joida	do	Jan. 2, 1804	40,000
William Kirkland	Isabel Waltman	do	July 3, 1804	500
James Johnson *et al.*	Manuel Langos	do	Jan. 2, 1804	35,000
A. Dupuie	A. Dupuie	do	Aug. 13, 1806	175
Miss De Grandpree	Miss De Grandpee	do	Oct. 5, 1803	1,500

"REGISTER C.—The claims embraced in register C are such as, in the opinion of the Commissioner, ought not to be confirmed by the government of the United States. This opinion is founded upon the following considerations: 1st. The government of the United States claim an absolute property in all that country comprehended within the boundaries of Louisiana in virtue of her treaty with France. 2d. It is believed that the Spanish government herself considered that treaty as divesting her of all right, title, and interest in the soil. That such was the understanding of that government is inferred from the following fact: The course which she pursued in the distribution of her unappropriated territory posterior to her treaty with France was materially and essentially different from what it had been prior to that time. In all her grants made anterior to that epoch the number of arpents given was apportioned to

the situation and circumstances of the applicant. Patents for large extent of country had been issued; but they were granted for specific purposes, and were defeasible upon a non-compliance with certain prescribed conditions. So far as comes within the knowledge of the Commissioner, sales of land were never made in the above-mentioned country by that government until after she had ceased to be the legal owner of the soil. This departure from her known laws, usages, and customs previously adopted and invariably observed warrants the inference that that government was sensible of the illegality of her claim, and had a view only to her own emolument. The fact, also, that the King of Spain, by a special royal order in 1805, ratified and confirmed the sales made by Morales, enjoining him to make that branch of his business as profitable as possible to the coffers of the royal treasury, is an additional evidence in support of this inference. By a reference to the register it will be discovered that the patents for lands purchased from the royal treasury, at a price of estimation, generally refer to orders of survey given in the latter part of 1803, and specify the valuation per arpent. The payment of the whole amount is uniformly acknowledged in the patents. Admitting the claim of the United States to the country above mentioned to be unquestionable, (and I see no reason to doubt it,) the question then arises, how far the possession of that country by the Spanish government, after the right of the United States accrued, ought to affect those claims which were granted by the former government during the time which intervened between the purchase and the time when possession was taken by the United States. If the United States had taken possession of West Florida at the same time that they did of Louisiana west of the Mississippi, many serious injuries to individuals might have been prevented. As this was not the case, it becomes an inquiry of interest and importance whether the government is not morally bound, both by considerations of equity and policy, to make them a compensation commensurate to the injuries they may have sustained. This could be done by making them donations of any quantity of land which the government may deem just; particularly that class of claimants who have improved and cultivated their lands. They are not numerous, and, with few exceptions, their claims are moderate. It may not be impertinent also to remark that, generally speaking, they were such persons as were most liable to be deceived by the Spanish officers.

"In relation to that class of claimants who have not inhabited or cultivated their lands, which is generally the case with those who hold large claims, it appears to the commissioner that the government of the United States is not legally bound to confirm them. Nevertheless, from a variety of considerations which will doubtless enter into the decision of this question, the government may deem it politic either to confirm their claims to a certain extent or in some other way to effect a compromise with them. Their unlimited confirmation would, in the opinion of your commissioner, seriously injure many individuals, some of whom probably resided on the lands before they were surveyed for the patentees."

D.

[Translation.]

Mr. Tacon to Mr. Van Buren.

PHILADELPHIA, *October* 24, 1829.

SIR: The colonel of infantry in the armies of my august sovereign, Don Manuel Garcia Muñiz, now a resident of New Orleans, has informed me, under date of the 14th of September last, that, by decrees of the President of this Union of June 13 and July 16, of the present year, orders had been issued to offer for sale, at public vendue, certain lands in Florida as property of the United States, which comprehended a tract of fifteen thousand acres belonging to the colonel above named, and situated within the jurisdiction of St. Helena, New Feliciana, within the district of Baton Rouge; and that he had been obliged to enter the protest contained in the document hereunto annexed.

This important innovation, which would seem to affect many other individnals in the same situation with the claimant, places me under the necessity of calling the attention of the President to the serious injury which will accrue from the above-mentioned decrees to the vassals of the King, my master, and other proprietors of land granted by the legitimate authorities of his Majesty, as set forth in detail in the statement which I had the honor of addressing to you on April 11, of this year, in order that his excellency may have the goodness to take into his consideration a subject of so much importance, and to take such measures as he may think proper to cause such grants to be respected, according to the stipulations of the eighth article of the treaty of February 22, 1819.

I avail myself of this opportunity to offer you the assurance of my distinguished consideration.

God preserve you many years.

FRANCISCO TACON.

Copy of the protest.

In the city of New Orleans, State of Louisiana, on the fourteenth day of September, in the year of our Lord one thousand eight hundred and twenty-nine, and the fifty-fourth of the independence of the United States of America, before me, Felix de Armas, notary public, duly commissioned and sworn, in and for the city and parish of New Orleans, residing therein, and in presence of the undersigned witnesses, personally came and appeared Colonel Manuel Garcia Muñiz, at the service of his Catholic Majesty, the King of Spain, knight of the royal and military order of St. Hermenigilda, now in this city, for the service of the King.

Which appearer declared that, whereas he has seen in the paper called the "Louisiana Advertiser" a certain advertisement in the words and figures following, to wit:

"By the President of the United States.

"In pursuance of law, I, Andrew Jackson, President of the United States of America, do hereby declare and make known that a public sale will be held at the land office at St. Helena court-house, in the State of

Louisiana, on the second Monday in November next, for the disposal of the unappropriated public lands within the limits of the undermentioned townships, situate in the land district west of Pearl river, and east of the island of New Orleans, to wit:

"Township two, of range one.

"Township one, two, three, five, and six, of range two.

"Townships one, two, three, four, and six, of range three.

"Townships one, two, three, four, five, six, and seven, and fractional townships eight and nine, of range four.

"Townships one, two, three, four, five, six, and seven, and fractional township eight, of range five.

"Townships one, two, three, four, five, six, and seven, and fractional township eight, of range six.

"Townships one, two, three, four, five, six, and seven, and fractional township eight, of range seven.

"Townships one, two, three, four, five, six, and seven, and fractional township eight, of range eight.

"Townships one, two, three, four, five, six, and seven, of range nine.

"The above townships are all situate south of the thirty-first degree of latitude and east of the meridian, and embrace nearly all the land lying on Amite, Ticksaw, and Tangapaha rivers.

"The townships will be offered in the order above designated, beginning with the lowest number of section in each.

"The lands reserved by law for the use of schools, or for other purposes, will be excluded from the sale.

"Given under my hand, at the city of Washington, this thirteenth day of June, A. D. 1829.

"ANDREW JACKSON.

"By the President:

"GEORGE GRAHAM,

"*Commissioner of the General Land Office.*

"AUGUST 11."

And whereas the said appearer of said lands is the owner of fifteen thousand arpents of land, situate in West Florida, by him purchased from and paid to the governor of his Catholic Majesty; and has, ever since said purchase, constantly fulfilled the requisites of the laws of the United States for the recording of lands, and paid all the taxes and other charges imposed by the government of the United States, as will appear by receipts held by him from competent officers: Now, therefore, the said appearer doth, by these presents, solemnly and publicly protest as well against the sale aforesaid (as regards the lands belonging to him) as against all other persons whom it may or doth concern for all damages, costs, charges, and interests to be suffered by the sale aforesaid.

The said appearer reserving to avail himself of his rights in time and place.

Thus done and protested at New Orleans aforesaid, in presence of Messrs. Felix Percy and Jules Mossy, witnesses hereto required, and residing in this city, who signed these presents, together with the said appearer and me, the notary.

Two words erased—null; two words interlined—approved.*

MANUEL GARCIA.
FELIX PERCY.
J. MOSSY.
FELIX DE ARMAS, *Not. Pub.*

I certify the foregoing to be a true copy of the original. In faith whereof, I grant these presents under my signature and seal of office, at the city of New Orleans, this sixteenth day of September, 1829.

FELIX DE ARMAS, *Not. Pub.*, [L. S.]

UNITED STATES OF AMERICA, *State of Louisiana.*

These are to certify that Felix de Armas, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and still is, a notary public for the city and parish of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this seventeenth day of September, one thousand eight hundred and twenty-nine and of the independence of the United States the fifty-fourth.

P. DERBIGNY. [L. S.]

E.

AN ACT for giving effect to the 8th article of the treaty with Spain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the sales, grants, and confirmations of land made by the Spanish government *bona fide* prior to the —— day of ———, in the year 1810, for lands lying west of the river Perdido, east of the Mississippi and south of the 31st degree of latitude, be, and the same are hereby, ratified and confirmed: *Provided,* That such sales, grants, or confirmations would have been valid against the King of Spain, if he had remained sovereign of the said country: *And provided, also,* That if the whole or any part of the lands contained in such sale, grant, or confirmation shall have been given by the United States as a donation or settlement right, or sold as public land to any other person, the sale, grant, or confirmation by the United States shall be valid, and the claimant under the Spanish sale or concession shall receive as a compensation an equal quantity of land, to be located in any of the tracts of the public land surveyed for sale in the State of Louisiana in the manner hereinafter provided.

SEC. 2. *And be it further enacted,* That no claimant shall receive the benefit of this act but those whose title was perfected during the time that Spain was in possession of the territory in which the lands lie according to the usual forms for making such titles.

* These interlineations have not been noticed in making the copy.

SEC. 3. *And be it further enacted*, That if the whole or any part of the lands contained in any Spanish grant herein confirmed shall have been sold, granted, or in any other manner alienated by the United States before the passage of this act, the claimant under such Spanish grant may apply to the surveyor general of the district in which the lands are situated, and, on obtaining a certificate from him of the quantity of land lying within such claimant's Spanish grant that has been so sold, granted, or alienated by the United States, countersigned by the register and receiver of the land office for such district, he shall be entitled to locate an equal quantity on any of the lands of the United States in the State of Louisiana which shall then have been surveyed for sale, and shall be entitled to a patent in the usual form for the lands so located.

22D CONGRESS.] No. 1070. [1ST SESSION.

STATEMENT OF THE NUMBER AND COST OF PATENTS PREPARED AT THE GENERAL LAND OFFICE WHICH HAVE NOT BEEN SIGNED BY THE PRESIDENT OF THE UNITED STATES.

COMMUNICATED TO THE SENATE JUNE 21, 1832.

GENERAL LAND OFFICE, *June* 19, 1832.

SIR: In obedience to a resolution of the Senate of the 11th instant in the following words: "*Resolved*, That the Commissioner of the General Land Office be, and he is hereby, directed to inform the Senate what number of patents for the public lands are now in his office which have not received the signature of the President, and what is the cost of each patent prepared for such signature," I have the honor to state that there are now in this office ten thousand five hundred and ninety patents, which have been written and recorded, and which have not yet received the signature of the President; and that the cost of each patent prepared in this office for such signature is fifty-three cents. Those prepared by persons employed out of the office cost each thirty-nine cents. The parchment, printing the same, and record for each, cost twenty-one cents; the cost of writing and recording each patent in the office is twenty-nine cents; the cost of examining the title papers, with the patent and the record, is three cents; making fifty-three cents for each patent prepared in the office.

The cost of writing, recording, and examining each patent in the office, is calculated upon the allowance of $1,000 per annum to each person engaged in that business.

It has been the practice to allow to those employed out of the office fifteen cents for writing and recording each patent; that sum, added to the cost of skin, &c., &c., as above stated, makes the whole cost thirty-nine cents for each patent written by those employed out of the office.

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

ELIJAH HAYWARD.

Hon. JOHN C. CALHOUN, *President of the Senate.*

IN SENATE OF THE UNITED STATES, *January* 9, 1832.

On motion by Mr. ELLIS:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of revising the act of Congress of the 25th of April, 1812, entitled "An act for the establishment of a general land office in the department of the Treasury," so as to provide for the more speedy issuing of patents after the sales of the public lands.

Attest: WALTER LOWRIE, *Secretary.*

WASHINGTON, *December* 23, 1831.

SIR: I introduced a resolution the other day instructing the Committee on Public Lands to inquire into the expediency of so modifying the law relating to the issuing of patents from the General Land Office as not to require the signature of the President to said patents. I should be pleased to know whether, in your opinion, there would be any serious objection to dispense with the signature of the President, and if you should think he might be relieved from this onerous duty with safety to the public as well as private rights; whether any other mode or form of execution would be necessary than the signature of the Commissioner and the seal of the General Land Office. Would it be advisable to have the patents bear the teste of the President?

I should like to be informed whether patents have often been forged, and whether, under the present system of registering, there is much danger of forgery, and whether the omission of the President's signature would afford much or any greater inducement to commit this offence?

I would also beg the favor to be informed of the number of patents that are issued yearly from the office requiring the President's signature, and whether he is able to sign the patents as fast as they are required, and if not, what are the inconveniences that are experienced?

I am, sir, &c., &c.,

JONATHAN HUNT.

Hon. ELIJAH HAYWARD, *Commissioner of General Land Office.*

P. S.—If agreeable, I should like to have you draw the form of a bill to accomplish my object if you think favorably of it.

J. HUNT.

GENERAL LAND OFFICE, *December* 27, 1831.

SIR: Your letter of the 23d instant has been received, and I reply to it as soon as feeble health and an unusual press of business would permit. The subject is one on which I had previously bestowed much reflection and consideration, as it is important both in magnitude and character. The necessity of some legislative action upon it arises from the great increase of sales of the public lands, and the physical impossibility of the President signing all the patents which the public service demands, if he devotes due attention to the other important duties of his office. The number of patents which will be required to be issued in the year 1832 for lands sold, will exceed forty thousand; and if no material change in the disposition of the national domain should be made by Congress, the annual demand therefor, after the next year, will be about thirty thousand, covering the sales of two million four hundred thousand acres. It is probable the sales will exceed this estimate, as experience has proved that they increase with the population of the valley of the Mississippi.

I have not been able to perceive any serious objections to dispensing with the signature of the President to patents for lands, nor any inconvenience to the public or to individuals by relieving him from that laborious duty. This office has not been advised of any forgeries of patents since the commencement of the government, although a few have been detected in the title papers on which patents are founded. The present system of recording or registering patents may be considered a perfect check to any such forgeries and furnishing the most ample means of detection.

The subject of your letter was brought to the attention of this office by a resolution of the Senate at the close of the last session of Congress. No time was then afforded for consideration previous to the adjournment of that body *sine die*. But the subject was afterwards presented to the late Secretary of the Treasury, with the proposition to supersede the signature of the President with that of that officer. This was objected to by Mr. Ingham on the ground that the duties of his office were then as laborious as sound health and persevering industry would accomplish. Soon after the present Secretary of the Treasury entered upon the duties of his department I brought the subject to his consideration, when he suggested the expedient of requiring of the Secretary of State the duty of signing patents instead of the President. On making known this view of the subject, and the proposition of the Secretary of the Treasury, to the Secretary of State, I received for answer that he would perform any duty which might be imposed upon him, but that the labors which were then required of him personally were sufficient to occupy all his time and attention, and that he could not perform such additional service without neglecting some of his appropriate and important duties. On presenting the subject to the President he declined expressing any wish or opinion thereon, but declared his intention of performing all the duties which might be required of him under the Constitution or by the laws of Congress.

The plan proposed in the enclosed bill, which has been drawn at your request, presents to my mind the simplest and most effectual mode of patenting the public lands, by which the President will be relieved from the arduous duty of affixing his signature, and, at the same time, guarding the rights of the public as effectually and securing those of individuals as perfectly as the practice heretofore adopted. The additional expense to the government will be only three hundred and fifty dollars per annum, as the recorder (as is now the practice of the Commissioner) will affix his signature to nearly all the patents before and after office hours, devoting the time allotted to public business to other duties. This arrangement will secure to the parties interested the possession of their patents with the least possible delay, and to the public a more prompt discharge of the duties of the land office.

I am, &c.,

ELIJAH HAYWARD.

Hon. JONATHAN HUNT, *House of Representatives.*

22D CONGRESS.] No. 1071. [1ST SESSION.

ON CLAIMS OF SETTLERS AT THE OLD MINES IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JULY 2, 1832.

GENERAL LAND OFFICE, *February* 27, 1832.

SIR: I have the honor to return the bill for the relief of the thirty-one inhabitants of the Old Mines, enclosed in your letter of the 23d instant, together with an extract from the reports of the board of commissioners upon their claims, by which you will perceive that there is a considerable discrepancy between the names of the claimants as given in the bill from those mentioned by the commissioners.

As the land is claimed under but one concession and survey of the whole tract, I would think it advisable in making the survey and issuing the patent, to recognize it as but one claim, leaving it to the parties interested to make the subdivision of it according to their several interests, and thus relieve this office from the responsibility of investigating and deciding upon the separate interests of the grantees, their representatives, and assignees, those being points which ought always to be left to the judicial tribunals of the country for settlement. I therefore enclose the draught of a bill which will, I think, meet the views of the committee and of the claimants, as well as those of this office.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. C. JOHNSON, *Chairman of Committee on Private Land Claims, House of Representatives.*

Extract from the reports of the Board of Commissioners for adjusting titles and claims to lands in the present State of Missouri.

"Bazil Valle claiming 400 arpents of land situate in Old Mines, district of St. Genevieve, produces a concession from Charles D. Delassus, lieutenant governor, to thirty-one inhabitants of the Old Mines, dated June 4, 1803. A connected plat of survey on which Bazil Valle is No. 1, dated February 3, 1804, certified February 25, 1806.—(See document E.")

December 21, 1811. Present a full board.

"It is the opinion of a majority of the board that this claim ought not to be confirmed. Frederick Bates, commissioner, forbears giving an opinion."

Under the same concession and plat of survey—

P. C. H. F. Augustus Valle	claimed lot No.	2 of 400 arpents.
Manuel Blanco	do	3 do.
John Portell	do	4 do.
Pierre Martin	do	5 do.
Jacob Boisse	do	6 do.
Joseph Pratte	do	9 do.
Francis Maniche	do	10 do.
Amable Partinais	do	11 do.
Joseph Blay	do	12 do.
Francis Robert	do	13 do.
Baptiste Placit	do	15 do.
Veuve Colman	do	16 do.
Charles Boyer	do	18 do.
Antoine Govreau	do	19 do.
Nicholas Boilvin	do	20 do.
T. Rose	do	21 do.
L. Lacroix	do	22 do.
F. B. Valle	do	23 do.
F. Millhomme	do	24 do.
Jacque Guibord	do	25 do.
F. Thibeau	do	26 do.
A. Partinais	do	27 do.
J. Beequette	do	28 do.
B. Colman	do	29 do.
Hypolite Robert	do	30 do.
Pierre Boyer	do	31 do.

In each of the above cases the commissioners made the same decision as in the case of Bazil Valle.

Under the same concession and plat of survey, John Smith T claimed lot No. 8, containing 420 arpents, as the assignee of Charles Robar; lot No. 7, containing 420 arpents, as the assignee of Alexander Duclos; lot No. 14, containing 840 acres, as assignee of Louis Boyer; and lot No. 17, containing 1,190 acres, as assignee of Joseph Boyer. Which claims were also rejected.

22D CONGRESS.] No. 1072. [1ST SESSION.

ON CLAIMS TO LAND BETWEEN THE MISSISSIPPI AND PERDIDO RIVERS, DERIVED FROM THE SPANISH GOVERNMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JULY 11, 1832.

Mr. WICKLIFFE, from the Committee on Public Lands, to whom was referred the report of the Secretary of State of the 12th of June, (see No. 1071, page 505,) in answer to the resolution of this House of February 7, 1832, upon the subject of the final adjustment of all claims to land derived from the former government of Spain and its local authorities in that part of West Florida between the Mississippi and Perdido rivers, from the date of the Louisiana treaty of 1803 to the proclamation of President Madison in 1810, &c., reported:

That no sufficient reason is perceived why the resolution itself was referred to the State Department, or why that department, for the first time within the recollection of the committee, was called upon to give its *opinion* upon the subject of the public lands, over which it has no control and which, by the laws of the land, are submitted to the care and superintendence of the Treasury Department.

The language of the resolution is in itself somewhat peculiar; it calls upon the Secretary of State for his opinion of the expediency of providing by law for the final adjustment of all claims to land derived from the former government of Spain and its local authorities in that part of *West Florida* between the Mississippi and Perdido rivers, from the date of the Louisiana treaty of 1803.

The resolution assumes that to be a geographical fact which is not true. The government of the United States has always, from the date of the treaty with France in 1803, by which Louisiana as then claimed and held by France was transferred to the United States, contended that the country between

the Mississippi and the Perdido formed a part of Louisiana, and as such was acquired by said treaty with France.

Can it be the interest of the United States, at this day, by her legislative resolves and enactments, to sanction the absurd pretensions of Spain, by which she sets up claim to this territory in violation of her treaty of retrocession to France of Louisiana? Is it now contemplated by any one that we shall retrace our steps and acknowledge that by the treaty with France in 1803 the United States did not acquire the territory between these rivers, and that all the acts of the government of the United States in expelling the Spanish power from it were acts of lawless usurpation upon the rights of Spain?

The Secretary of State, in *his* report, admits "that the government of the United States having, by several acts, asserted their right to all the territory between the Mississippi and Perdido rivers, from the date of the treaty of 1803, it would be improper to contradict the asserted right, *and unnecessary to support it.*"

The committee concur with the Secretary of State in the first member of the sentence but dissent from the last. They admit "that it would be improper to contradict that asserted right," but that it is highly necessary, to preserve the honor of the government of the United States and to protect its public domain against unjust and fraudulent speculation, that this asserted right should be maintained; for if it cannot be maintained, then, indeed, has this government been guilty of a most wanton outrage upon the rights of Spain, and grossly violated the public faith.

The committee have not time now to go into the arguments by which to prove that all the territory between the Mississippi and Perdido rivers formed a part of Louisiana, and as such was transferred or retroceded by Spain to France by the treaty of St. Ildefonso, and by France ceded to the United States in 1803. This question has been discussed by abler pens, and the action of the government of the United States has been predicated upon its truth and correctness ever since the date of the treaty with France.

Assuming the above to be true, the Secretary of State proceeds to say: "It is equally true that the Spanish government, from the time the transfer of Louisiana took place, put a different construction upon it; maintained that it did not include any part of the Floridas; refused to deliver the possession of this territory when the rest of the ceded country was transferred to the French; held it when we received the country from France, and kept the whole until 1810, when a part of it was wrested from them by an insurrection, and the residue until 1813, when it was forcibly taken by the troops of the United States; and that, during all that period, she exercised an undisturbed jurisdiction over this territory, and disposed, by sale, of sundry tracts of land, as well to citizens of the United States as to Spanish subjects. For these sales the proper officer of the crown received a consideration in money, caused the lands to be surveyed, and gave to the purchasers titles in form"

These facts, as here stated, and upon full investigation they will be found to be true, establish upon the Spanish government bad faith in withholding and attempting wrongfully to dispose of a part of the territory which, by the treaty of St. Ildefonso, had been by her ceded to France. Upon this wrongful act of Spain are based the grants of land to individuals, which the Secretary of State, in this, his report, calls upon the Congress of the United States to confirm, upon the ground that the 8th article of the treaty between the United States and Spain, of 1819, by which the United States acquired East and West Florida, "if it did not confirm the grants and sales in question, at least created an express obligation upon the former power to confirm them;" that this obligation has not been fulfilled, and that its performance ought no longer to be delayed. The scrupulous regard we have hitherto paid to our engagements with foreign powers has not only established our character for fidelity and honor, but is indispensable when we wish to enforce our claims upon other nations. To suffer it to be sullied by a reasonable doubt would be a serious injury at all times, and in the present instance would operate injuriously on the negotiations in which the Executive is now engaged, to procure indemnity for injuries that have been inflicted upon our commerce.

Is this charge of bad faith, of a failure to fulfil our obligations with Spain in reference to these land claims, true? The Committee on Public Lands believe it is not well founded, and it was a desire that the legislature of the nation might have an opportunity of expressing its opinion and of relieving itself from this charge of want of fidelity to Spain in this particular, that the Committee on Public Lands desired that the report of the Secretary of State might be referred.

What is this question when stripped of its diplomacy? The government of the United States has always contended that Spain violated the treaty and wrongfully withheld this territory, rightfully the property of the United States. This is a position conceded by the Secretary of State. While Spain was thus in the wrongful possession, in bad faith, she sold the lands of the United States to whomsoever would purchase and at any price she could obtain. And, forsooth, because the United States have not confirmed these claims, fraudulently obtained against treaty stipulations, she is charged by her own minister with having failed to fulfil her obligations to Spain, entered into by the treaty of 1819, which treaty, with all due respect to the opinion of the honorable Secretary of State, the Committee on Public Lands undertake to say has no relation or connexion with these claims, does not, by its terms, confirm them or impose an obligation of confirmation; nor was it within the intention of the high contracting parties to that treaty that they should be confirmed.

Are we to be told, at this time of day, that our title to the territory between the Mississippi and Perdido was not valid until the treaty of 1819? And that by that treaty we *purchased* that part of Louisiana by the name of "all the territories which belong to him (his Catholic Majesty) situated to the eastward of the Mississippi, known by the name of East and West Florida?"

What was "East and West Florida" in 1819? Did it include any part of the territory between the Mississippi and the Perdido? Had not the United States, under and by virtue of the treaty between France and Spain, and between the United States and France, long prior to 1819, taken possession of the same by expelling the Spanish power therefrom? And who doubted, in 1819, her right both of jurisdiction and soil? And who, till now, ever supposed that the United States, by treaty of 1819, imposed upon herself the obligation to confirm these grants made by Spain in violation of her solemn treaty stipulations?

To show the sense of the American government upon this subject, it will be sufficient to refer to the 14th section of an act of Congress, entitled "An act for erecting Louisiana into two territories, and providing for the temporary government thereof," approved.—(See Land Laws, page 503.) By this act it is declared "that all grants of lands within the territories ceded by the French republic to the United States by the treaty of April 30, 1803, the title whereof was, at the date of the treaty of St. Ildefonso, (October 1, 1800,) in the crown, government, or nation of Spain. And every act and proceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title, or claim to such lands, and

under whatsoever authority transacted or pretended, be and the same are hereby declared null and void and of no effect in law or equity: *Provided, nevertheless,* That anything in this section shall not be construed to make null and void any *bona fide* grant made, agreeably to the laws, usages, and customs of the Spanish government, to an actual settler on the lands so granted for himself, his wife and family, or to make null and void any act or proceeding done by an actual settler, agreeably to the laws, usages, or the customs of the Spanish government, to obtain a grant for lands actually settled on by the person or persons claiming title thereto, if such settlement in either case was actually made prior to December 20, 1803: *And provided further,* That such grant shall not secure to such grantee or his assigns more than one mile square of land, together with such other and further quantity as heretofore hath been allowed to the wife and family of such actual settler, agreeably to the laws, usages, and customs of the Spanish government," &c.

In the face of this law, and in violation of its provisions, citizens of the United States and others continued to make purchases of the local authorities of West Florida of tracts of land between the river Perdido and the river Mississippi, up to the year 1810. The size of the claims vary from 60 arpents to 120,000 arpents, (or acres,) a list of which is appended to the report of the Secretary of State, and amount to near 600,000 arpents.

It is because the Congress of the United States has not recognized the validity of these claims, granted without authority and purchased against law, that we are now informed by the officer having charge of the foreign affairs of this government, that the United States have not fulfilled her treaty stipulations with Spain, and a longer delay to confirm their void claims will operate injuriously on the negotiations, in which the Executive is now engaged, to procure indemnity for injuries that have been inflicted upon our commerce.

The committee would regret that any circumstance should operate injuriously upon any pending negotiations with Spain; nevertheless, they can but believe that it would be more injurious both to the honor and the interest of the United States to acknowledge the validity of their claims under the pretence that such an obligation is imposed by the treaty of 1819, and thereby admit that, by the treaty of 1803, we did not acquire this territory, and that all the subsequent acts of the United States were violations of the rights of Spain, than to fail in any negotiation for indemnity for commercial spoliations, for the reasons apprehended by the Secretary of State.

If we shall fail to obtain the indemnity sought, for the reasons alleged, it will only be a refusal on the part of Spain to do justice upon a false pretence; while to confirm these grants for the reasons alleged, would be an admission on the part of the government of the United States of an outrage committed upon the government and rights of Spain for which no indemnity had ever been rendered and for which no just apology can be made.

The committee cannot, upon any principle, recommend a confirmation of these grants. No obligation to do so is imposed by the treaty of 1803 or 1819, by the laws of nations, or by any legislation of Congress.

Can it be pretended that these claims are better understood at this day than in 1804? Have the public functionaries at this time more accurate information upon the questions involved than had those who were engaged in the purchase of Louisiana in 1803? Or will it be contended that the lapse of time has stripped these claims of their illegality, and purified the fraud with which they were originally tainted?

The reasoning of the Secretary of State, drawn from the correspondence between the minister of the Spanish government and the then Secretary of State, and from the peculiar language employed in the Spanish version of the treaty, may or may not be sound when applied to the case of a Spanish grant for land lying and being within the limits of the territory acquired by the treaty of 1819. No doubt is entertained by the committee but that an obligation is imposed by that treaty upon the United States to confirm "all the grants of land made before January 24, 1818, by his Catholic Majesty, or by his *lawful* authorities, in said *territories ceded* by his Majesty to the United States," "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." What territories? East and West Florida. Not the territory ceded by Spain to France, and by France to the United States in 1803, and of which the United States were then, (viz., 1819,) and had for years prior been, in possession, exercising all the attributes of undisputed sovereignty.

The Secretary of State is of opinion that, inasmuch as these grants between the Perdido and the Mississippi were all dated anterior to the 24th January, 1818, were completed in their form, made by the proper officer, and for a valuable consideration, and lie in that territory which, when in the possession of Spain, was by them called West Florida, and are situated to the east of the Mississippi, they come, therefore, in every point, within the stipulations of the eighth article of the treaty of 1819. The committee do not concur with the Secretary in this opinion, because it involves an abandonment of the rights of the United States to the territory between the Mississippi and the Perdido, as acquired by the treaty of 1803 with France, and admits that one of the objects of the treaty of 1819 between Spain and the United States was to obtain from Spain a cession of territory to which she had then no right, and a part of which, at that day, constituted a portion of one of the sovereign States of this Union. This conclusion is at war with the assumption with which the Secretary of State set out in the first part of his report, viz: that the government of the United States having, by several acts, asserted their right to all the territory between the Mississippi and the Perdido, under the treaty of 1803, it would be improper to contradict that asserted right.

The committee do not feel themselves called upon to discuss the question whether the United States is the more or less bound by the English or the Spanish version of the treaty of 1819, inasmuch as they are of opinion that that treaty, by its objects, purposes, or its words, does not embrace the country between the Perdido and the Mississippi. Had the distinguished statesman who negotiated that treaty on the part of the United States been told that he was engaged in a negotiation with the government of Spain for a part of the then State of Lousiana, it is not difficult to conjecture what would have been his answer.

The committee will not do the then administration so much injustice as to suppose they would negotiate a treaty with Spain for the avowed purpose of the acquisition of East and West Florida, in terms designed to conceal the important fact from the Congress of the United States, that by said treaty they were bound to confirm claims to near 600,000 acres of land which had, by an act of solemn legislation,

been declared null and void, and which originated in a violation of the treaty of St. Ildefonso, and of that with France in 1803.

The Committee on Public Lands, inasmuch as the Secretary of State has intimated that the nature of the answer which he is to give to the official note of the Spanish minister of February 22, 1829, complaining of a proclamation issued by the President of the United States ordering into market, by public sale, certain lands in Florida as "an important innovation," will depend upon the proceedings of Congress, have deemed it their duty to reassert the claim of the United States so long acquiesced in, viz: that no part of the territory between the Mississippi and the Perdido lies within Florida, and that the "important innovation" complained of by the Spanish minister does not in fact exist. They therefore recommend the adoption of the following resolutions:

Resolved, That the United States are not bound by the treaty to confirm the titles to any lands between the Perdido and the Mississippi rivers other than such claims as are or may be excepted from the operation of the 14th section of the act of Congress entitled "An act erecting Louisiana into two Territories, and providing for the temporary government thereof."

Resolved, That the 8th article of the treaty with Spain of 1819 has no reference or binding effect upon grants of land made by the Spanish authorities after December 20, 1803, lying between the Mississippi and the Perdido rivers, and that these claims must depend upon the provisions of the treaty of 1803 between the United States and France, and the legislation of Congress for their confirmation or rejection.

22D CONGRESS.] No. 1073. [1ST SESSION.

ON THE MANNER OF CALCULATING THE NET PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JULY 12, 1832.

TREASURY DEPARTMENT, *July* 10, 1832.

SIR: I have the honor to transmit a report from the Comptroller of the Treasury, dated the 9th instant, containing the information required by a resolution of the Senate of the 6th instant, relative to the deduction of certain expenditures in calculating the net proceeds of the sales of the public lands.

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

LOUIS McLANE, *Secretary of the Treasury.*

The Hon. PRESIDENT *of the Senate of the United States.*

TREASURY DEPARTMENT, *Comptroller's Office, July* 9, 1832.

SIR: I have received the resolution of the Senate referred by you to this office, in which the Secretary of the Treasury is directed to inform that body "whether, in calculating the net proceeds of the sales of public lands, the annual expenditures for the following objects, or either of them, will be deducted from the gross amount of sales:

"1st. For surveying the public lands.

"2d. For the salaries of the Commissioner of the General Land Office, his clerks, messenger, and all the expenses accruing at his office.

"3d. Salaries of surveyors general and their clerks.

"4th. Salaries, commissions, and per diem allowance to registers and receivers.

"5th. For examining land offices.

"6th. For agents, managers, &c., of live-oak plantations.

"7th. For courts and commissions adjudicating land titles.

"8th. For recorders of land titles.

"9th. For Indian annuities, schools, &c., in consideration of lands purchased from Indians.

"10th. For holding treaties with Indians to extinguish their title.

"11th. For removing Indians from the lands sold to the United States."

As regards these inquiries, I have the honor to state that the act of May 3, 1822, entitled "An act to provide for paying to the State of Missouri three per cent. of the net proceeds arising from the sale of the public lands within the same," directs the Secretary of the Treasury, from time to time, and whenever the quarterly accounts of public moneys of the several land offices in said State be settled, "to pay three per cent. of the net proceeds of the sales of lands of the United States lying within the State of Missouri, which, since the first day of January, 1821, have been, or hereafter may be, sold by the United States, after deducting *all expenses incidental to the same*," &c.

This law contains the purport of the several laws authorizing the payment of the three and five per cent. funds for *roads, canals, levees*, &c.

In ascertaining the net proceeds of lands sold, none of the expenses embraced in the specifications above noted have been considered as *incident to their sale*, and of course have not been deducted from the aggregate amount of sales, except those stated in the 4th and 5th specifications, viz: "salaries, commissions, and per diem allowance to registers and receivers, and payments for examining land offices."

It may, however, be proper to state, that in addition to these expenses there have been deducted from the gross amount of sales, payments made for stationery, printing, book-cases, transportation of

moneys, *criers and clerks* at the public sales, &c.; in short, all expenses *necessarily incident* to the sale of the lands, "*receiving, safe-keeping, and transmitting* the money to the treasury of the United States."

The expense of examining land offices, mentioned in the fifth specification, has for some time been discontinued.

The resolution is herewith returned.

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

JOS. ANDERSON, *Comptroller.*

Hon. LOUIS MCLANE, *Secretary of the Treasury.*

22D CONGRESS.] No. 1074. [2D SESSION.

CLAIMS FOR BOUNTY LAND DEPOSITED AND NUMBER OF WARRANTS ISSUED IN 1832.

COMMUNICATED TO CONGRESS BY THE PRESIDENT DECEMBER 4, 1832.

REPORT FROM THE BOUNTY LAND OFFICE.

Return of claims which have been deposited in the bounty land office in the year ending September 30, 1832, *for services rendered in the revolutionary war.*

Claims received from October 1, 1831, to September 30, 1832, inclusive		616
Claims for which land warrants have issued	105	
Claims previously satisfied	106	
Claims not entitled to land	111	
Claims in which the names of the applicants are not returned on the records in this office	181	
Claims on which further evidence was required	68	
Claims for which regulations were sent to the applicants	45	
		616

Abstract of the number of warrants issued in the year ending September 30, 1832.

1 colonel	500
2 lieutenant colonels, 450 acres each	900
5 majors, 400 acres each	2,000
1 surgeon	400
19 captains, 300 acres each	5,700
14 lieutenants, 200 acres each	2,800
3 ensigns, 150 acres each	450
57 rank and file, 100 acres each	5,700
1 additional land allowed a surgeon	100
2 pursuant to the act of Congress passed July 9, 1832	160
105 warrants. Total acres	18,710

Warrants signed by Generals Knox and Dearborn, on file and unclaimed	49
Number of claims under the act of Congress of May 15, 1828, presented by the Treasury Department for examination	37

Return of claims which have been deposited in the bounty land office for the year ending September 30, 1832, *for services rendered during the late war.*

Claims suspended per last annual report		313
Claims received since		354
		667
Claims for which warrants have issued	90	
Claims previously satisfied	67	
Claims not entitled to land	45	
Claims returned for further evidence	49	
Claims for which regulations were sent	107	
Claims on file suspended	309	
		667

Abstract of the number of warrants issued for the year ending September 30, 1832.

1st. Authorized by the acts of December 24, 1811, and January 11, 1812	84
2d. Authorized by the act of December 10, 1814	6
Total	90

Whereof of the 1st description, 86 granted of 160 acres each	13,760
Whereof of the 2d description, 4 granted of 320 acres each	1,280
Total acres	15,040

DEPARTMENT OF WAR, *Bounty Land Office, November* 20, 1832.

The above and aforegoing is respectfully reported to the Hon. Secretary of War, as the proceedings of this office for the year ending September 30, 1832.

WM. GORDON, *First Clerk.*

22D CONGRESS.] No. 1075. [2D SESSION.

OPERATIONS OF THE LAND SYSTEM DURING THE LAST YEAR.

COMMUNICATED TO CONGRESS, WITH THE REPORT OF THE SECRETARY OF THE TREASURY ON THE FINANCES, DECEMBER 6, 1832.

REPORT FROM THE GENERAL LAND OFFICE.

GENERAL LAND OFFICE, *December* 3, 1832.

SIR: In presenting for your examination and the consideration of the government a review of the operations of this office for the last year, I have to state that the sales of the public lands have not been equal to those of the preceding annual period. This deficiency was not anticipated, and has resulted from causes over which the officers charged with this branch of the public service, with the most active vigilance and industry, could have no control. The inadequacy of the means afforded to the surveyors general to supply the returns of surveys and the township plats in every surveying district of the United States, with the exception of that of Alabama, together with the Indian war on the northern frontier of Illinois and the western part of the Territory of Michigan, and the general prevalence of the Asiatic cholera in those places to which emigration tended, and from which it usually emanates, has not only interrupted the land sales entirely in some districts for a portion of the year, but has materially retarded those in others. These unexpected impediments could not have been foreseen at the date of my last report, nor prevented by any efforts within the competency of any officers charged with the superintendence of the sales of the public domain.

The annexed statement, marked A, exhibits the periods to which the monthly accounts of the registers and receivers have been rendered, with the admitted balances of cash in the hands of the several receivers at the date of their last monthly accounts, and the periods to which their last quarterly accounts have been rendered.

The accompanying statement, marked B, shows the quantity of lands sold, the amount of purchase money, designating such portion as has been received for sales made prior to July 1, 1820, the amount received in cash, in forfeited land stock, in military land scrip, the aggregate amount of receipts, and the amount paid into the United States treasury in each State and Territory during the year 1831, and the half year and third quarter of 1832.

The embarrassments and impediments which have prevented the several surveying departments from performing all the duties required by law, and which were stated in my last annual communication, still continue, to the great injury of the public service and to many individuals interested in the prompt discharge of official duty. Until some further provision shall be made by law to enable the surveyors general to prepare and make returns of the surveys in their respective districts, and the township plats to the proper registers of land offices, and to this office, these evils will accumulate with increased injury to all concerned. Surveys of nearly four hundred townships have been made, the township plats of which have not been returned to this office, and a greater number not furnished the land offices. I would therefore again recommend that such additional provisions be made by Congress for the surveyors' offices as may be sufficient to admit a prompt discharge of public duty. It should also be remarked that by the provisions of the act of the 5th of April last, permitting entries, in certain cases, of quarter sections, the office duty of the respective surveyors has been greatly increased. The continued illness of the surveyor general of Florida, and the sickness of the clerks in his office, have prevented almost entirely any surveys in that Territory during the past year.

In connexion with the subject of the public surveys I would recommend that some provision be made for the survey of the public domain, and the resurvey thereof where gross errors have been committed; for the survey of the principal meridian and base lines, and for private land claims in all cases where the compensation allowed by law therefor is sufficient to meet the expenses of the same. This office has already been advised that many such cases now exist, and, in consequence thereof, the surveys of the same have been suspended. It is also respectfully submitted to the wisdom of Congress to require the several surveyor's offices, and the records and documents belonging thereto, to be kept in fire-proof buildings. Of the necessity of which, and of the importance of carefully preserving the records of the public surveys, and the papers and documents connected therewith, no reasonable doubt can exist. They form the basis of all the subsequent operations of this office, and of the respective land offices, not only as to the sales and disposition of the public lands, but also of private land claims.

In September last a circular letter was addressed to the several surveyors general, requesting them to report to this office the amount of arrears in their respective offices, and an estimate of the amount of labor and expense, to bring the same up to the period of current duties; a reply to which has not been transmitted by all, but so soon as received will be made the subject of a future report.

The act of the last session of Congress providing for the issuing of scrip to the officers and soldiers of the Virginia continental and State lines and navy of the revolutionary war, to the amount of three

hundred thousand acres, has been executed as promptly as the means of this office would admit, and to the neglect of other duties. Warrants covering about forty thousand acres only remain to be satisfied, and these await the production of the necessary title papers, proofs of heirship, and other documentary evidence from the parties interested. In the two preceding reports which I have had the honor of presenting to the Treasury Department, I have faithfully stated the arrears of this office, and the physical impossibility of discharging all the duties required of it by law without additional assistance provided for by the legislative power. The appropriations of the last session of Congress for extra clerk hire have been of great service and benefit, but have only enabled me to perform the current duties. The arrears yet remain, and have increased with the increased labor thrown upon the office by the numerous acts of the last session. To what crisis it may approach without the necessary aid for the discharge of public duty it is not difficult to conjecture. More than three million of people are interested in the most prompt attention, the vigilant action, and the accurate operations of this office. It is in the will of Congress whether so large a portion of the United States shall be deprived of that justice which by law they are entitled to.

All which is respectfully submitted.

ELIJAH HAYWARD.

Hon. LOUIS MCLANE, *Secretary of the Treasury.*

A.

Exhibit of the periods to which the monthly accounts of the registers and receivers of the public land offices have been rendered, showing the balance of cash in the receivers' hands at the date of their last monthly account current, and the periods to which the receivers' quarterly accounts have been rendered.

Land offices.	Monthly returns		Acknowledged balance of cash in the hands of the receivers, per last monthly returns.	Period to which the receivers' quarterly accounts have been rendered.
	Period to which rendered by registers.	Period to which rendered by receivers.		
Marietta, Ohio	Oct. 31, 1832	Oct. 31, 1832	$1, 692 67½	3d quarter 1832.
Zanesville, Ohio	....do....	....do....	3, 027 01	....do....
Steubenville, Ohio	....do....	....do....	1, 971 13	....do....
Chilicothe, Ohio	....do....	....do....	7, 927 72	....do....
Cincinnati, Ohio	....do....	....do....	3, 235 01	....do....
Wooster, Ohio	....do....	Sept. 30, 1832	981 91	....do....
Piqua, Ohio	....do....	Oct. 31, 1832	9, 174 25	....do....
Tiffin, Ohio	....do....	....do....	10, 250 74	....do....
Jeffersonville, Indiana	....do....	....do....	137 67¾	....do....
Vincennes, Indiana	....do....	....do....	28, 581 23	....do....
Indianapolis, Indiana	....do....	....do....	18, 726 23	....do....
Crawfordsville, Indiana	Sept. 30, 1832	Sept. 30, 1832	24, 967 40	....do....
Fort Wayne, Indiana	....do....	....do....	19, 769 95	....do....
Shawneetown, Illinois	Oct. 31, 1832	Oct. 31, 1832	8, 384 10	....do....
Kaskaskia, Illinois	....do....	....do....	4, 315 09	....do....
Edwardsville, Illinois	Sept. 30, 1832	Sept. 30, 1832	167 23	....do....
Vandalia, Illinois	Oct. 31, 1832	Oct. 31, 1832	3, 691 84	....do....
Palestine, Illinois	Sept. 30, 1832	Sept. 30, 1832	1, 937 00	....do....
Springfield, Illinois	Oct. 31, 1832	Oct. 31, 1832	9, 175 44	....do....
Danville, Illinois	....do....	....do....	7, 229 06	....do....
Quincy, Illinois	Sept. 30, 1832	Sept. 30, 1832	258 22	....do....
St. Louis, Missouri	Oct. 31, 1832	Oct. 31, 1832	None.	....do....
Franklin, Missouri	....do....	....do....	11, 730 68	....do....
Palmyra, Missouri	Sept. 30, 1832	Sept. 30, 1832	6, 678 56	....do....
Jackson, Missouri	Oct. 31, 1832	Oct. 31, 1832	4, 502 84	....do....
Lexington, Missouri	....do....	....do....	13, 559 94	....do....
St. Stephen's, Alabama	Sept. 30, 1832	Sept. 30, 1832	Due receiver, 86 45	....do....
Cahaba, Alabama	....do....	....do....	57, 840 07	....do....
Huntsville, Alabama	Oct. 31, 1832	Oct. 31, 1832	10, 833 73	....do....
Tuscaloosa, Alabama	....do....	....do....	2, 665 26	....do....
Sparta, Alabama	....do....	....do....	4, 778 30	....do....
Washington, Mississippi	Sept. 30, 1832	Sept. 30, 1832	5, 290 43	....do....
Augusta, Mississippi	Oct. 31, 1832	Oct. 31, 1832	1, 834 80	....do....
Mount Salus, Mississippi	Sept. 30, 1832	Sept. 30, 1832	5, 376 22	....do....
New Orleans, Louisiana	Oct. 31, 1832	Aug. 31, 1832	91 05	....do....
Opelousas, Louisiana	....do....	Sept. 30, 1832	12, 254 58	....do....
Ouachita, Louisiana	Sept. 30, 1832	....do....	13, 754 53	....do....
St. Helena, Louisiana	....do....	....do....	387 34	....do....
Detroit, Michigan	Oct. 31, 1832	Oct. 31, 1832	None.	....do....
White Pigeon Prairie, Michigan	....do....	....do....	13, 953 86	....do....
Batesville, Arkansas	June 30, 1832	July 31, 1832	715 73¼	2d quater 1832.
Little Rock, Arkansas	Sept. 30, 1832	....do....	1, 184 81	....do....
Tallahassee, Florida	July 31, 1832	Aug. 31, 1832	3, 614 75	....do....
St. Augustine, Florida	Nov. 30, 1831	Nov. 30, 1831	.....	.....

ELIJAH HAYWARD.

TREASURY DEPARTMENT, *General Land Office, November* 30, 1832.

B.

Exhibit of the operations of the land offices of the United States in the several States and Territories during the year ending December 31, 1831, the half year ending June 30, 1832, and the quarter ending September 30, 1832, and of the payments made into the treasury on account of public lands during those several periods.

States and Territories.	Land sold—acres.	Purchase money.	Amount received on account of lands sold prior to July 1, 1830.	Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount paid into the treasury.
					Forfeited land scrip.	Military land scrip.		
Ohio.....for the year 1831...	335,392.64	$424,989 40	$16,327 09	$323,748 83	$31,061 01	$86,506 65	$441,316 49	$304,336 22
Indiana.....do.....do....	554,436.78	694,863 31	16,690 44	599,008 98	9,038 98	103,505 79	711,553 75	572,654 12
Illinois.....do.....do....	339,411.44	424,846 36	5,669 83	379,980 87	10,749 49	39,785 83	430,516 19	375,260 27
Missouri.....do.....do....	296,467.94	374,086 09	4,361 03	376,908 04	1,539 08	.....	378,447 12	341,994 05
Alabama.....do.....do....	661,832.08	893,995 54	74,800 64	948,711 84	20,084 34	.....	968,796 18	925,028 26
Mississippi.....do.....do....	160,798.14	204,675 68	11,422 02	199,216 69	16,881 01	.....	216,097 70	173,780 93
Louisiana.....do.....do....	67,384.28	85,865 58	920 62	86,250 45	535 75	.....	86,786 20	83,870 93
Michigan Territory..do.....do....	320,476.90	401,342 67	1,803 67	400,159 43	2,986 91	.....	403,146 34	388,848 07
Arkansas Territory..do.....do....	13,377.33	16,721 77	.....	16,721 77	.....	.....	16,721 77	3,995 50
Florida Territory....do.....do....	28,279.35	35,637 36	.....	35,437 36	200 00	.....	35,637 36	40,997 13
Total for 1831.....	2,777,856.88	3,557,023 76	131,995 34	3,366,144 26	93,076 57	229,798 27	3,689,019 10	3,210,815 48
Ohio.....1st and 2d qrs. 1832.	180,134.09	225,193 16	.....	167,973 14	6,418 39	50,801 63	225,193 16	147,682 95
Indiana.....do.....do....	191,309.39	239,150 07	.....	174,118 37	410 25	64,621 45	239,150 07	171,070 09
Illinois.....do.....do....	86,495.09	108,118 85	.....	93,236 64	410 27	14,471 94	108,118 85	100,996 89
Missouri.....do.....do....	104,137.89	130,202 95	.....	129,982 23	220 72	.....	130,202 95	168,097 15
Alabama.....do.....do....	167,580.52	209,256 18	32 63	206,882 77	2,406 04	.....	209,288 81	204,102 10
Mississippi.....do.....do....	73,506.63	91,909 75	.....	89,878 11	2,031 64	.....	91,909 75	84,840 85
Louisiana.....do.....do....	21,324.28	32,905 36	.....	32,180 74	724 62	.....	32,905 36	49,200 00
Michigan Territory..do.....do....	129,464.84	161,831 13	.....	161,614 99	216 14	.....	161,831 13	157,092 70
Arkansas Territory..do.....do....	5,101.34	6,376 67	.....	6,376 67	.....	.....	6,376 67	11,388 05
Florida Territory....do.... ....do....	4,859.10	6,073 87	.....	6,073 87	.....	.....	6,073 87	400 00
Total 1st and 2d quarters 1832.....	963,913.17	1,211,017 99	32 63	1,068,317 53	12,838 07	129,895 02	1,211,050 62	1,094,870 78
Ohio.....3d quarter 1832...	84,460.78	105,576 02	295 44	88,626 87	2,585 30	14,659 29	105,871 46	67,415 98
Indiana.....do.....do....	143,469.28	179,336 57	.....	155,950 55	664 35	22,721 67	179,336 57	131,727 04
Illinois.....do.....do....	41,028.03	51,311 02	.....	43,062 86	14 00	8,234 16	51,311 02	33,603 57
Missouri.....do.....do....	56,177.12	70,226 45	.....	70,226 45	.....	.....	70,226 45	66,167 23
Alabama.... .....do.....do....	82,518.99	109,086 98	63 30	108,529 73	620 55	.....	109,050 62	48,869 21
Mississippi.....do.....do....	53,402.66	66,852 45	.....	66,298 07	554 38	.....	66,852 45	79,763 54
Louisiana.....do.....do....	16,655.22	20,819 03	.....	20,739 03	80 00	.....	20,819 03	6,400 00
Michigan Territory..do.....do....	65,106.32	86,403 31	.....	86,403 31	.....	.....	86,403 31	75,520 10
Arkansas Territory..do.....do....	1,004.59	1,255 74	.....	1,255 74	.....	.....	1,255 74	950 00
Florida Territory....do.....do....	2,065.57	2,581 96	.....	2,581 96	....	.....	2,581 96	4,842 73
Total 3d quarter 1832.....	545,888.56	693,449 53	358 74	643,674 57	4,518 58	45,615 12	693,808 27	515,259 40
Aggregate 1st, 2d, and 3d qrs. 1832..	1,509,801.73	1,904,467 52	391 37	1,711,992 10	17,356 65	175,510 14	1,904,858 89	1,610,130 18

ELIJAH HAYWARD.

TREASURY DEPARTMENT, *General Land Office, November* 30, 1832.

22D CONGRESS.] No. 1076. [2D SESSION.

IN RELATION TO THE REMOVAL OF THE OFFICE OF THE SURVEYOR GENERAL OF PUBLIC LANDS SOUTH OF TENNESSEE.

COMMUNICATED TO THE SENATE DECEMBER 20, 1832.

SURVEYOR'S OFFICE, *Washington, Mississippi, November* 13, 1832.

SIR: It is proper, I think, that I should mention that I have understood that a few days before the time expired for the late principal deputy surveyors of Louisiana to act as such, (April 30, 1831,) some of them extended the time to one or two years longer, for the deputies to complete their contracts which had expired, or had been delayed from various causes. Other deputies had entirely failed to comply with their contracts, and others have returns at this office, which have been examined and found too defective to be approved.

Several have not yet presented their returns, but say they have accounts to be settled. Some of the surveys were made as far back as 1823, 1826, and so on. The settled accounts have been transferred to the surveyor's office of Louisiana, with all the sketches and connected plans, and, indeed, all the means necessary to a proper investigation of these surveys. Under these circumstances, it appears to me that there is no obligation on this office to continue these examinations. It may continue for years in this way; and while I am examining and paying them here, the surveyor general of Louisiana may be at the same thing, or ordering the same townships to be surveyed. The returns in many cases have not been presented to either office, or if to one, it cannot be known at the other, because there are but few regular written contracts filed in either office. There may be written contracts in some instances, but the time for completing the work has long ago expired.

I therefore respectfully suggest the question of propriety of passing an act immediately requiring that all accounts for surveys in Louisiana, which have not been approved at this office by the 1st of January next, shall be presented with the field-notes and plats to the office of the surveyor general of Louisiana for settlement.

This arrangement would be most convenient for the parties concerned, and is necessary for the safety of the government.

With great respect,

GIDEON FITZ, *Surveyor of Public Lands south of Tennessee.*

Hon. JUDGE BLACK, *Senator in Congress, Washington City.*

[The following communication was subsequently communicated to the Senate by the chairman of the Committee on Public Lands.]

GENERAL LAND OFFICE, *January* 9, 1833.

SIR: Agreeably to the request contained in your letter of the 7th instant, I have the honor to present to the Committee on Public Lands in the Senate my views respecting the enclosed "bill to remove the office of the surveyor general of public lands south of Tennessee, and directing the returns of surveys of land in the State of Louisiana to be made to the office of the surveyor general of public lands for that State."

The removal of the surveyor's office is very inexpedient at this time, for the following reasons:

The only difficulties now existing in respect to the surveys in Mississippi arise from the erroneous surveys in the Washington district. This district comprises the great mass of the old foreign claims and donations recognized by the United States. In their survey numerous errors have been committed; indeed, so little dependence can be placed upon the existing plats, that the office has been compelled for many years to suspend almost entirely the issuing of patents for the purchased tracts interspersed among the confirmed claims: and before these claims can be recognized as accurate, it is necessary that the surveyor general should make a critical comparison of those plats with the field-notes in his office, and with the original papers and records of the board of commissioners who adjudicated these private claims; these records and papers are by law placed in the custody of the register of the land office for the district whose office is kept within one hundred and fifty yards of the surveyor's office, and the surveyor general can at any moment examine any of the papers. The old Spanish archives of that section of the country, to which also it is very probable that frequent reference will have to be made, are kept in the city of Natchez, only six miles from the surveyor's office. In making this examination of the township plats, it is also necessary that the surveyor general should at any moment have the means of ascertaining the particular tracts of public lands which have been sold by the United States; and unless the surveyor general have the power of making these comparisons with the documents in the register's office, it will be utterly impracticable for him either to know how far the existing work is incorrect, or the nature of the corrections required, or to ascertain the accuracy of any resurveys which he may order. Should the surveyor's office be removed from Washington before this work of examination and correction is completed, it will occasion great delay in its execution, and in a great measure deprive the surveyor general of the use of those papers which it is all important should be referred to during its progress. The necessity of the removal of the surveyor's office at this time is not apparent; the work to be performed in the new cession is simple in its character, there not being a single private claim in that section of country, and the necessary instructions can be as easily given from Washington as from Jackson. The place where the deputies receive their payments for the checks of the surveyor general is now only six miles from his office, and it is at this place (Natchez) that the surveyors will most generally make their equipments for the field. And as there is nothing in the law establishing the surveyor's office for Mississippi which requires it to be kept at Washington, it is in the power of the President, whenever he thinks the public interests require its removal, to direct it to be kept at such other place as he may direct.

An additional reason for continuing the surveyor's office in its present location is found in the fact that the register of the land office at Washington has been directed by the Secretary of the Treasury to make a revision and comparison of his books with the township plats, in order to the preparation of an entire new set of plats, which are indispensable to the public service, and this duty requires the most frequent intercourse between his office and that of the surveyor.

In reference to the 2d section of the bill, I have to remark that, on the creation of the State of Louisiana into a separate surveying district, by the act of March 3, 1831, the department made it the duty of the surveyor of Mississippi to continue to attend to the settlement of all accounts for public surveys in Louisiana, contracted for, either by him or his predecessors, and remaining to be paid for—a course which was suggested by every consideration of expediency and propriety. The great mass of the accounts have been so settled. Accounts amounting to about $10,000 remain to be produced and settled. The surveyor intimates, in the accompanying letter to Judge Black, that he has transferred all the means necessary to the settlement of the outstanding accounts to the surveyor of Louisiana. This should not have been done, as it was not contemplated by the instructions from the department, which required that the surveyor should transfer only such evidences as were connected with the *settled* accounts.

Under all the circumstances, I am of opinion that it will not now be expedient to make it the duty of the surveyor of Louisiana to settle the outstanding accounts, as contemplated by the second section of the bill. And I would beg leave to suggest to the committee that, whenever the department shall deem it expedient to cause the transfer to be made, it can be effected without any further legislative act.

The bill and accompanying papers are herewith returned.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. E. K. KANE, *Chairman of the Committee on Public Lands, Senate.*

22D CONGRESS.] No. 1077. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1832.

Mr. ASHLEY, from the Committee on Private Land Claims, to whom was referred the petition of Jean François Hertzog, reported:

That, according to the statements of the petitioner, corroborated by the affidavits of two respectable witnesses, he, prior to the 20th December, 1803, settled upon and cultivated a certain tract of unappropriated land, situate in the parish of Natchitoches, Louisiana, on the left bank of Little river; that he has uninterruptedly continued to occupy and cultivate the same up to the date of his petition; that, in the year 1812 or 1813 he, the petitioner, filed with the register of the public lands and the receiver of public moneys, acting as a board of commissioners at Opelousas, a notice of his claim, but not having been well informed in the routine of land business, he omitted to furnish all the proof necessary to obtain from the commissioners a favorable report in his case.

The foregoing facts being established to the satisfaction of the committee, a bill is herewith reported for the relief of the claimant.

22D CONGRESS.] No. 1078. [2D SESSION.

RELATIVE TO THE CREATION OF ADDITIONAL LAND OFFICES IN MISSISSIPPI.

COMMUNICATED TO THE SENATE DECEMBER 25, 1832.

GENERAL LAND OFFICE, *December* 25, 1832.

SIR: Your letter of the 13th instant, to the Commissioner of the General Land Office, was duly received, with a copy of a bill, reported to the Senate on the 10th instant, for the creation of new land offices in the late Choctaw purchase, and for the more convenient organization of the land districts in the State of Mississippi.

In consequence of the illness of the Commissioner, the duty of replying to your communication has devolved on myself.

I have the honor to remark that, since the introduction of the bill into the Senate, it has been understood at this office that the provisions of the late treaty with the Chickasaw tribe of Indians in Mississippi stipulate that the proceeds arising from the sale of the lands are to be paid over to that nation of Indians. This provision of that treaty has suggested to the department the propriety and expediency of preserving the entireness of that cession, with a view to simplifying the operations of the government under the treaty, and to make them more intelligible to the parties interested in the proceeds of the sales.

With these views, it is respectfully proposed that the boundaries of the "Northwestern district" proposed in the bill be modified as follows, viz: to include such portion of the land ceded to the United States by the treaties made and concluded with the Choctaw tribe of Indians, near Doak's Stand, on the 18th day of October, 1820, and at Dancing Rabbit creek, on the 27th day of September, 1830, as is situated north of the line dividing townships nineteen and twenty, and west of the line dividing ranges ten and eleven east.

In a report from the department respecting the boundaries of the proposed districts, made at the late session of Congress, it was proposed to square off the zig-zag boundary of the old Choctaw district, by making it include on the north all the land up to the dividing line between townships nineteen and twenty, and making the line between ranges six and seven east its eastern boundary. These views were approved by the Senate's bill. Since then, the surveys of the new cession have been made, and it has been reported by the surveyor general that the new surveys do not close, as it was expected they would, on the old lines, and that there are fractional sections bearing the same numbers in the same fractional township on either side of the old line; hence, if the lands on both sides of the line are made salable at one and the same office, there will be a constant liability to commit errors in the designating of tracts.

From these considerations, it is now respectfully recommended that the eastern line of the Choctaw cession, at Doak's Stand, remain the boundary of the old Choctaw district, east of the basis meridian, and that west of the basis meridian its northern boundary be squared off by the boundary line between townships nineteen and twenty.

Herewith is furnished a sketch of the State of Mississippi, showing the boundaries of the land districts, as proposed by the bill No. 635 of the House of Representatives, reported by Mr. Wickliffe on the 21st instant. On this sketch are delineated the boundaries of the "Northwestern" and "Choctaw" districts, as designated in that bill, and which has been respectfully recommended to your favorable consideration in the foregoing part of this communication. This sketch also indicates the boundaries of the "Northeastern" and "Augusta" districts, as indicated by the bill of Mr. Wickliffe, the dividing line between which is designated as the boundary between the townships ten and eleven.

The sales hitherto in the Augusta district have been so small that, during many years, they have not paid expenses. It is indispensably necessary, however, that the land office should be kept in existence; and it is desirable that, if possible, the district might (as far as legislation can make it) be made more productive. But it is respectfully urged that the boundary between the "Northeastern" and the "Augusta" districts, as proposed by the bill of the House of Representatives, which adds upwards of one hundred townships to the Augusta district, will make it too large and disproportionate in size to the other districts in the State. It is, therefore, suggested that the boundary be the township line between townships five and six.

It is also proposed that a section be incorporated into the bill, making an appropriation of fifteen hundred dollars, (to be paid out of any moneys unappropriated in the treasury,) for procuring books and blanks necessary to put into operation the proposed new offices in Mississippi, and also those created in Arkansas and Alabama during the last session, being in all six offices, which sum would allow for the office of each of the registers and receivers, one hundred and twenty-five dollars.

Enclosed herewith is a copy of the bill of the House of Representatives, and also a communication from the Hon. Mr. Plummer, exhibiting his views in relation to the subject, all of which are conceived to be just and correct, with the exception of the boundary between the Northeastern and Augusta districts, to which the foregoing objections have been stated.

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

JNO. M. MOORE, *Acting Commissioner.*

Hon. E. K. KANE, *Chairman of Committee on Public Lands, Senate.*

22D CONGRESS.] No. 1079. [2D SESSION.

RELATIVE TO AMENDMENT OF THE ACT OF JULY 9, 1832, FOR THE FINAL ADJUSTMENT OF LAND CLAIMS IN MISSOURI.

COMMUNICATED TO THE SENATE DECEMBER 28, 1832.

RECORDER'S OFFICE, *St. Louis, Missouri, November* 19, 1832.

SIR: In the course of the examination which the undersigned have already made into the subject, upon which it will be their duty to report to you under the act passed at the last session of Congress for the final adjustment of land claims in Missouri, they have been duly impressed with the belief that, to give that act a full and satisfactory effect, it ought to be amended.

The amendment, we beg leave to submit, should, in our opinion, consist, first, of an extension of the power or jurisdiction of the recorder and commissioners to the cases of claims founded on written grants, concessions, warrants, or orders of survey, that have not heretofore been filed in the office of the recorder, according to law, but which might, notwithstanding, have been submitted to the district court of the United States for Missouri, under the act of Congress of the 26th May, 1824, and the act supplementary thereto. Secondly, of an extension of the powers of the recorder and commissioners to the cases of claims based upon mere settlement and cultivation, with the permission, verbal or implied, of the Spanish or French authorities, and which claims have already been submitted to the commissioners or recorder under former acts of Congress, and decided upon unfavorably to the claimants.

As to the first class of claims, to wit, those based on written incomplete titles, which have not been filed heretofore, they are, we believe, few in number; and we feel justified in stating that some of them are equal, if *not* superior, in merit, not only to those which have been heretofore filed, but to some of those which have been confirmed. It seems to us that it must have been in contemplation of the merits of this class of claims that the act of 1824 was made to embrace them. We do not believe that the act of the last session was *intended* to be less liberal, just, and satisfactory, than the act of 1824, to those who invoke the treaty of cession. We are further of opinion that, in order to render the late act a means of "final adjustment of land claims in the State of Missouri," it should be made to embrace the second class of claims to which we have referred. By including in its purview the claims we have indicated, the report of the recorder and commissioners would perhaps enable Congress to make a *final* disposition of all the claims that possibly could be brought forward under French or Spanish titles, written or unwritten, in Missouri. By way of exemplification of the propriety and justice of including settlement rights heretofore submitted, and not favorably decided upon, we would refer, amongst others, to the claims of Peter Boyer, Peter Abar, and Abraham Brinker; each of those claims have been rejected by the former board of commissioners, and afterwards by the recorder. By the former no reason is assigned for the rejection, nor can we discover any cause for rejection on their minutes or records. By the latter, the decision in each case is made in the following words: "This tract probably contains lead, otherwise it ought to be confirmed." On reference to the minutes, we have not been able to discover any proof of the fact that

those tracts contained lead ore. We are induced to believe that the *probable* existence of lead on those tracts was *inferred* from their vicinity to the known lead mines; be that fact, however, as it may, it would seem that, at *this day*, it *alone* should not constitute a fatal objection. On those tracts valuable improvements have been made, and possession continued uninterruptedly for more than thirty years since the first settlement made on them. As the law now stands, the occupiers or owners of those tracts are exposed to the possible loss of their lands and improvements as soon as they shall be offered for sale by the United States, which, according to the tenor of the present act, may take place as soon as the present board have finally reported. This class of claims, therefore, it would seem, should be entitled at least to be taken into consideration by this board, and ultimately passed upon by Congress.

We have thought it our duty to submit the above views, in order that they may be communicated to the Executive, if, under all the circumstances, it shall seem expedient to you to make such communication.

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

L. F. LINN.
F. R. CONWAY.

Hon. COMMISSIONER *of the General Land Office.*

22D CONGRESS.] No. 1080 [2D SESSION.

ON APPLICATION TO HAVE THE PURCHASE MONEY FOR A TRACT OF LAND REFUNDED.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1832.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Guedry, Edward Lambert, Michael Lebœuf, and John Vavasseur, reported:

The petitioners were severally proprietors of a small tract of land fronting on the Mississippi, and situate in the old settled part of Louisiana. Their respective tracts not having been confirmed by the United States, they, fearful lest they might be exposed to public sale by government, availed themselves of the pre-emption law of 1830, and entered their own lands. They now pray to have the price which they paid refunded.

The evidence shows an uninterrupted possession of more than forty years—such a possession as, by the laws of the United States, creates a presumption of title under the former government of that country.

The committee think the purchase money ought to be refunded. It is in accordance with the provisions of the fourth section of the act approved July 4, 1832, entitled "An act for the final adjustment of the claims to lands in the southeastern district of the State of Louisiana," with this difference only, that the said fourth section refers to persons similarly situated who had bought their own lands at public sale. The committee find the equity to be the same in the present instance, and they accordingly report a bill.

22D CONGRESS.] No. 1081. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Sarah Walthers, claiming confirmation of her claim to a tract of land as a settlement right, reported:

That the evidence furnished by the petitioner consists of the deposition of a single witness. He swears that he knew Sarah Walthers, and believes, from every circumstance, that she did make an improvement on a piece of land in the parish of Natchitoches about the year 1803, or previous to that time; that he saw the improvements between the years 1806 and 1810, and that then she and her brother were in possession, and claimed the improvement. This evidence is, in the opinion of the committee, too vague. The witness does not swear to his knowledge of any cultivation before December 20, 1803, but only to his belief, from circumstances which subsequently came to his knowledge, that the petitioner or her brother had made an improvement and settlement about that year or before. The committee, therefore, recommend that the prayer of the petitioner be rejected.

22D CONGRESS.] No. 1082. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1832.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Robert Cochran, reported:

That the petitioner prays confirmation of a title to a tract of land, containing one thousand arpents, in the parish of East Feliciana. The evidence of title exhibited by the petitioner is a grant by the intendant, Morales, dated June 9, 1804, in favor of Santiago Brannon. This grant purports on the face of it to be in the nature of a sale, at the rate of one real and a half per arpent, executed at New Orleans at the above-mentioned date, about six months after the actual surrender of that city to the United States. The date of the grant being subsequent to that of the treaty of cession under which the American government has always claimed and possessed that part of the present State of Louisiana, the committee cannot regard it as conveying in itself any title independently of possession and cultivation during the period that the Spanish authorities retained possession and exercised authority *de facto* in that part of West Florida. There is no evidence before the committee of any occupation or cultivation at any time.

They therefore are of opinion that the prayer of the petitioner ought not to be granted.

22D CONGRESS.] No. 1083. [2D SESSION.

RELATIVE TO THE SALE OF THE RANGE OF LANDS THROUGH WHICH THE LINE DIVIDING THE STATES OF INDIANA AND ILLINOIS RUNS.

COMMUNICATED TO THE SENATE JANUARY 2, 1833.

Mr. TIPTON, from the Committee on Public Lands, to whom was referred a resolution of the Senate instructing them to inquire whether further legislation was necessary to enable the President of the United States to cause the public lands in range ten west of the second meridian, in the State of Indiana, to be brought into market, reported:

That the line dividing the States of Indiana and Illinois, as designated and established under the joint sanction of these States, from a point on the Wabash, due north, to Lake Michigan, passes through range ten west; that, in establishing the State line, no notice was taken of the surveys of the public lands nor was the intersection of these public surveys with the State line noted, so as to show the correct fractions and subdivisions of the public lands on each side of the State line. It also appears, by a correspondence between the Commissioner of the General Land Office and the surveyors general of Cincinnati and St. Louis, which has been examined by your committee, that in November, 1827, instructions were issued to the surveyor general in Ohio, directing him to connect the surveys of the sections caused to be made fractional, on each side of the State line, with the line itself. This order not having been complied with, similar instructions were issued in December, 1828, to the surveyor general at St. Louis, who replied, in 1829, that he had made application to several surveyors to do this work, and that no one could be found for the price allowed by law, of *three dollars* per *mile* to retrace the old line and to connect the public surveys with the State line. Consequently these lands could not be offered for sale; and the committee report a bill.

22D CONGRESS.] No. 1084. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE SENATE JANUARY 4, 1833.

Mr. POINDEXTER, from the Committee on Private Land Claims, to whom was referred the petition of Calvin Smith, a citizen of the State of Mississippi, praying to be confirmed in his title to a tract of land, containing the quantity of thirteen hundred and twenty acres of land, lying and being in the district of Baton Rouge and State of Louisiana, or to be allowed to locate a like quantity of land on any public land subject to entry at private sale, reported:

That it appears that the petitioner purchased, for a valuable consideration, of an actual settler, his right of occupancy to the tract of land mentioned in the petition, and that, subsequent to said purchase, he obtained from the Spanish governor, Don Charles De Grand Pre, a warrant or order of survey, bearing date the 27th day of August, 1806, directing the deputy surveyor of said district of Baton Rouge to survey

and mark the boundaries of said tract of land, in the name and for the benefit of said Calvin Smith, the petitioner; that the survey was accordingly made and certified on the 20th day of October, 1806, and the land actually occupied and cultivated by the petitioner and his tenants from the date of said survey until the year 1813; that the claim was regularly filed with the register of the land office at St. Helena, in said district, and proof of settlement and occupancy of the tract made but not confirmed by the register and receiver, acting as land commissioners, because the petitioner had received a grant from the Spanish government for a small tract of three hundred and fifty acres of land in said district. In all other respects the commissioners admit the claim to have been proven according to law. Your committee are of opinion that, inasmuch as the warrant or order of survey for the tract of thirteen hundred and twenty arpents was founded on a purchase made by the petitioner of a settlement right recognized by the Spanish government, he ought not, in equity and justice, to be deprived of the benefit of his contract, which was held to be valid by the Spanish authorities, and which was carried into effect by the order of survey of Governor De Grand Pre, on the ground of the inconsiderable grant made to him prior to that time, on his own right. The claim appears to your committee to be in all respects fair and equitable, and they therefore report a bill in conformity with the prayer of the petitioner.

22D CONGRESS.] No. 1085. [2D SESSION.

CORRESPONDENCE AND INSTRUCTIONS RELATIVE TO SURVEYS OF PRIVATE CONFIRMED LAND CLAIMS IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1833.

Letter from the Secretary of the Treasury upon the subject of private confirmed land claims in Florida, rendered in obedience to a resolution of the House of Representatives of the 17th ultimo.

TREASURY DEPARTMENT, *January* 4, 1833.

SIR: I have the honor to transmit a report from the Commissioner of the General Land Office, prepared in obedience to a resolution of the House of Representatives dated the 17th ultimo, accompanied by copies of the correspondence on the subjects embraced in the resolution.

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

LOUIS McLANE, *Secretary of the Treasury.*

Hon. SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *January* 2, 1833.

The Commissioner of the General Land Office, to whom has been referred the resolution of the House of Representatives of the 17th ultimo, which requires the Secretary of the Treasury to inform that House "what causes have prevented the survey of the private confirmed land claims in Florida; and whether any errors were made in the surveys in West Florida which caused their return to the surveyor general; and whether any instructions were given for the resurvey, or proceedings instituted against the deputies; and whether the United States have been, or are to be, charged with the resurvey out of the public treasury; and that he communicate the instructions given to the surveyor general on the subject of the survey of the private claims," has the honor to submit herewith copies of all the correspondence between the General Land Office and the surveyor of the public lands in Florida in relation to the survey of the private claims in that Territory, and the correction of certain errors in the surveys bordering on the river Escambia.

From this correspondence it will be seen that the early attention of this office was drawn to the surveys of the private claims in Florida, and that every endeavor has been made by it to insure the progress of that branch of the work with all the rapidity and accuracy possible. It is apparent, from an inspection of the township plats, that under these instructions a great many of the claims have been surveyed; but that there may be some claims in those townships which have not been surveyed is also probable, as, notwithstanding every exertion has been made by the department to induce the claimants to afford that information to the deputy respecting the localities and boundaries of their claims, which could be furnished by themselves alone, it is apparent, from the representations of the surveyor general and his deputies, that in many cases the claimants would not afford that information by which the surveyor would have to be guided in the performance of his duty, and that he has been left entirely unassisted by the parties individually interested in his endeavors to survey their lands correctly; and it is very probable that some of the claims may not have been surveyed, in consequence of the compensation allowed by law being totally inadequate to the services required. This is the case in relation to Key West, and to many claims in Louisiana.

Part of the country between the Suwannee river and the Atlantic ocean, in which there are private claims, is believed not to have yet been surveyed; and as the private claims have to be surveyed and numbered in connexion with the public lands, there doubtless are claims there which have not been reported as surveyed, and plats of which cannot be returned to the proper land office until the survey of the township in which they are included shall have been examined and approved by the surveyor general.

That the delay in issuing patents for the private claims in Florida is, in a great measure, to be attributed to causes over which the surveyor general has not a control, is apparent from his letter of January 14, 1831, in which he says: "In the report you were kind enough to send, I find a remark, under

the head of Florida, that many private claims have been surveyed, but no certificates have been forwarded, which ought to have been received long since. I hope the delinquency was not intended to be applied to this office, as I claim to have complied with the act of Congress on that subject, and under which the register is required to forward certificates for data to govern the issuing of the patents," and from the fact of the register of the land office at Tallahassee having forwarded to this office about one hundred certificates for those claims, but which, in consequence of the defects therein, I had to return to him during the last winter for correction. They have not been reforwarded to this office.

Some of the surveying of the swamps on the Escambia river proving erroneous, the plats were returned to the surveyor general for correction; but in consequence of the nature of the ground, of high waters, and of the sickness of the deputies employed in that work, it was not until April 11, 1832, that the surveyor general was enabled to report the work as having been performed, although the plats have not yet reached this office. All the correspondence on this subject will be found among the papers herewith transmitted.

In cases of errors in surveying, the deputies who executed the work, where it is not fully and satisfactorily proved that those errors have arisen from causes which they could not control, are required to make the requisite corrections without any compensation therefor; and as, by the letter of October 26, 1825, from the surveyor general, it appears that in all cases he has taken bonds from his deputies, with good and sufficient security in the sum of $10,000 for the correct and faithful execution of their contracts, any expense which may be incurred in correcting their work will be reimbursed by legal proceedings under those bonds. From an examination of the accounts of the surveyor general, which have been rendered to the 30th of September last, it does not appear that any charge is made therein for resurveys or corrections.

Part of the delay which occurred in reporting the surveys to this office has doubtless been occasioned by the long-continued illness of the surveyor general and of the clerks employed in his office; and, at the date of the last letter from the surveyor general, he was so sick as to prevent his attention to business.

All which is respectfuly submitted.

ELIJAH HAYWARD, *Commissioner.*

Hon. LOUIS MCLANE, *Secretary of the Treasury.*

List of letters to Robert Butler, surveyor, &c., at Tallahassee, from the Commissioner of the General Land Office, transmitted with the report to the Secretary of the Treasury, dated January 2, 1833.

Extract of letter dated	August	20, 1825
Do.*.....do.....	September	15, 1825.
Do.....do.....	October	7, 1825.
Copy.....do.....	March	2, 1826.
Extract.....do.....	April	24, 1826.
Copy.....do.....	June	1, 1826.
Do.....do.....	October	16, 1826.
Do.....do.....	February	26, 1827.
Do.....do.....	March	8, 1827.
Extract.....do.....	March	31, 1827.
Do.....do.....	April	19, 1827.
Copy.....do.....	April	26, 1827.
Do.....do.....	April	26, 1827.
Do.....do.....	May	7, 1827.
Do.....do.....	June	1, 1827.
Do.....do.....	July	20, 1827.
Do.....do.....	August	18, 1827.
Do.....do.....	February	22, 1828.
Do.....do.....	March	27, 1828.
Do.....do.....	April	14, 1828.
Do.....do.....	June	6, 1828.
Do.....do.....	*June	17, 1828.
Do.....do.....	*July	25, 1828.
Do.....do.....	August	1, 1828.
Extract.....do.....	August	29, 1828.
Copy.....do.....	September	13, 1828.
Do.....do.....	September	23, 1828.
Do.....do.....	October	31, 1828.
Do.....do.....	January	20, 1829.
Extract of letter dated	February	10, 1829.
Copy.....do.....	May	5, 1829.
Do.....do.....	May	26, 1829.
Do.....do.....	August	28, 1829.
Do.....do.....	September	9, 1829.
Do.....do.....	November	26, 1829.
Do.....do.....	December	11, 1829.
Do.....do.....	December	11, 1829.
Do.....do.....	February	3, 1830.
Do.....do.....	February	18, 1830.
Do.....do.....	July	10, 1830.
Do.....do.....	October	26, 1830.
Do.....do.....	October	26, 1830.
Do.....do.....	December	16, 1830.
Extract.....do.....	February	8, 1831.
Copy.....do.....	August	23, 1831.
Do.....do.....	August	29, 1831.
Do.....do.....	October	17, 1831.
Do.....do.....	January	30, 1832.
Do.....do.....	March	13, 1832.
Do.....do.....	May	4, 1832.
Do.....do.....	May	29, 1832.
Do.....do.....	July	5, 1832.
Do.....do.....	August	23, 1832.
Do.....do.....	September	27, 1832.
Do.....do.....	November	19, 1832.
Do.....do.....	November	28, 1832.
Do.....do.....	December	17, 1832.

* And enclosures.

Extract of a letter from the Commissioner of the General Land Office to Robert Butler, esq., surveyor general, dated August 20, 1825.

By surveying and sectioning large quantities of land in Louisiana and Mississippi before the private claims were finally acted upon, and including much barren piney land, the government and individuals have been put to great inconvenience, and much money has been unnecessarily expended. Your instructions were given with a view to prevent the recurrence of the same errors. The object of the government is, for the present, to bring into market the lands in Florida which are entirely exempt from private claims, and which may be most in demand for the accommodation of actual settlers. You will therefore take care to have no township sectioned in which there are private claims.

Extract of a letter from the Commissioner of the General Land Office to Robert Butler, esq., dated September 15, 1825.

It is desirable that all the township lines in West Florida should be completed, so that the private claims may be laid off whenever they shall be confirmed by Congress; but it will not be necessary to section off more lands than will be equal to fifty complete townships annually, hereafter, in West Florida.

It is desirable that the lands in East Florida, between the Suwannee and the Atlantic and adjacent to the Georgia line, should be surveyed into townships, and that twenty townships of the best of these lands which may be clear of private claims and the most demanded by purchasers should be prepared for sale previous to December, 1826. As it is probable that the surveying of the private claims in West Florida may be commenced as soon in the autumn of 1826 as the surveyors can venture to survey, it will be proper for you to make some estimate of the expenses for surveying on that account. You will, with as little delay as possible, forward the township plats of the surveying executed and charged in your accounts, as those accounts cannot be settled until they are forwarded.

Extract of a letter from the Commissioner of the General Land Office to Robert Butler, esq., dated October 7, 1825.

I wish you, as soon as possible after your return to Tallahassee, to furnish me with an estimate founded on the amount of surveying required by my letter of the 15th September last, to wit: All the township lines yet to be run in West Florida, and the sectioning of a portion thereof equal to fifty townships, and the township lines in East Florida, between the Suwannee and the Atlantic, and the sectioning of twenty townships thereof. The *township lines* to be estimated for in East Florida may be extended south to the north boundary line of the tract reserved for the Indians, and to such points on the St. John's and the Gulf of Mexico as you may deem expedient, and also for the probable expense of surveying the private claims within such townships.

The object in wishing to have the township lines run is to obtain a general knowledge of the country, and, when Congress shall have acted finally on the private claims, then to direct the whole force of your department to the surveying of the confirmed claims, connecting them with the township lines, giving them their proper numbers, so that they may be patented, and preparing for sale the residue of the public land in each township containing private claims that may be required for sale.

In all cases where the lines to be run cannot be specially described in the contract, the deputy should state in his field-notes the particular contract under which he acted, and the date of the contract should be inserted in the township plats. Without this precaution you would find it difficult hereafter to compel the contractor, under the form of contract adopted by you, to pay for the correction of incorrect surveying.

The repetition of my instructions relative to townships containing private claims, in my letter of the 20th of August last, was not intended to convey the idea that there had been any deviation from my previous instructions, as I had no information or suspicion of any such deviation.

GENERAL LAND OFFICE, *March* 2, 1826.

SIR: I have to state that it is discovered your deputy surveyors have charged for surveying the line run by General Coffee as the south boundary of Alabama, in some instances where said line forms the north boundary of the adjacent townships in Florida. The same is the case with those surveys east of the Chattahootchin, bounded by the line run by you between Georgia and Florida. As it is to be supposed that the Alabama and Georgia lines were marked with sufficient distinctness, I can see no necessity for any resurvey of such portions of them as form the north boundary of the townships adjacent. There may, however, for ought I know, be special instances where a resurvey of some portions of these lines might be actually necessary. If such instances were found to be, the deputy surveyor will have to advise you of the particular facts in order that you may certify them officially. Meantime I have to advise you that none of the charges can be admitted until the First Auditor of the Treasury can be certified that the resurveys were actually necessary. Your explanation should therefore be made as soon as practicable.

I am, &c.,

GEO. GRAHAM.

ROBERT BUTLER, Esq., *Surveyor, &c., Tallahassee, Florida.*

Extract of a letter from the Commissioner of the General Land Office to Robert Butler, esq., dated the 24th of April, 1826.

A bill is preparing, and which, if passed before Congress rises, will enable you to commence the surveying of the private claims in Florida as early in the autumn as the climate will admit, and under the provisions of which I have no doubt that you will execute the whole of the public and private surveys in Florida at a much earlier period than those in Louisiana will be closed, although they have been nearly twenty years in progress.

GENERAL LAND OFFICE, *June* 1, 1826.

SIR: An act to provide for the surveying of private claims in Florida was passed by the House of Representatives, but I very much regret that it was laid over in the Senate for want of time to act upon it.

As it is probable that this bill will be acted upon, and become a law, at a very early period of the

next session of Congress, and as little or no progress can be made in surveying the private claims until November next, and it being somewhat doubtful how far the provisions of the 13th section of the act of 1823 repeals those of the 6th section of the act of the 8th May, 1822, it may be advisable to suspend all contracts for the survey of private claims for the present. If, however, individuals insist upon having their claims surveyed and connected with the township lines at their own expense, you may cause such surveys to be made, provided they be within the township lines that have been run.

I enclose for your information a copy of the bill above referred to as it was amended and passed the House of Representatives. Under the provisions of this act, I have no doubt that you would, in a very short period, be enabled to complete the whole of the surveys of the private claims in Florida.

With great respect, &c.,

GEO. GRAHAM.

As no advances can be made on account of the surveying of private claims, I presume the amount forwarded will be sufficient to meet the demands on you for surveying actually executed for 1826.

GENERAL LAND OFFICE, *October* 16, 1826.

SIR: I some time since forwarded to you a copy of a bill reported at the last session of Congress, relative to the surveying of private claims. The principle of the bill was that all confirmed claims which had heretofore been actually surveyed under the Spanish government should be resurveyed at the public expense. You will much oblige me by furnishing an estimate of the expense which the public would incur in making such resurveys in Florida, and what portion of it would be required for the year 1827. This bill not having been acted upon, your surveying for the winter of 1827 will necessarily be very much curtailed. You have already more township lines surveyed than will be required, or which can be sectioned off for two years. You will find much embarrassment arising from surveying so many township lines run previous to sectioning of them off, particularly if the sectioning of them is delayed for any length of time. My instructions to run off the township lines were given in consequence of the peculiar situation and extent of the private claims, and from a firm belief that an act relative to the surveying the private claims would have been passed at the last session of Congress. That act having been deferred from the want of time to act upon it, it becomes necessary and proper to curtail our surveying operations until next fall, when I hope much may and will be done. The lands which I think it now most desirable to have surveyed are those lying south of the St. John's river, and between that river and the Atlantic, as far south as Smyrna; and as this section of the country is principally covered by private claims, many of which have not yet been confirmed, I should think it better to suspend the contracts until the claims are finally acted upon, when the contracts can be made for the complete surveying of the townships. The only surveying, therefore, which I think you would be authorized to contract for, at present, for the year 1827, would be for the sectioning of such townships the lines of which had been run, which are of good quality, and which were certainly known to contain no private claim. If there be any of this description between the Suwannee and the Atlantic, they should be surveyed this winter, so as to bring them into market as soon as possible. If an act pass at the ensuing session of Congress authorizing the survey of the private claims at the public expense, it will embrace an appropriation for that purpose; and the surveying of the private claims at the public expense may commence as soon as practicable next autumn. It would, however, be prudent to make contracts in anticipation.

With great respect, your obedient servant,

GEO. GRAHAM.

Col. ROBERT BUTLER, *Tallahassee, Florida.*

GENERAL LAND OFFICE, *February* 26, 1827.

SIR: I have now the satisfaction to transmit a paper containing a copy of the act to provide for the confirmation and settlement of private land claims in East Florida, and for other purposes. You will perceive that the seventh and subsequent sections of this bill provides for the surveying and connecting with the township lines the private confirmed claims, and for designating on the township plats the unconfirmed claims, over 3,500 acres, which have been filed with the commissioners. The seventh section of this act has invested you with extensive powers and very responsible duties, both executive and judicial, and for the due execution of which it will be indispensably necessary that you commit the surveying and laying down of the private claims only to your most experienced and judicious deputies, in the fidelity and judgment of whom you have the most implicit confidence.

My letter addressed to you on the 9th of July, 1824, with the diagrams accompanying it, will have anticipated the necessity of any further instructions as it respects the mode of connecting the private surveys with the township lines, and giving to them and the public lands in each township the proper sectional number. The commission for deciding on the private claims in East Florida being still open, it will be unnecessary to take any immediate measures for surveying the claims in that district which have heretofore been confirmed. Your labors at present will therefore be exclusively directed to the survey of the private confirmed claims in West Florida; and as these are not very numerous, and I believe generally well defined and well known, I trust that you will be able to have them completed in a reasonable time and without much difficulty. For this purpose I would recommend that you divide West Florida into such number of districts as you may deem expedient by natural boundaries; that you assign a particular deputy to each of those districts, whose duty it shall be to survey the private claims, and connect them with the township lines; that you give public notice of the name, residence, and time that such deputy will attend in each particular section of the country for the purpose of surveying the private claims; which notice should include a copy of the seventh and twelfth sections of the act now forwarded.

The eighth section provides for the return of the surveys to the register and receiver. This of course cannot be done until the township plats be completed. The public lands, therefore, in each township should be surveyed at the same time that the private claims within the same are surveyed, if the land be

of that quality which it is deemed expedient to section off; and on this subject your deputies must be instructed by you. The ninth section requires those claims which you may think improperly located, or invalid from any cause arising out of fraud or otherwise, to be designated on your plat in the same manner and bearing the same sectional numbers as if they had been approved.

The tenth section provides that the expense of surveying shall be paid by the public. There will be an appropriation of ten thousand dollars applicable to this particular object, and which I presume will be sufficient to meet all demands for the present year. But should your expenditure necessarily exceed that amount, you will stipulate for the excess to be paid from the appropriation for 1828. The lines actually run between one private claim and another, or between a private claim and the public lands, should be but once charged, unless it be indispensably necessary to remeasure the same line twice. Your account for surveying private claims will be kept separate and distinct from that for surveying the public lands, and where a line is common to both one half of the expense must be charged to each.

The 11th section provides that no patents shall issue for interfering claims, until there shall have been a legal decision. In all cases therefore of interference between private claims, where there may be any doubt as to the priority of title, it will be prudent to run out all the lines of each, but in cases where there is no doubt, or where the parties agree, it may be proper to designate the interference of the weaker claim only by dotted lines on the plat. Under the provisions of the 12th section you will take care to designate in the township plats the claims referred to, so far as you are furnished with, or can procure the means of doing so.

A remittance of five thousand dollars will be made you immediately after the appropriation is passed, for surveying the private claims as referred to above.

I would recommend that you proceed immediately to the survey of the private claims in the town, neighborhood of Pensacola, the Barancas, and those on the opposite side of the bay; and complete also the townships and fractional townships to which they may extend, that the public land within them may be brought into market, and the private confirmed claims patented.

I am, &c.,

GEORGE GRAHAM.

Col. ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *March* 8, 1827.

SIR: Under a belief that you will be enabled immediately to proceed in the survey of the private claims on and adjacent to the Bay of Pensacola, I have requested that a remittance of $5,000 on account of surveying the private claims should be made to you, and also a remittance of the same amount on account of surveying the public lands; this is done to enable you to have surveyed the residue of the lands in those townships particularly covered by private claims, where such lands are fit for cultivation. Additional funds will be forwarded as you may require them.

I am, &c.,

GEORGE GRAHAM.

ROBERT BUTLER, Esq., *Surveyor, &c., Tallahassee.*

Extract of a letter from the Commissioner of the General Land Office, dated March 31, 1827, *to Robert Butler, esq.*

As the private confirmed claims in West Florida are not very numerous, and lying principally around the bay of Pensacola, I flatter myself that you will be able to have them completed and returned early in the ensuing winter.

It will not be advisable to enter upon the surveying of the private claims in East Florida until the final report is made by the commissioners, which will not be until next winter.

Extract of a letter from the Commissioner of the General Land Office to Robert Butler, esq., dated April 19, 1827.

Yours of the 21st of March is received, and I enclose a copy of mine of the 8th of March last, lest the original may have miscarried. My wish is to get all the private claims in West Florida surveyed and returned in the course of this year and the ensuing winter. It would not, I think, be expedient to commence the surveying of these private claims, or to extend the surveying of the public lands in East Florida, until the final confirmation by Congress of the reports of the commissioners, which will, I presume, be had at the next session.

Should the surveying of the private claims in West Florida exceed $10,000, the excess must be paid from the appropriation of 1828.

GENERAL LAND OFFICE, *April* 26, 1827.

SIR: Yours of the 10th instant has been received. Presuming that you either have or can obtain a correct plan of the town of Pensacola, as enlarged and extended under the Spanish authorities, I should think that it would be unnecessary to resurvey the same. The confirmation by the commissioners having designated the number of the lot and its dimensions, it will be only necessary to furnish to this office and to the register of the land office a certified copy of the plan of the town, exhibiting, in different colors, the lots confirmed to individuals, the public squares and property reserved for the use of the town, and

the lots, if any, which are now subject to be sold by the United States. Such a plan will be sufficient to enable the register to issue his certificate, and this office to make out the patent. We have a copy of the English plan of the town of Pensacola, which, as it may possibly be of some use to you, shall be forwarded. I forward by this mail a printed copy of the report of the commissioners, which should have been forwarded at an earlier period, but from the belief that you were in possession of a copy. You will be particular in laying down the public lands reserved for the ports and navy yard. The lots in the village of St. Charles de Barancas I do not consider as confirmed; the occupants must remain at the will of the government.

I am, &c.,

GEORGE GRAHAM.

ROBERT BUTLER, Esq., *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *April* 28, 1827.

SIR: I have sent you by this day's mail a plan of the town of Pensacola.

Very respectfully, &c.,

GEORGE GRAHAM.

ROBERT BUTLER, Esq., *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *May* 7, 1827.

SIR: I enclose a copy of a letter from the Secretary of the Navy, accompanied by a plat of the lands reserved for the Pensacola navy yard, and have to request that you will designate the lands thus reserved on your township plats, and that you take care that the surveys of confirmed claims do not interfere with them.

The engineer department has not been able to designate the lands reserved for military purposes; your deputies should be requested to call upon the officers at the Barancas, and on the engineers now in Florida, to make designations.

I am, &c.,

GEO. GRAHAM.

ROBERT BUTLER, Esq., *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *June* 1, 1827.

SIR: Your favor of the 15th of May has been received. Charles Downing, esq., is the register of the land office at St. Augustine. I am pleased to hear that you will be enabled immediately to commence the surveying of the private claims in West Florida, and hope that you will be enabled to make complete returns of all of them in the course of this winter. So soon as you can make out a plat of a township containing private claims you will forward it to this office, to enable us to give such additional instructions as may be necessary.

The tables of contents will exhibit the private claims and the public lands separately, that for the public lands will, in all cases, be added up and exhibit the total quantity.

As the private claims will sometimes cross the township lines, the totals in that table cannot be always accurately stated. The subdivisions of the sections made fractional by the private claims should be exhibited on the township plats in the same manner as those made fractional by other causes.

It is altogether at the request of the War Department that the Indian claims are reserved from sale.

I will thank you to state, as nearly as practicable, what amount of money will be required by you to pay for surveying to be executed in 1827. I should think that you have township lines enough already run out. It may necessarily be late in the spring of 1828 before you can commence the surveys of the private claims in East Florida; but when you do commence you should be prepared to proceed rapidly with them. In the meantime such townships in West Florida as contain private claims, and those not heretofore sectioned, so far as they embrace lands of good quality and desirable to be brought into market, ought to be progressing.

I am, &c.,

GEO. GRAHAM.

Col. ROBERT BUTLER, *Tallahassee, Florida.*

GENERAL LAND OFFICE, *July* 20, 1827.

SIR: Your favor of the 3d instant has been received, and the amount of funds stated will be remitted as required.

I do not perceive the necessity of running the township lines through Forbes's claim at present; that claim has not been confirmed, and will, of course, be subject to much litigation; and it will be advisable to postpone these surveys until they become absolutely necessary.

I am much surprised that no regular plat of the city of Pensacola is to be had, as the commissioners in making their confirmations refer to the number of each lot. I am pleased, however, to find that your deputy will be able to make out a correct plan of the town.

The call of *about* such a distance, or *about* such a course will generally be controlled and explained by some other call or circumstance more specific, but where a location is entirely dependent on the call of about north-northeast or northeast, the courts have decided that the line be run north-northeast or northeast, or the particular course called for, without reference to the word about.

I am, &c.,

GEO. GRAHAM.

Col. ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *August* 18, 1827.

SIR: Your favor of the 24th ultimo, covering a letter from your deputy, Mr. Exum, complaining of the difficulty of surveying private claims in consequence of the refusal of the claimants to show, or aid in showing their boundaries, has been received. The act passed at the last session of Congress relative to the surveying of private claims varies materially from that originally drafted, and is defective in several respects; yet no provision was made in the act as drafted against the particular difficulty your deputy complains of, to wit: that the claimants will not show their boundaries. It is difficult, if not impracticable, to make any legal provisions to which the owner of a claim confirmed on a survey or grant could be compelled to show their boundaries. The advantages, however, of obtaining a resurvey and procuring a title immediately from the United States are such as, it was presumed, would have made every claimant anxious to obtain such resurvey and title. The object of a resurvey on the part of the United States is to ascertain the vacant and public lands. The claimant has obtained, it is true, a legal right under the confirmation, but in cases of controversy as to title, he must be able to show in a court of justice *that his survey was legally made under the Spanish government, and must prove his boundaries;* whereas by a resurvey and title derived from the United States he is relieved from all difficulty. These advantages ought to induce all honest *bona fide* claimants to give every possible facility and information by which their claims could be resurveyed, and a different course can be accounted for only from ignorance or fraudulent intentions; when the refusal arises from the first cause, every possible precaution should be taken to satisfy the party of its evil consequences, and every exertion should be made to survey his claim correctly, but the attempts of the latter should not be permitted to arrest the progress of public surveying.

Under the provisions of the seventh section of the act of the last session, your surveyors should be furnished with as accurate a description of each claim confirmed as the records will afford; with this description, which is all important, and such documents and information as he can procure from the claimant, he is to make the survey; but if he cannot ascertain the location from the description thus obtained, and the claimant refuses or declines to furnish the necessary information, then the law cannot be carried into effect in relation to such claim, and the surveyor will proceed to survey the residuary lands in the township as public lands, leaving the claimant to establish his claim in a court of justice, in case of controversy with other confirmed claims or with purchasers under direct title from the United States.

Every precaution should be taken to give notice to claimants of the time when the district of country in which their claims are situated will be surveyed; and in the public notice which you were, in my letter of the ——— last, requested to give, you should state distinctly the course that will be pursued when the boundaries of a claim cannot be ascertained from the documents furnished by the keeper of the archives, or those in the possession of the claimant.

It is proper to observe that the law presumes that the information to be derived from the records will enable the deputy to locate and resurvey the claim; but if this information does not enable him to make the survey, and he is obliged to depend upon the information of the claimant, he should make to you a particular statement of the facts to enable you to exercise the power with which you are invested by the last clause of the seventh section of the act of February last. If marked trees are shown by the claimant, the deputy will generally be able, with tolerable accuracy, to ascertain whether the age of the marks correspond with the date of the survey.

The act of the last session (1826) is altogether silent as to the mode of surveying the few claims in West Florida, which were confirmed on account of occupation or cultivation previous to 1819. If, therefore, the commissioner's certificate of confirmation does not designate the manner in which they are to be surveyed, these lands must be surveyed as other public lands, designating the section in which each claim, respectively, may lie, and particularly noting whether the improvements extend to more than one section, and whether there be two different improvements in the same section. With this information the claims may be located in entire sections, or by eighths of sections, in as compact a form as possible, so that the actual improvements do not interfere.

As the survey of the private claims will be attended with some difficulty, your deputies may be unwilling to enter into contracts to survey them, or may fail to execute those which they have undertaken, you should, therefore, let them distinctly understand that no other surveying will be contracted for until the private claims are surveyed, and that such deputies who contract and *execute* their *contracts* for private claims will have the preference in obtaining contracts for the surveying; and in all cases where a deputy fails to execute a contract for surveying private claims no other should be granted to him.

Being thus possessed of the views of this office, and having before you the laws and the reports of the commissioners, it is hoped and believed that you will be able, by a careful investigation of the subject, to give such particular instructions to your deputies as will insure the survey of private claims in West Florida. The survey of them in East Florida will, probably, be attended with more difficulty and embarrassment. It is desirable, therefore, that you should suggest such amendments of the act of the last session as experience may point out as necessary, and I will submit them to the Land Committee.

I am, &c.,

GEO. GRAHAM.

Col. ROBERT BUTLER, *Tallahassee.*

GENERAL LAND OFFICE, *February* 22, 1828.

SIR: Your account for the fourth quarter of 1827, for surveying private claims, and your salary account for the same quarter, have been received.

I had hoped that greater progress would have been made in the surveying of the private claims.

You will please furnish an estimate of the sums that you will probably require quarterly for the surveying of the public lands and the private claims in Florida.

I am very anxious that all the private claims in West Florida should be immediately surveyed, and such of the public lands sectioned off as may be fit for cultivation. A bill now pending in Congress (which I have no doubt will pass) for extending the time for deciding on private claims filed with the register and receiver of East Florida, will probably make it inexpedient to survey any private claims in East Florida during the present year.

With, &c., &c.,

GEO. GRAHAM.

Col. ROBERT BUTLER, *S. G., Tallahassee.*

GENERAL LAND OFFICE, *March* 27, 1828.

SIR: Your letters of the 11th instant have been received, and I am gratified that your deputies have made returns, generally, of the surveys of private claims in West Florida.

I have requested the Secretary of the Treasury to transmit you $6,000 on account of the survey of the public lands. The townships made fractional by the Escambia river must be designated as fractional townships No. —, east or west of the Escambia. The corner post having been marked, the numbers of sections cannot now be altered.

I perceive no objection to your issuing certificates in the case of interfering claims, provided you endorse thereon the fact and the extent of the interference.

Claims founded and confirmed by the commissioners on grants and surveys should, as a general rule, be surveyed in conformity to their calls, notwithstanding the quantities may vary. There may be cases where the excess is very great, or where there has been evident error in recapitulating distances, that may require correction.

I am, &c., &c.,

GEO. GRAHAM.

Col. ROBERT BUTLER, *S. G., Tallahassee.*

GENERAL LAND OFFICE, *April* 14, 1828.

SIR: The township plats and field-notes which were received with your letter of the 25th ultimo are hereby returned, in consequence of errors and imperfections, some of which are herein pointed out.

The north boundary of township 1, south of range 28 west, having been surveyed, should be platted a black line. (See my letter of May 4, 1827.)

The surveys of private claims should exhibit on the plats all the courses and distances, together with their connecting distances with the public land surveys, some of which have been omitted.

Townships made fractional into one or more fractions, east or west, north or south, of large rivers or bays, should be titled "the fractional part of township —, of range —, west of — bay;" and, provided there are no private claims in such township made fractional, it should maintain its regular sectional numbers without regard to the numbering of other fractions of the same township. (See the pencilling of the fractional part of township 1, south of range 28 west, east of the bay of St. Mary's, herewith returned.)

In township 3, south of range 31 west, section 16 appears as containing 1,192 acres, and does not appear to have been surveyed in the usual order. The meridian line of section 1 should have been continued to the private claim No. 17; this can now be done, leaving section 16 with one additional section. The protracting of the same township in connexion with 2 south, of range 31 west, is discovered upon a glance of the eye to be erroneously platted. On placing the scale of 40 to the inch on lines, it is perceived that there are numerous errors in the distances. (See pencilling on townships 2 and 3, range 31 and 1, range 28 south and west, for some of them.)

When the private claims are exhibited on the township plats, all the section lines must be *perfectly* protracted. (See my letter of instructions of 9th July, 1824.)

Township plats returned incomplete by reason of the land not being fit for cultivation, being inundated, low, marsh, or other cause, should be accompanied by explanations, either by letter or marginal notes on the township plats, for the information of this office.

The field-notes, hereby returned, do not appear to have been made out agreeable to my letter of instructions of July 9, 1824; these are, however, returned for your certificate of examination.

I am, &c., &c.,

GEORGE GRAHAM.

Col. ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *June* 6, 1828.

SIR: I enclose the copy of an act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida, and also a copy of the report of the register and receiver of the land office at St. Augustine, acting as commissioners, and referred to in the 2d section of the act.

You will perceive that the first section of the act confirms specifically three claims in West Florida, and such claims in East Florida *as have been recommended for confirmation* by the commissioners, or by the register and receiver acting as commissioners, on the conditions and to the extent particularly stated in the act.

These claims correspond very nearly, if not precisely, with those referred to in the 12th section of the act approved the 8th of February, 1827, and it is therefore necessary that, under the provisions of that section, they be accurately laid down on the township plats returned to the land offices and to this office.

If the three claims in West Florida, confirmed by this act, have not been laid down on your plats, you will cause them to be so laid down as soon as practicable. I understand that the claimant of No. 10 is disposed to avail himself of the conditions of the act.

The 4th section of the act having prolonged the time for the adjudicating on the private land claims in East Florida, I am apprehensive that a further delay of the public surveys will be unavoidable; if, however, on advising with, and obtaining the necessary information from the register and receiver at St. Augustine, you may be of opinion that you can, with propriety, extend your surveys in East Florida, you will proceed to do so as early as practicable in the ensuing autumn.

The 6th section of the act provides for a judicial decision of all the claims under the treaty with Spain not settled by the provisions of this act, and which have not been reported as antedated or otherwise fraudulent, and which contain a greater quantity of land than the commissioners were authorized to decide, as it would be unavailable for the government to proceed to the sale of the land that may be thus claimed.

It will be necessary for you to lay down on the township plats the claims of this description, so far as it can be done from the information filed with the commissioners, or that obtained from other sources, with the view of withholding the lands from sale until there be a judicial decision, or the claimants shall have failed to avail themselves of the provisions of this act.

I am, &c., &c.,

GEORGE GRAHAM.

Col. ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *June* 17, 1828.

SIR: I enclose, for your information, an extract of a letter addressed to me on the 15th instant, by the Hon. Mr. White, in relation to the surveying of some confirmed claims in Florida. The 3d section of the act of the 22d of April, 1826, having confirmed the *Spanish claims* contained in the special reports, numbered 1 to 30, alluded to by Mr. White, it is presumed that you have, prior to this, directed them to be surveyed. I am, &c., &c.,

GEORGE GRAHAM.

Col. ROBERT BUTLER, *&c., &c., Tallahassee.*

Extract of a letter from the honorable Joseph M. White to the Commissioner of the General Land Office, dated June 15, 1828.

"I will also respectfully suggest that in the commissioner's reports of West Florida, numbered from *one* to *thirty*, the act of Congress for confirming that report confirmed all the Spanish conflicting claims, to the exclusion of the British, and among them was one of Francisco Bonal, for an island in the Escambia river, of 7,000 arpents, *that*, I learn, has not been surveyed, although confirmed in the first act; and it may be that the *thirty* are in the same condition. Some instructions may be necessary on that point. I would also take it as a favor if orders were given to the surveyor general to have all the claims confirmed surveyed, as directed by the act of Congress. I understand that the deputy informed Colonel Searcy, the draughtsman, that an island owned by me had increased lately, and the same deputy wrote to my agent that he did not survey it because he had no one to show it to him. It seems that he could not find it, and yet knew it had increased in size. This island was granted *as an island, "poco mas o menos," more or less*, and has not increased. It never was surveyed, but a plat was made, which has been furnished, and was granted to a Spanish officer, for his public services, as containing 800 arpents, *more or less*. It probably contains double the quantity, and did when it was granted. It is difficult to be surveyed, but that is no reason for its postponement. When the law directs a public officer to do an act, and he is also instructed to by the head of his department, and fails, I know the legal remedy; but I have no desire to resort to it, if the surveyor or his deputies do not neglect it intentionally. I have, as yet, no other reason than the fact above to suppose that the excuse of the deputy was a good one, and request that he be again instructed to make the survey; and if I am informed when they are there, or my agent, we will send to show him that island, the enlargement of which only he has discovered."

GENERAL LAND OFFICE, *July* 25, 1828.

SIR: Your favor of the 1st July has been received, and I regret to find that the surveying of the private claims has progressed so tardily.

I enclose, for your information, copies of letters from Mr. Ward, Mr. Mason, and Mr. Washington.

It is desirable that the township lines of all the lands in West Florida should be run, and such of them subdivided as contain saleable lands. As little or no surveying can be done in East Florida until the next year, the surveys, both private and public, in West Florida ought to be entirely completed by July next.

I am, &c., &c.,

GEORGE GRAHAM.

Col. R. BUTLER, *Surveyor General, Tallahassee.*

TALLAHASSEE, *June* 9, 1828.

DEAR SIR: The lands lying south and east, which have been surveyed and offered at the sales in May, 1825, and May, 1827, are now settled for forty or fifty miles eastward from Tallahassee, and some of our most promising settlements are in that direction, and a knowledge of the sea-shore country opposite is to them a matter of high interest. They are remote from St. Mark's, which is the only well-known inlet. The Oscilla, the Estahatchee, and some smaller rivers, empty into the Gulf between the St. Mark's and the Suwannee, and there are so many large old roads leading from the Tallahassee section of the country in a direction toward the mouths of these rivers, that it leads to an opinion that there has formerly been a seaport somewhere there. These roads are lost in the flat pine woods and swamps, and, as yet, (with the exception of a very few spots,) this sea-shore tract of country is unexplored, and will most likely remain so, and certainly will remain unsettled until these ranges are all completed and offered. All of range five, in which there is known to be good land, is unsurveyed. You will readily conceive the advantages, in many respects, of having this sea-shore country settled as speedily as possible. Emigrants confine their examinations to lands that are subject to entry. The earlier settlers have procured lands, and are

busily engaged on them, and the field has become too sterile for speculators, and I have known of no instance of squatters since the pre-emption law; so that, until this coast is surveyed and offered, it must remain in its unexplored wilderness condition. There are several beautiful little islands lying near shore on this part of the coast, which will readily sell, and should also be surveyed.

I was urged by several gentlemen from these eastern settlements to make a representation of these facts to you, which I did some months past, and the surveyor general received your instructions. The two surveyors employed went out not long since to the unfinished surveys south and east, but returned immediately, I suppose finding it either impracticable or unprofitable, and are now surveying on Black-water river, in West Florida. Since these gentlemen (Mr. Clements and Mr. Exum) returned from south and east, and all prospect of getting those lands surveyed immediately had ceased, I have been again urged to represent to you the necessity for it. There are several of the former deputy surveyors here, and unemployed in that way, one of whom said to me (very lately) that he would be very glad to get the work, and that he would do it in October and November. This was Mr. Thomas, who surveyed some of these ranges, as far as was then practicable, and is acquainted with the country. Besides him, there is Mr. Washington, Colonel Allen, Mr. Lewis, and Mr. Downey, all good surveyors; so that the surveyor general will be at no loss to get this work done in October and November next. There is said to be a fine body of good land lying on the Suwannee river, at the Suwannee old towns—Colonel Gadsden thinks five or six thousand acres. This, I believe, is surveyed; and if it is as has been represented, would sell very well for sugar plantations, and be settled immediately; also some islands there. I believe it would be beneficial to Florida if the whole of the government lands were offered and subject to entry; but I would consider it of great consequence to this portion of the country, whether in peace or war, to remove all obstacles, and let this seacoast (S and E.) be settled; and this would be effected very speedily if the surveys were completed and the lands offered. I have made these suggestions at the request of others; but they are in full accordance with my own observations and opinions, and are respectfully submitted.

Yours, &c,

G. W. WARD.

P. S. Mr. Gaines called my attention to the want of a connected map of the surveys in my office. I have never been furnished with one yet, and Colonel Searcy (the draughtsman in the surveyor general's office) is not of opinion that my office is to be furnished with one. My instructions direct me to mark the lands sold on the connected plat as well as the plats of township, from which it is inferable that I should be furnished with one.

Respectfully,

G. W. WARD.

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

TALLAHASSEE, *Florida, June* 16, 1828.

SIR: Understanding that the surveying of range five south and east, as well as some other work on the coast south and east, remains to be finished, I take the liberty of offering my services to the government for the completion of the same without delay. The country in general would be much benefitted by an immediate survey of these townships, as there are many persons anxious to purchase lands in that quarter, it being held in high estimation. The advantages to the country by an immediate survey and sale of these lands would be obvious.

I have been very unprofitably employed in the surveying department hitherto, having had the worst part of Florida to survey, in a country reported impracticable by other surveyors. Although the country which I now propose to survey is in many parts very swampy, yet I am willing to embark in it, believing that with perseverance and rigid economy I can, *in some degree*, indemnify myself for the great sacrifices which I have made in the surveying department of Florida. As I am accustomed to surveying, and, withal, fond of the life, when things are fairly conducted, I would most willingly undertake a large contract, if in a good country, at a lower rate than that fixed by law, and for the faithful performance thereof will enter into ample security with the government.

I am, &c., &c.,

HENRY WASHINGTON.

Hon. GEORGE GRAHAM.

TALLAHASSEE, *June* 16, 1828.

DEAR SIR: My friend, Mr. Henry Washington, is desirous to embark in surveying the lands south and east on the waters of the Oscilla and the coast of the Gulf, which is deemed of considerable importance to the adjacent country. Having located myself in that section of the Territory I feel a deep interest in the completion of the work, and have taken the liberty of writing to you on the subject, and should feel highly gratified if Mr. Washington could succeed in obtaining the appointment, as he informs me he has been very unprofitably employed on former occasions, and this would contribute to reimburse his previous losses and privations which he has had to encounter. Your aid in promoting his views will be gratifying to his friends here, and will, I assure you, confer an obligation on your obedient servant,

THOMPSON MASON.

GEORGE GRAHAM, Esq., *Commissioner, &c., &c.*

GENERAL LAND OFFICE, *August* 1, 1828.

SIR: Your letter of the 15th ultimo, covering one to Mr. White, has been received. I am not certain as to Mr. White's present direction; I have, however, sent the letter under cover to the postmaster at New York, with directions that if he does not call for it in all this month that it be returned to this office.

I very much regret the delays which have occurred in laying down the private claims in West Florida, which you state to have arisen from the defects in describing the claims, so that the surveyors are unable to locate and survey them from the information derived from the abstracts of decisions, and from the neglect of the claimants to come forward and give the necessary information by which they may be ascertained and surveyed.

Before the lands are subdivided for sale, I wish another effort to be made this autumn to survey all the private claims confirmed; and it would be advisable to give early and due notice in the paper published in Pensacola of the time that your deputies will attend there for the purpose. This notice should be accompanied with a list of all the claims the description of which is so defective that they cannot be located and surveyed from the information derived from the public archives, and the claimants informed that if they do not attend or furnish the necessary information the lands will be surveyed as public land, without respect to such claims; and the lands should be so subdivided where they are salable, and your township plats closed and returned.

I regret that the surveyor did not himself examine the island or islands claimed by Mr. White, so as to make a more special report as to the causes which prevented the survey of either or all of them.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

Extract of a letter from the Commissioner of the General Land Office to Colonel Robert Butler, surveyor general, Tallahassee, dated August 29, 1828.

"Your letter of the 12th instant is received, accompanied by two packets containing township maps and descriptions, agreeably to the statement therein.

"It is desirable that, in your future returns of maps, the table of contents of the private claims should exhibit the number of sections, and have the same reference to the confirmation as is exhibited on the survey as laid down."

GENERAL LAND OFFICE, *September* 13, 1828.

SIR: The enclosed township plats, 6 north, of ranges 29 and 30 west, are returned in consequence of the want of coincidence in the survey.

In your former return of the fraction of township 6 north, range 30 west, you exhibit the Escambia river as running through section 33. In these returns you will perceive that the Escambia, in range 30, and the Conecuh, in range 29 west, come into such interference as to prevent the possibility of connecting them upon the map.

The Alabama survey represents the Escambia as entering Florida about five miles west of the Conecuh, which is about the position represented in your first return, through section 33, township 6, range 30.

I have to request you will be pleased to have these corrected or explained, and return them to this office.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *September* 23, 1828.

SIR: In reply to your letter of the 1st instant, I have to state that I do not perceive any necessity for extending for the present the township line through the tracts claimed by Forbes & Co.

I am well aware of the embarrassments experienced by the deputy surveyors arising out of the negligence of the claimants to come forward and designate such claims as are not so distinctly described in the records on which they were confirmed as to enable the deputy to find and survey them without the aid of the claimant, and I very much regret that there has been an omission in all the laws confirming private claims to make provisions for compelling the claimants to have their lands surveyed within a given period. There is a necessity on the part of the government for surveying those claims, in order to ascertain the public lands subject to sale. The 7th section of the act passed the 8th of February, 1827, directs the manner in which this shall be done, and all that can be expected of the executive officers is, that they procure all the information which the public archives contain of the locality and description of each claim, and use due diligence and precaution in carrying into effect the instructions given under the provisions of that section. When these means will not enable you to lay down a private claim, the lands must be surveyed as public lands, and the parties left to establish the locality of their claim in a court of justice. But as this latter course will necessarily produce embarrassment to the government as well as to the claimant, you will perceive the expediency and necessity of using such precautions in having the claims surveyed as will take from the claimant any just cause of complaint, and that will exempt your department from censure.

The papers enclosed in my letter of the 25th July were submitted as the opinions of respectable gentlemen, and that, upon reinquiry, you might take such measures for the survey and subdivision of any of these lands that you might deem necessary; and I place entire confidence in your judgment and discretion as to the practicability of running the township lines, and subdividing such of them as are salable.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *October* 31, 1828.

SIR: Your letter of the 14th instant is received, accompanied by townships of fractional township 6 north, of ranges 29 and 30 west, which were transmitted you for examination and correction on the 13th of September last. I herewith return you the above maps, and have to request you will be pleased to connect the section 31, of township 6 north, of range 29 west, (which is now platted upon the map of fractional township 6 north, of range 30 west,) with the fraction now exhibited on the above township 6 north, of range 29 west.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *January* 20, 1829.

SIR: Your letter of the 1st ultimo, in answer to mine of the 31st October, with its accompanying papers, is received.

I herewith enclose you a connexion of the right and left bank of the Conecuh river, which is agreeable to your returns of fractional townships 5 and 6 north, of ranges 29 and 30 west. I have also directed to be laid down the private claim of Edgely and Taunecs, agreeably to the courses and distances designated on the lines of the claim, which I submit for your investigation.

You will perceive by the diagram, if you maintain your courses and distances in protracting the private claim, that the sectional connecting distances are erroneous.

From these apparent discrepancies, there can be no doubt but the surveys have been erroneously made, both as regards the meanders of the Conecuh river and survey of the private claim. If so, a correction or examination of the survey ought to be made at the expense of the contractor.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

Extract of a letter from the Commissioner of the General Land Office to Colonel Robert Butler, surveyor general, Tallahassee, dated February 10, 1829.

"I beg leave to refer you to my letters of 14th April and 20th January last, and would suggest the necessity of a critical examination of the surveys returned to your office, in comparison with the field-notes, before payments are made for such surveys."

GENERAL LAND OFFICE, *May* 5, 1829.

SIR: I herewith return you the township maps 2 north, of range 27 west, and 1 and 2 north, of range 28 west, with the request that you will connect Blackwater river on the township boundaries, and transmit them again for this office.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *May* 26, 1829.

SIR: I have received your letter of the 5th instant, and submitted it to the President, who very much regrets the indisposition of Mr. Searcy, but does not feel himself authorized to grant a compensation to any person who may be employed in the place of Mr. Searcy during his absence, which may add to the sum appropriated by law for clerk hire for your office. Of that sum you will make such application as circumstances and the exigencies of the office may require.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *August* 28, 1829.

SIR: I have to acknowledge the receipt of your letter of the 11th instant, and accompanying papers, and am pleased to find that Mr. White is satisfied with the survey of his claim under Noreaga.

On referring to No. 9, in abstract C, of the reports made by Messrs. Overton, White, and Luckett, in 1824, you will find that Thomas English, under Millan de la Carrera, was confirmed to 800 arpents on the Perdido river; but as you only give the claimant's name, it is impossible to say whether this is the claim to which you allude. On an examination of the reports, I do not find any confirmation in the name of Andrew Mitchell.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *September* 9, 1829.

SIR: Herewith is enclosed a diagram of the township north of the base line in ranges 30 and 31 west. By it you will preceive an evident discrepancy in the conjunction of the surveys east and west of the Escambia river, and that either the surveying or platting must be erroneous.

I have to request your immediate examination of the surveys, as the vouchers charging them will be suspended in your accounts until corrections shall be made, or such explanation as may prove the surveys to have been correctly executed.

The connected sections, which I forwarded to you on the 20th January last, continue this diagram to the southern boundry of the surveys of General Coffee, in Alabama.

I would suggest that the crossing of the Escambia bay of the base parallel may have been erroneous; in which case a correct connexion of the surveys east and west of the river would be impossible, without some other crossing at a point north, say at the northwest corner of townships 23 and 24 north, in range 30 west, to connect with.

I also return you the map of the fraction of township 2 south, of range 25 west, it being of no use in this office without a table of contents. By platting the meanders of St. Rosa bay between the section lines, the quantity may be estimated with sufficient accuracy, provided the survey should be correct.

I am, &c., &c.

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *November* 26, 1829.

SIR: I have to urge your particular attention to my communication of the 9th of September last, requiring some explanations of surveys on the waters of the Escambia river. The charges for these surveys being made in the first quarter of 1828, your subsequent accounts cannot be sent to the auditor for settlement until that account is certified and transmitted.

I am, &c., &c.

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *December* 11, 1829.

SIR: Your letter of the 24th ultimo, together with maps of fractions of township 1 north, of ranges 29 and 30 west, is received.

The fraction of township 1 north, of range 30, does not connect in a satisfactory manner with the fraction of the same township lying west of the Escambia river, which is on file in this office I have, therefore, to request that you will in future return all surveys of townships made fractional by rivers, bays, or other causes, entire, on one sheet, so far as the surveys may have been made.

Whenever circumstances intervene to prevent a completion of the survey of a township, such as swamps, inundations, poor land, &c., they should be represented and explained upon the map.

You will please return the fractional townships in ranges 29, 30, and 31 west, lying north of the base line, agreeable to the foregoing directions, with the least possible delay, as your accounts must remain unadjusted until this office is in receipt of them, exhibiting correct connexions on the Escambia and Conecuh rivers.

I am, &c., &c.

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *December* 11, 1829.

SIR: It appearing from a letter received from honorable Mr. White that some of the claims confirmed, in part, by the first section of the act of 1828, have not been laid down on the township plats, I have this day advised him of the necessity of the claimants having such original grants immediately surveyed at their own expense, under the twelfth section of the act of 1827, and of furnishing you with such evidence of the surveys as will enable you to have them laid down on the plats in the register's office previous to the coming sales in February next; and I have to request that you will, upon receiving such evidence, have the original boundaries of the grants exhibited on the plats in the land office at Tallahassee, and furnish such a sketch as will enable us to lay them down upon our plats.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *&c., &c., Tallahassee.*

GENERAL LAND OFFICE, *February* 3, 1830.

SIR: Your letter of the 5th ultimo is received, by which (together with yours of the 20th December last) I perceive that you admit the correctness of the suggestions in my letter of September 9, 1829. The proper course to be pursued, therefore, I conceive to be fully expressed in that letter, to which I beg leave to refer you, and also to that of the 11th of December last. When the connexions required of you by those letters are received, I shall be enabled to judge of the correctness of the survey.

I am, &c., &c.,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *February* 18, 1830.

SIR: Your several communications on the subject of the surveys binding on the Escambia river (particularly that of the 26th ultimo, with explanations) leave me conclusively to believe that great error has been made in these surveys, or that they have not been platted correctly from the field-notes; I have therefore to observe that the incongruities in relation to them must be in some manner reconciled. The fractional townships on each side of the Escambia must be laid down, in connexion with that river, in conformity to the present marks and bounds, whatever may be their *relative* position on each side of the river. Although always desirable, yet it is not indispensably necessary that the township corners and lines on the east of the river should correspond with those on the west, but it is essentially necessary that the surveys should be exhibited on the plats precisely as they have been executed on the ground, exhibiting all their discrepancies, if there be any. If the lines have been actually and accurately run, and the townships platted from the field-notes, there can be no difficulty in doing this, and making a proper connexion of the surveys with the river and with each other; but if the work upon the ground has been improperly executed, or if the platting has not been accurately made from correct field-notes, then the necessity of correcting the error, wherever it may be, is evident.

If there should be more land to be sectioned between the two opposite surveys, they should bear a following number to the highest in the township to which they may be attached; and should errors be discovered in the surveys already existing, they should be corrected without altering the sectional numbers as originally marked and called for on the ground.

I beg leave to refer you to my several letters on the subject of these surveys.

I shall transmit your accounts to the First Auditor of the Treasury Department for settlement; those vouchers charging doubtful surveys will be suspended, agreeably to my communication of the 9th of September last.

I am, &c., &c,

GEORGE GRAHAM.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *July* 10, 1830.

SIR: I enclose you a printed copy of an act to provide for the final settlement of the land claims in Florida, together with a printed copy of the report of the register and receiver.

Although further time has been given by the act for deciding upon a portion of these claims, yet I do not think that this ought to prevent our commencing the surveys in East Florida in the month of November next.

Your surveys should commence by subdividing those townships which have been already run out south of the St. Mary's and east of the Suwannee, and including Amelia and the other islands along the coast. The instructions heretofore given to you respecting the surveying of the public lands and private claims are so particular that nothing further suggests itself to me on those points at present, except to call your attention to the animadversions of the register and receiver in their report on the surveys made by Mr. Clarke, which correspond with the views of this office as heretofore communicated to you; and the surveys of Mr. Clarke cannot be considered as valid, except where they may be established by their intrinsic calls, or where they may stand the test of blocking out, as heretofore suggested to you. I would also suggest the necessity of your requiring the deputies to be particularly accurate in connecting their surveys on the large water-courses, so that those water-courses may be correctly exhibited on our maps. I am aware that the St. John's river will present much difficulty in this respect, but it is indispensably necessary that we should be enabled to lay it down accurately from the returns of the surveyors.

With respect to the claims for which royal titles were obtained subsequent to February 24, 1818, and which have to be reported by the register and receiver to the next session of Congress, I think it advisable, as some of these claims may be confirmed hereafter, that, although the lines of the public surveys will have to run through them, yet that the lines of the claims themselves should also be run out, and so connected with the public lines as to enable you, in the event of the confirmation of any one of them, to have it accurately laid down on the plat, and the contents of the adjacent fractions correctly known, without being at the trouble and expense of sending a deputy to make a survey of that particular claim.

The extent of the private claims, and the inherent difficulties incident to the surveying of them, and the extent of the discretionary powers necessarily vested in the deputies, imposes upon you the responsibility of employing only such deputies as possess a thorough knowledge of their business, and whose integrity and honesty are unquestionable. It is, however, desirable that as many deputies of this description as can be procured should be employed, and the surveying not confined to a very few individuals.

You will observe that the 7th and 8th sections have changed the law relative to the location and selection of some of the private claims heretofore surveyed, and to which sections I beg leave to call your attention. Although I regret this change in the law, it will in some measure facilitate the surveys and selections to be made, and will enable you to survey the islands covered by private claims without difficulty.

The claimant of the island of Key West has been exceedingly anxious to have that island surveyed, and as the present law removes all difficulty on the subject, I have to request that you will have it surveyed as soon as practicable. With respect to the islands on the eastern coast of Florida, I presume that there will be little difficulty in connecting them with the township, and in giving the surveys their sectional numbers; but it is apprehended that this will not be the case in relation to Key West and those islands and keys which extend southwest from the point of Florida. In relation to them, your surveyors must exercise a sound discretion; they should, however, be so particularized and designated on a connected plat as to enable us to patent them with facility and certainty; the bearings and distances of one island from the others should be particularly stated.

I am, &c., &c.,

GEORGE GRAHAM

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *October* 26, 1830.

SIR: The instructions heretofore given in relation to the survey of the island of Key West may be executed as soon as circumstances will admit.

There is nothing in the law which need delay or prevent the execution of that survey; and as neither the interest of individuals nor that of the government can be affected injuriously by the fact of the survey being made, I would call your early attention to the subject.

The island is merely to be *meandered* along its coast, with a view to ascertain its true contents. The discrimination between the portion thereof that will remain to the public, and the portion that will accrue to the claimant under the law, will not be ascertained until the provisions of the law requiring a relinquishment of title to the United States of all the quantity claimed over one league square shall have been duly complied with.

If the island should have a bluff coast, the survey will be simple and easy. If parts of it, however, should more or less be affected by the tides, the survey is to be ordered as to exhibit the area at ordinary low tides; and it is further desired that you will report, as nearly as can be estimated, the difference between the area of the island at ordinary low and ordinary high tide, and indicate the same by some particular color on the plat of survey.

You will be advised in a few days respecting other subjects connected with your letter of the 21st ultimo.

I am, &c., &c.,

ELIJAH HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *October* 26, 1830.

SIR: In reply to your letter of the 21st ultimo, I have to inform you that there are $8,000 remaining of the appropriation for the survey of private land claims, of which such portion may be applied to the survey of those claims as will fall within the limits of the townships to be surveyed this winter and the ensuing spring.

As to the funds that can be appropriated for the surveying of the public lands in Florida during the present year, I do not believe that, of the remaining balance of the general fund, (there having been no appropriation for surveys made by Congress at the last session,) more than $10,000 can be spared for your department. This fact, however, need not interfere with your surveying operations, inasmuch as the appropriation for the year 1831 will have been made before the surveys will be returned to your office.

You will, therefore, proceed to act agreeably to the instructions of my predecessor in his letter, bearing date July 10, 1830.

I would call your special attention to the imperious necessity of urging on your deputies the observance of every possible accuracy and care in every branch of their duty. The difficulties and embarrassments resulting from the want of skill, or inattention, in the making of a survey, cause endless trouble to your office and to the department.

I would therefore take occasion to refer you to the letter of my predecessor of 10th July last, and to state, in addition thereto, that your deputy surveyors should be made expressly to understand that whenever the private claims cannot be made to protract from the courses and distances exhibited in the field-notes, and whenever they are found not to connect with the public land in the same or the adjoining township, it is *prima facie* evidence that error exists in the field, which error must necessarily be corrected at the expense of the deputy surveyor.

As a further means of obviating errors, I would suggest the recurrence to the standard chain, and comparison therewith of the chains used by the deputies as often as practicable, and always before entering on the survey under a new contract.

It is expected at this office that the township plats will indicate, both by letters and by distinctive colors, all swamps and ponds, and the extent of them; and also indicate the existence of every natural object which may either tend to gratify the curiosity of the public or to afford useful official information as to the topography of the country. With these views, I would request that your instructions to your deputies may be drawn up with special minuteness.

In cases where the surveyors meet with townships which, by reason of sterility, are not worth subdividing, the exterior township lines only are to be run, with the view to maintain the connexion of the public surveys; and in all cases where a part only of a township can be surveyed, the cause or causes which rendered it inexpedient or impracticable to survey the residue are to be particularly indicated on the township plat; and any deputy surveyor who shall be found to omit completing the survey of a township from no other cause than that it did not meet his convenience so to do, should not hereafter be employed.

You state the necessity of your being furnished with ten or twelve copies of the reports on Florida land claims for the use of your deputies; a copy of each report has heretofore been transmitted to your office, and there remain no copies at the disposal of this office.

As the claims are to be surveyed by law on the evidence to be furnished by the keeper of the archives, it is not believed that the reports, if in their possession, would furnish any facilities to the deputies in the execution of their duties.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER.

GENERAL LAND OFFICE, *December* 16, 1830.

SIR: The enclosed papers respecting the land confirmed to Alexander Love by the act for his relief passed on the 29th May last have been presented to this office by the honorable Mr. White, with a request that they be forwarded to you.

I am, &c. &c.

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

Extract of a letter from the Commissioner of the General Land Office to Colonel Robert Butler, surveyor general, at Tallahassee, dated February 8, 1831.

"Your letters of the 31st December last and January 1st, accompanying your disbursement accounts of the fourth quarter of 1830, and maps of surveys in township 1 north, of range 5 east, and township 2 north, ranges 5 and 6 east, are received.

"Were not some of the lines, or parts of them, which are charged in the above account, voucher No. 1, by Paul McCormick, paid to McNeil and Boyd, or one of them, in the first quarter of 1825? If so, that portion will be disallowed or suspended in your account. If the former or first survey was informal, erroneous, or defective, the parties who received payment for such surveys should be required to refund the amount, which, when collected, should be applied to the payment of those lines disallowed, which appear to be a resurvey.

"In future charges cannot be allowed for such surveys as do not form a connexion, or close in such manner as to enable you to cast the contents of a section or fractional section, and to enable this department, from the return of the survey, to make a proper examination. Whenever meanders are charged you will be pleased to transmit a copy of the field-notes, together with the maps and descriptions."

GENERAL LAND OFFICE, *August* 23, 1831.

SIR: I have requested the Secretary of the Treasury to cause to be remitted to you eight thousand dollars, as requested by you on 29th June last.

I shall send you a copy of the report of the board of commissioners for the year 1826 so soon as it can be procured. Had it been required at the time, it could have been readily supplied.

I shall make the island of Key West the subject of a future letter.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *August* 29, 1831.

SIR: Having succeeded in obtaining from the Clerk of the House of Representatives a copy of the report on land claims in East Florida, communicated to Congress by the Secretary of the Treasury on the 21st February, 1826, I transmit the same to you, document No. 115, 1st session 19th Congress, H. R.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *October* 17, 1831.

SIR: Mr. Searcy's letter of the 8th ultimo, communicating the fact of your indisposition, and transmitting, agreeably to your request, a copy of your letter of 17th March last, has been received. Mr. Searcy states that you had not received the funds required by that letter. I apprehend that he has misunderstood your meaning, as, on inquiry at the office of the Treasurer of the United States, I learn that two remittances have been made since March last, one for $10,000, which was paid on 28th May last, and the other for $8,000, paid on the 1st instant.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee, Florida.*

GENERAL LAND OFFICE, *January* 30, 1832.

SIR: I enclose a copy of a letter, dated 25th instant, from the Hon. Joseph M. White, respecting the survey of the confirmed claim of Joseph Noreaga to an island in the Escambia river, (township —, No. ranges 29 and 30 west,) with a copy of the map therein enclosed.

By the township maps examined by you in *May*, 1829, Noreaga's claim is represented as covering the part now claimed by Mr. White, and marked by him with the letters A A; but, by the plat of township 1, range 30, examined in *November*, 1829, the claim is represented as bounded by the creek through which I have run the red line marked B B; and the part southeast of that creek is represented as public lands. I will, therefore, thank you to examine the ———, and inform me if the creek B B is a permanent water-course through which the water of the river has a passage at all times, or whether the water which divides at the head of the island unite by the channel marked C C with those which descend by the branch of the river which forms the northern boundary of the island. Any other information in your possession, which goes to show the land contemplated to be given to Noreaga by the Spanish government, should also be forwarded.

I am, &c., &c.

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General.*

GENERAL LAND OFFICE, *March* 13, 1832.

SIR: I have to urge the transmission to this office, as soon as possible, of all the returns of surveys due from your office, with a statement showing each township surveyed, the plat of which has not been furnished.

If the information as to the township surveyed can as readily be furnished by a *diagram*, that mode would be preferred.

You are also requested to designate the townships under contract, if any there be, the returns of which are not yet made to your office.

You are also requested to explain the cause of the delay in the transmission of said returns.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *May* 4, 1832.

SIR: Your letter of the 8th ultimo, requesting funds to the amount of $2,500 to pay for certain surveys on the Escambia river, has been received.

On the 23d ultimo the Secretary of the Treasury was requested to remit to you that amount.

I have also to acknowledge the receipt of your two letters of the 11th ultimo; one of which is in reply to Patton Anderson, the other transmitting a diagram showing the state of the returns due from your office.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *May* 29, 1832.

SIR: Your letter of the 18th ultimo, covering several papers in relation to the survey of the island in the Escambia, confirmed to Joseph Noreaga and now claimed by Colonel White, has been received.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *July* 5, 1832.

SIR: Enclosed you have a duly certified copy of the decree and order of the Supreme Court of the United States, made at the last term of said court, by which the Arredondo claim to 289,645 5-7 acres is confirmed, and the manner of making the surveys prescribed. You will, therefore, take the necessary steps to have this claim surveyed, in strict conformity to the order of the court, and return a copy of the plat and field-notes to this office. The lines of this claim should be accurately connected with the lines of public surveys so far as they may have been run.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OEFICE, *August* 23, 1832.

SIR: Enclosed you have an extract of a letter dated 13th instant, from the Hon. Joseph M. White, respecting certain claims in Florida, and I will thank you to inform me whether they have been surveyed, and if not, of the causes which have prevented the execution of that work.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *September* 27, 1832.

SIR: Your several letters of the 24th ultimo, and of the 15th and 16th instant, have been received. I very much regret your indisposition, and that the circumstances connected with the duties of your office, which have grown out of congressional legislation, should be found among the reasons which have induced Mr. Searcy to tender his resignation as chief clerk in your office.

Mr. Searcy states, in his letter, that after the returns due to this office had been completed, the late law of Congress will cause them to be of no use. He must allude to the act of 5th April last, and the necessity of minute subdivisions of *fractional* sections. The necessity for throwing aside those returns and making out new plats is not apparent without further explanations. Why may not the necessary subdivisions be shown on those plats? With regard to the subdivisions of fractional sections in former surveys the case is different; subdivisional plats will be necessary under those circumstances, and the labor of preparing them will be great.

On the 13th instant you were written to respecting the arrears of your office, and were requested to make a report of the different duties to be performed, with an estimate of the number of clerks, &c., which would be required to bring up the work in a given time.

I would now suggest that the circumstances set forth in your communication of the 24th August last

be made to constitute a part of your report, which will be submitted to Congress at an early period of the approaching session, when I indulge a confident hope that the embarrassments existing in the several surveying districts, and the injury which results to the public service for want of adequate means to execute the requirements of law, will be fully and fairly investigated, and an adequate relief provided. Meanwhile I trust that Mr. Searcy may be induced to continue to perform the duties of the office as usual, *and as far as his health will permit*, until the result of the intended application to Congress for relief shall have been ascertained.

I am, &c., &c.,

E. HAYWARD.

P. S.—In the midst of the constant pressure of details of business, the omission to acknowledge the receipt of your letter of 23d May last, and the accompanying papers, was not noticed until your letter of 24th ultimo mentioned the circumstance.

E. H.

GENERAL LAND OFFICE, *November* 19, 1832.

SIR: I will thank you for information whether you have among the records of your office a plan of the city of St. Augustine, showing the public and private lots and commons within the corporate limits of the city, and on which are designated those which have been reserved or granted for corporate purposes by the laws of Spain or Congress, and those which have been confirmed to individuals. If you have such plan, I will thank you to furnish a copy as soon as practicable.

I will also thank you to furnish a copy of your letter of 11th August, 1829, which accompanied a plan of the city of Pensacola, the original having been mislaid.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *November* 28, 1832.

SIR: The Secretary of the Treasury, with a view of carrying into effect the provisions of the act of Congress of the 28th of June last, respecting lots in the cities of St. Augustine and Pensacola, having called upon this office for the surveys of those cities, was furnished with a copy of the small map of Pensacola, received with your letter of August 11, 1829, and informed that this office was not in possession of any resurvey of St. Augustine; and, on the 24th instant, the map of Pensacola was returned in a letter, of which I now enclose you a copy.

I have therefore to request that you will, as soon as practicable, furnish me with another plan of Pensacola, exhibiting, by different colors and suitable references, such lots therein as have been granted for corporate purposes by the laws of Spain and of the United States, respectively; those which have been set apart for churches or burying grounds by the laws aforesaid, or by any ordinance of the corporate authorities of the city, and the dates, when so set apart, as far as practicable; those which have been confirmed to individuals, and those now the property of the United States, with such other information as will enable the Executive to carry the before-mentioned law into full effect.

A similar plan of St. Augustine is required before the Executive can execute the law so far as it respects the lots in that city.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

GENERAL LAND OFFICE, *December* 17, 1832.

SIR: Enclosed is a copy of a letter from the delegate from Florida, addressed to the Secretary of the Treasury, with a copy of the letter therein referred to, from Peter Mitchell, in relation to the survey of the Arredondo claim.

Your special and immediate attention is requested to the subject-matter of Mr. Mitchell's communication, and it is expected and required that you will report to the department thereon as soon as practicable.

I am, &c., &c.,

E. HAYWARD.

Colonel ROBERT BUTLER, *Surveyor General, Tallahassee.*

List of letters from Robert Butler, surveyor, &c., at Tallahassee, to the Commissioner of the General Land Office, transmitted with the report to the Secretary of the Treasury, dated January 2, 1833.

Extract of a letter dated September 15, 1825.
Extract of a letter dated October 26, 1825.
Extract of a letter dated July 10, 1826.
Extract of a letter dated November 17, 1826.
Extract of a letter dated March 26, 1827.
Copy of a letter dated April 10, 1827.
Extract of a letter dated May 15, 1827.

Copy of a letter dated May 22, 1827.
Extract of a letter dated June 6, 1827.
Extract of a letter dated July 3, 1827.
Copy of a letter dated July 24, 1827, and the enclosed.
Copy of a letter dated September 15, 1827.
Extract of a letter dated October 3, 1827.
Extract of a letter dated October 15, 1827.
Extract of a letter dated December 6, 1827.
Copy of a letter dated March 11, 1828.
Extract of a letter dated March 11, 1828.
Extract of a letter dated April 15, 1828.
Extract of a letter dated May 13, 1828.
Extract of a letter dated July 1, 1828.
Copy of a letter dated July 15, 1828, and the enclosed.
Copy of a letter dated August 12, 1828.
Extract of a letter dated September 1, 1828.
Extract of a letter dated October 14, 1828, and the enclosed.
Copy of a letter dated December 1, 1828.
Copy of a letter dated December 15, 1829.
Copy of a letter, dated December 20, 1829.
Extract of a letter dated February 17, 1829.
Copy of a letter dated March 16, 1829.
Extract of a letter dated May 5, 1829.
Copy of a letter dated July 28, 1829.
Copy of a letter dated January 5, 1830.
Copy of a letter dated January 5, 1830.
Copy of a letter dated January 26, 1830.
Copy of a letter dated March 16, 1830.
Copy of a letter dated July 12, 1830.
Copy of a letter dated August 1, 1830.
Extract of a letter dated October 8, 1830.
Extract of a letter dated January 14, 1831.
Extract of a letter dated February 3, 1831.
Extract of a letter dated March 3, 1831.
Extract of a letter dated March 17, 1831.
Copy of a letter dated June 29, 1831.
Extract of a letter dated June 29, 1831.
Extract of a letter dated September 21, 1831.
Copy of a letter dated October 12, 1831.
Copy of a letter dated December 1, 1831.
Copy of a letter dated April 11, 1832, and the enclosed.
Copy of a letter dated April 18, 1832, and the enclosed.
Copy of a letter dated August 13, 1832.
Extract of a letter dated August 24, 1832.
Copy of a letter dated September 15, 1832.
Copy of a letter dated September 16, 1832.

NEAR NASHVILLE, *September* 15, 1825.

"SIR: You will discover from my general instructions, (a copy of which is herewith accompanied,) that I have uniformly directed that no township shall be sectioned in which private claims may be; and I regret that your letter of August 20 should presuppose that I had deviated from your instructions. Your expression of the object of the government in the last clause of that letter shall be made a part of my instructions to the deputies.

"Unless Congress shall act upon the private claims at the ensuing session, I shall not feel myself authorized to have any work done in 1827, unless specially required by you."

I have, &c.,

ROBERT BUTLER.

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

Extract of a letter from Robert Butler, esq., to George Graham, esq., Commissioner of the General Land Office, dated October 26, 1825.

"The difficulties suggested in your last letter with regard to compelling the deputies, under the form of contract adopted, to pay for incorrect surveying, permit me to say, does not exist; for the return of surveyors explicitly states the period in which it may be executed, and my individual instructions to each deputy (copies of which are on file) point out, as near as may be, the ground they are to occupy; and the contract itself requires the work to be executed within a given period; and added to all which, I have taken an individual bond of ten thousand dollars, with good security, for the faithful performance of all surveying assigned to each deputy, under all which there can be no possibility of escape. The latter precaution I have adopted, growing out of a circumstance that transpired (as I have been informed) in Freeman's office, where returns under contract were regularly made into the office, well executed on paper, without a chain ever having been stretched in the district assigned."

TALLAHASSEE, *July* 10, 1826.

"SIR: I have the honor to acknowledge the receipt of yours, 1st ultimo, covering a bill providing for the survey of the private claims in Florida, but which, for want of time, was laid over by the Senate.

"I have, &c.,

"R. BUTLER.

"GEORGE GRAHAM, Esq., *Commissioner General Land Office.*"

SURVEYOR'S OFFICE, *Tallahassee, November* 17, 1826.

SIR: I have received your letter of date 18th ultimo, in which you request me to give you an estimate of the amount that will be necessary to resurvey the confirmed claims, which had hitherto been surveyed under the Spanish government, and what portion of it would be required for the year 1827. In answer, I have to remark that I have no data in my possession whatever to found an estimate upon. The suspension of the surveys for the ensuing season I consider a very prudent measure, and from the best information I can obtain at present, I am decidedly of the opinion that there is no land townshipped east of the Suwannee river free from private claims, that is of the character which you have authorized the survey of. I therefore shall decline making any contracts until an appropriation is made for laying down the private claims.

With great respect, &c.,

ROBERT BUTLER.

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

Extract of a letter from Robert Butler, esq., to George Graham, esq., Commissioner of the General Land Office, dated March 26, 1827.

"I was placed in possession of your letter of instructions of February 26, by the last mail. I have given to them and to the law much attention, and at present see no difficulties in the way of their prompt execution, provided I am placed in possession of the requisite documents by the keeper of the archives at Pensacola in a reasonable time to enable me to commence operations. I shall, in strict accordance with your instructions, confide this work to those of my deputies in whom I have every confidence."

SURVEYOR GENERAL'S OFFICE, *Tallahassee, April* 10, 1827.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th ultimo, by the last mail. The information therein afforded supersedes the necessity of a reply to my letter of the 26th ultimo.

If I can immediately obtain some information to enable me to district the country, I shall commence the execution of your instructions without delay. The Secretary of the Treasury has placed at my disposal the funds enumerated in your letter above acknowledged. In the last clause of your letter of instructions, bearing date February 26, you mention the survey of the private claims in the town and neighborhood of Pensacola. Will you have the goodness to inform me if it is meant that a survey of the town is to be made entire, or have you instructions bearing only on such claims as may be presented to the deputy for designation?

I hope to effect the execution of your instructions at an early period, to enable you to bring into market the public lands, and have the private claims patented, which have been confirmed, without unnecessary delay.

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

ROBERT BUTLER.

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

Extract of a letter from Robert Butler, esq., to George Graham, esq., Commissioner of the General Land Office, dated May 15, 1827.

"I have received, on the 7th instant, the acts passed at the second session of the nineteenth Congress, and by last mail a book of State papers relating to the private land claims in Florida, which will enable me to commence at an early day the contemplated surveys; and I trust I shall be enabled to report them in sufficient time to meet your wishes."

TALLAHASSEE, *May* 22, 1827.

SIR: I have the honor to acknowledge the receipt by yesterday's mail of your several letters, (3,) bearing date 26th, (1,) 28th, (1,) May 1st instant, together with the plan of Pensacola; also extracts from the instructions of Colonel McRee and the location of the lands given to Doyle and Hambley, all of which shall have due attention. The deputy surveyor, who has made the above location, is at present absent, and on his return, which will not be for some weeks, you shall hear from me touching that matter.

I shall endeavor to obtain an official plan (as extended by the Spanish government) of the city of Pensacola, agreeably to your suggestions; and I agree with you entirely in the belief that there is no necessity for a survey of the city, unless it is the exterior lines, to enable this office to form a correct connexion of the adjacent lands.

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

ROBERT BUTLER.

GEORGE GRAHAM, Esq.

Extract of a letter from Robert Butler, esq., to George Graham, esq., Commissioner of the General Land Office, dated June 6, 1827.

"I have received your letter of the 7th ultimo, accompanied with a plan of the navy yard near Pensacola. I am about to despatch one deputy surveyor to Pensacola with a view to commence the work, and shall have two more in the early part of August. The season will be a dangerous one, and my deputies act with much reluctance, believing their lives jeopardized by the attempt. Colonel Exum, who will survey immediately in the vicinity of Pensacola and Barrancas, will do ample justice to the service."

Extract of a letter from Robert Butler, esq., to George Graham, esq., Commissioner of the General Land Office, dated July 3, 1827.

"I have the honor to acknowledge the receipt of your several letters bearing date the 1st and 2d of June. I shall comply with your wishes, as early as practicable, in forwarding a township plat containing private claims for your approval. I have just received a letter from my deputy, Colonel J. W. Exum, at Pensacola; the following is extracted for your information:

"'On my arrival, I made application to the mayor, his clerk, and several of the aldermen of the city, as also the keeper of the archives and city surveyor, for the plan of the city. I was unable to obtain one; therefore, by the assistance of the city surveyor and keeper of the archives, I have been employed ever since I reached this place in measuring, and I believe I have, or will have in a few days, a correct plan. I did at first find some difficulty in measuring after leaving the English plan—the measurement being in perches or arpents of Paris measure; that difficulty is surmounted, but that is not the worst I fear. I find some claims commence at picket ½, 5, 10, 15, and as far as 25 miles from a defined point. The word *about* appears to be a common commencement, and running *about* N.NE. (or some other mariner's point) to a picket, so many Parisian perches, &c., but never closes.'

"The foregoing will give you some idea of the manner in which the surveys of private claims have been executed, and prepares my mind at once for a continued scene of vague and clashing interests. The surveyors, however, who have been selected for this important duty, I have the most implicit confidence will perform it in a masterly manner; and, when the surveys shall have passed the ordeal of this office, I trust will be found to meet with your entire approbation."

TALLAHASSEE, *July* 24, 1827.

SIR: I have the honor to enclose you a copy of Colonel Exum's letter, which is submitted with a hope that you will suggest some course whereby the surveyors can proceed in the execution of their duties and the provisions of law complied with.

Unless the claimants designate their land, the grand object of a check in the surveyor general's certificate is totally lost.

I hope to hear from you upon this subject as early as your convenience will permit, as two other surveyors will be engaged in ten days more.

I have, &c.,

ROBERT BUTLER.

GEORGE GRAHAM, Esq.

PENSACOLA, *July* 10, 1827.

DEAR COLONEL: I have just received your favor of the 3d instant; observe the remarks, &c.; must further state to you that you have no idea of the difficulty I have to encounter with. I continued in Pensacola until the 5th of July. I received one plat of survey, as also one plat and certificate of title; the plat alone was encompassed by the navy yard; the plat and certificate was one sold by the marshal sometime since, and the purchaser knows not where it is. All those who have claims say they shall not trouble themselves to go to the *sun* to show the corner; if the general government wants to connect the surveys, they may send and get copies of their claims from the keeper of the archives, and pay for it, for they will not; and they will not deliver their original to any person even by order of the general government; and they will not copy them themselves. In consequence of which, with the assistance of the keeper of the archives, I obtained a sketch of the location of claims, &c., in my district, and have closed some surveys; and shall commence to-morrow in township No. 1, range 29 south and west, in which there are several claims, but no person living on it can give or will give any information whatever. There are corners marked all through the country, many of which are not sanctioned; therefore, when I find a corner appearing to answer a grant, I then make a trial; if it fits the call, I consider it right, otherwise I search again. There being no lines marked, I have simply to search for corners alone.

JAMES W. EXUM.

SURVEYOR GENERAL'S OFFICE, *Tallahassee, September* 15, 1827.

SIR: I have the honor to acknowledge the receipt of your very interesting letter of instructions of the 18th ultimo, and tender you my thanks for the particular manner in which you have complied with my request of the 24th of July.

The instructions given to my deputies, together with their patient forbearance and solicitation, have overcome the difficulties pretty generally, and I have every reason to believe that they will happily succeed in the execution of their contracts.

Enclosed you will receive a diagram exhibiting the manner in which the private claims are laid down and the residuary lands connected. The corners, under my instructions, are marked with the claimant's name, and U. S. fronting the public lands, independent of the usual marks. To enable me to render perfect my return, I request you will have the goodness to direct this office to be furnished with a copy of the field-notes of a township having private claims therein which are approved, and suggest any alterations you may deem necessary in the draught now forwarded.

I shall take occasion to examine the subject of improvement on the present law relating to private claims, and will furnish such suggestions, in time for the meeting of Congress, as my reflections produce.

If you should determine on having any surveying done this winter, other than what is in progress, I would suggest that the season most appropriate is near at hand.

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

ROBERT BUTLER.

TALLAHASSEE, *October* 3, 1827.

The surveying of private land claims in West Florida has been suspended for the present, owing to misfortunes that could not be obviated, and circumstances not at first anticipated. Pensacola has unhappily been visited this season with the yellow fever, which has extended its ravages into the country, and my surveyors in that neighborhood have suffered severely. Several of their men having died, and others being sick, it has been impossible for them to progress in business.

Very respectfully, your obedient servant,

ROBERT BUTLER.

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

TALLAHASSEE, *October* 15, 1827.

I informed you that the surveying in the neighborhood of Pensacola was necessarily suspended, owing to the prevalence of the yellow fever, which seems was not confined to the city. Some of the hands employed by my deputies fell victims to this disease. Colonel Exum has arrived and is making returns to this office of the work completed, and we will commence the duties growing out of his return immediately.

I have, &c.,

ROBERT BUTLER.

GEORGE GRAHAM, Esq.

Extract of a letter from Robert Butler, esq., to George Graham, esq., Commissioner of the General Land Office, dated December 6, 1827.

"Advices from the deputies engaged in laying down the private claims in the west, induce a belief that they will soon complete their labors; and I regret to say that they will not even save themselves under their contract.

"I have informed them that I am authorized to extend their contracts, as some remuneration for the difficulties encountered, and shall, in pursuance of your instructions, proceed to have executed the surveys intimated in a former communication. The receipt of your last instructions will enable me to make my returns to your office in a manner I hope entirely satisfactory.

"From a careful examination of the law of the last session of Congress relating to private claims, I am not able to recommend any additional provisions that would have a salutary effect, unless it can be amended so as to give an additional compensation to the surveyor, which, from experience, proves inadequate to the duties.

"The additional labors imposed upon my office, without any compensation attached thereto, must be submitted to under a hope that time will be allotted for their execution corresponding with the duties to be performed. To induce private claimants to give the necessary information to the surveyors, it will only be necessary, I apprehend, to give timely notice informing them that, when they fail to attend or furnish the necessary evidence, the lands will be connected and surveyed as public lands for sale."

SURVEYOR'S OFFICE, *Tallahassee, March* 11, 1828.

It appears from your letter that you anticipated greater progress in the survey of the private claims in West Florida. Colonel Exum and Major Clements have recently completed their returns to this office, and Mr. Donelson is here making out his returns. The sickness that prevailed last fall, and the delay

occasioned by the claimants not showing their lands, the difficulties in other respects, the badness of the country and impassable swamps, must be the apology for delay. I had anticipated forwarding some part of this work by this mail, but find it impossible, owing to the private claims running into different townships, which renders the comparison of them necessary before they are forwarded. As soon as I can complete some that are disconnected with others, you shall have them.

Many difficulties arise in these surveys, such as the impracticability of closing many private claims, from marshes and quagmires impassable. Numbers have never been surveyed, other than beginnings established, or calls depending upon each. The amount of land seldom corresponds with the grants when run to the calls thereof; and many claims interfere with each other. Some of the claims have so indefinite beginning, that to identify them would be impossible; others can never be surveyed, owing to the location being impracticable.

At the close of the quarter ending the 31st instant, there will appear a deficit, on account of public lands surveyed, of about $1,300; and a sum sufficient on hand for the completion, as I believe, of all the private claims in West Florida that can be surveyed or found, and to which object the attention of a surveyor will be directed next month.

I have, &c.,

ROBERT BUTLER.

GEORGE GRAHAM, Esq.

SURVEYOR'S OFFICE, *Tallahassee, March* 11, 1828.

SIR: In designating the districts for the surveyors west, the Escambia river was made the boundary between two of them. It has resulted in causing returns by those surveyors of parts of townships which embraced that river, each giving sectional numbers, beginning with No. 1; and their certificates of private claims may have the same number, or, at any event, there are two numbers the same in a greater part of the township.

Will a return of these townships made separate, designating one east the other west of the river, answer; or must the returns be connected and the sectional numbers altered throughout from what the deputies have given, and the certificates from this office be made to correspond therewith?

The deputies not having made their returns at the same time, the difficulty was not perceived in them to remedy it.

I would also inquire whether I am to grant certificates for those claims that interfere with each other before a legal decision is had between the parties; and whether a tract of land, when surveyed agreeably to the calls of grant or survey, shall exceed or fall short of the amount expressed by the commissioners, in their confirmations, to an amount considerable in itself, yet evidently the land intended ought to receive my sanction? My wish to perform the duties assigned me in a manner unexceptionable, gives rise to my troubling you.

I have the honor to be, &c.,

ROBERT BUTLER.

GEORGE GRAHAM, Esq., *Washington, D. C.*

SURVEYOR'S OFFICE, *Tallahassee, April* 15, 1828.

In the progress of my examination of the private claims which have been surveyed, I find the absence of the report of the register and receiver of claims which appears to have received the sanction of Congress in the fifth section of an act approved April 22, 1826.

I have written to Mr. Cairo for a copy, but, fearful that he may not be in possession of it, will be obliged to you to direct a copy to be sent to this office. Several township plats, otherwise ready to be forwarded to your office, must be withheld on that account.

I have, &c.,

ROBERT BUTLER.

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

TALLAHASSEE, *May* 13, 1828.

I have despatched, a few weeks since, my surveyors south and east for the completion of the work contemplated in my estimate, but they returned immediately, owing to a fall of rain having inundated the country so as to render it impassable. I have therefore despatched them, with instructions to complete the remaining private claims that can be found, and all and every unfinished work that may be practicable and which ought to be surveyed.

I have, &c.,

ROBERT BUTLER.

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

SURVEYOR'S OFFICE, *Tallahassee, July* 1, 1828.

Your letters of the 6th and 12th ultimo, together with the enclosures referred to, have been duly received and will meet my early attention.

Congress having extended the period for adjudicating private claims east, I am persuaded that endless difficulties will accrue in prosecuting the surveys in that quarter at the present time. I will, however, communicate with the register and receiver at your request, and apprise you of what I may ultimately determine upon.

My deputy surveyors have just arrived from the west—have been driven out of the country by the extreme heat of the weather. The claimants have not in one single instance availed themselves of this opportunity to have their claims run out, although notified through the paper at Pensacola, and the deputies remaining at that city for four days under very heavy expenses. I am appehensive that large portions of those claims are so poor as to induce the owners to permit their survey and sale, with a hope of future indemnity by the United States. This opinion, however, is wholly my own, without any information on the subject from others.

I have, &c.,

ROBERT BUTLER.

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

SURVEYOR'S OFFICE, *Tallahassee, July* 15, 1828.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th ultimo, with the enclosed extract of a letter from the Hon. Mr. White, on the subject of the duties appertaining to this office. I have also received a letter from Mr. White on the subject of some private claims in West Florida.

The accompanying documents, Nos. 1, 2, and 3, will apprise you of the steps taken to have the private claims surveyed; and under your letter of instructions of date the 18th August, 1827, I feel justified in saying that all has been done by this department that can be required of it. If the surveys which have been executed are to *remain open* for additional surveys, they cannot be completed until the ensuing year, and will tend to accumulate difficulty on difficulty in this office. On this subject I must await your instructions. Enclosed you will find my answer to Mr. White, subject to your perusal, and I must ask the favor to have it sealed and forwarded to his address. I would barely remark that the deputy surveyor alluded to by Colonel White was in his company at Pensacola on several occasions during his stay there under my instructions, and that Colonel White gave him as a reason for not going with him to show him his lands the delicate health of his lady; yet why did not the colonel send some person, or why did his agent subsequently fail to attend to Colonel White's business?

I trust, sir, that you will have no other than a just regard for the fulfilment of the laws in this matter, and that my deputy surveyor and myself will not be held subject to the will of any person who may choose to call for surveys when their leisure and inclination prompts them.

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

ROBERT BUTLER.

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

No. 1.

SURVEYOR'S OFFICE, *Tallahassee, April* 25, 1828.

Owing to the country south and east being so much inundated with the late rains as to render surveying impracticable in that quarter at this time, you will proceed next and take up all unfinished work above the parallel, except where it may interfere with Forbes' and Innerarity's large claims, completing the same as far as practicable under your general instructions.

You will be furnished with a list of private claims which have been sanctioned and yet remain to be surveyed. Your attention is particularly called to the completion thereof, so far as you can identify them.

Should there not be found a sufficient quantity of surveying to complete your contracts, or the season too far advanced before you complete, you are authorized to desist work, provided you deem it hazardous to continue the same; in the former event you will have assigned you sufficient work to complete your contract, so soon as the fall season sets in, to enable you again to take the field; you will also take up any unfinished work south of the parallel and west of Choctawhatchee.

It is extremely desirable that your visit to the west may supersede in future the necessity of again sending any surveyors in that quarter.

Respectfully,

ROBERT BUTLER.

Messrs. CLEMENTS and EXUM, *Deputy Surveyors.*

No. 2.

TALLAHASSEE, *July* 10, 1828.

DEAR SIR: In compliance with your instructions, bearing date June, 1827, directing me to the west for the purpose of taking up the surveys of the private claims east of the Escambia river and north of the basis parallel, together with the public lands, &c.

You also instructed me to be, and attend, in the town of Pensacola, from the 5th until the 10th of August, for the purpose of receiving from the different claimants such information as might be necessary to enable me to find the *different* tracts of land, &c. Sir, in compliance of which I arrived at the town of Pensacola, either on the 3d or 4th of August, and remained there until the 12th or 13th of said month, without being able to obtain but little information of advantage to me from the claimants, some of them appeared to be willing to afford any information, others were indifferent, and some were not to be seen.

I proceeded to the woods on the east side of Escambia bay, near the head of the same, above the basis parallel, and commenced work about the 27th or 28th of August; my young men with me were taken sick, in consequence of which, together with the death of my son, and one other young man in my employ, I was under the necessity of leaving the country for a few weeks for safety. I returned again

early in November, and took up my work. I went again to Pensacola, about the 22d November, for the purpose of seeing some of the claimants to induce them to send some person, or come themselves, and show me their lands. Some did so, and had their lands surveyed, others would not come; all of which I surveyed that I could by any means find, and some with the utmost difficulty. In relation to the island in the Escambia river, I was at no time able to procure any person to show me the land. Colonel White told me that a Mr. Williams would be with me for the purpose of showing me something about it, but he failed to do so; and, as I was informed, there are many sloughs that run through the islands, which make it difficult for a stranger to make any particular designation. There was a package of papers sent to me, being directed to James R. Donelson or myself, said to belong to Colonel White, with a letter of instructions, but of no service to me without a pilot. The letter, I believe, I left with A. Gordon, esq., of Pensacola, and the other papers sent back to the post office, I believe, from which they came. With much difficulty, I assure you, it was that I got to survey as many private claims as I did. I believed it to be my duty to survey all I could find, and was at the trouble and expense of obtaining from the keeper of the public archives a list of all the claims that he knew anything about in the section of country I was directed to work in, but, for the want of the necessary information, I have no doubt there are a few yet unsurveyed; but if the necessary information can be obtained, I am ready at any convenient period to complete the surveys agreeably to your instructions, &c.

Very respectfully, your obedient servant,

BENJ'N CLEMENTS, *Deputy Surveyor.*

Colonel BUTLER.

No. 3.

TALLAHASSEE, *July* 10, 1828.

DEAR SIR: In compliance with your instructions, bearing date April 25, 1828, directing us to the west to take up all the unfinished work west of the Choctawhatchee river authorized to be done, together with all private claims, if any, which have not been surveyed.

Sir, for the purpose of procuring information relative to the private claims authorized to be surveyed, we went to the town of Pensacola May 20, 1828, and remained there until the 23d, at great expense; saw some of the claimants, but were not able to procure any information whatever. We also got the favor of the editor of the Pensacola Gazette to notice in his paper that we were there in the country, ready to attend at any time to the survey of any private claims, with the necessary information thereto, and none being furnished us we were not able to make any survey of the same. The season being so far advanced and the weather being so very hot, and recollecting what we underwent the last season, we thought it advisable to desist from the work for the present, being authorized from your instructions to do so if we believed it hazardous. As such we have not been able to complete all the surveys of public lands; but, sir, we hold ourselves in readiness at all convenient periods to complete the same, in compliance with any instructions you may think proper to give.

We are, very respectfully,

BENJ'N CLEMENTS,
JAMES W. EXUM,
Deputy Surveyors.

Colonel BUTLER.

SURVEYOR'S OFFICE, *Tallahassee, August* 12, 1828.

SIR: I have this day enclosed to your address two packets containing the township plats enumerated in the enclosed memorandum, accompanied with their respective field-notes.

I hope they will be found entirely unexceptionable. The donation of A. Pringle, in section No. 19, township 5, range 30 north and west, could not be surveyed, owing to the claim of Charles Baron interfering.

The manner of giving sectional numbers in many cases to these private claims has been made necessary from the circumstance of the land having been previously run out, and owing to the inattention of the claimants in not furnishing the surveyors in proper time with a knowledge of their claims; but the identity afforded these claims, as well from the T plats as the certificates, will, I apprehend, come entirely within the meaning of the law.

The keeper of the archives of West Florida reported a donation in favor of Thomas English, which has been surveyed; but no other evidence exists in this office that he is entitled thereto. Andrew Mitchell has a tract surveyed, which interferes with Turner Stark; also claims a donation, but no evidence whatever exists in the reports of the commissioners and keepers of the archives that he is entitled to either. I therefore presume that there may yet be a report of the commission, which has not been furnished this office, or the surveyor has been imposed on.

I have, &c.,

ROBERT BUTLER.

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

Extract of a letter from Colonel Robert Butler, surveyor general, to the Commissioner of the General Land Office, dated September 1, 1828.

"The instructions contained in your letter of the 1st August, 1828, received by the last mail, and which relate to surveying of private claims in West Florida shall be immediately attended to. The duties incident to laying down those claims when the lands have been run out, will be particularly dis-

tressing and ruinous to the deputies employed, as I have no doubt a large portion of the claimants will pay no attention to their interest; and the claims are so imperfect in their locations and landmarks that it is impossible for the surveyors to proceed without the claimants identifying them in person.

"These continued efforts on the part of the government to induce claimants to have their rights secured, is certainly praiseworthy; but on the other hand, how distressing to the persons employed in the execution of these duties, and withal, what an extension of duties, and rendered more difficult, involve upon this office. I hope and trust that when the surveys to the east are to be executed, that I shall be authorized to give timely notice and to *finally close the surveys* (as the deputies progress) under the provisions of the laws."

Extract of a letter from Colonel Robert Butler, surveyor general, to the Commissioner of the General Land Office, dated October 14, 1828.

"I have the honor to return the township plats enclosed with your letter of the 13th ultimo, and to remark in explanation, that the Escambia river was not laid down, owing to an oversight of the draughtsman, and escaped an observation in the general examination.

"You will observe a difference in the appearance of the Conecuh river on the township plats, arising from the fact of having a meridian run on the west, which differs in a small degree from the parallels of the survey east, they having been extended under many difficulties of swamps, water-courses, and bad ground. The necessity for this course was made manifest by the representations of the deputy surveyor, that in many places the connexion could not be made across that river, and therefore the survey was connected with its margin, giving rise to the small difference observable.

"I have just had the pleasure to receive your letter of 23d ultimo, and herewith enclose you the publication which I have deemed proper to make on the subject of the private claims, and shall, in furtherance of your views on that subject, give the deputy surveyors such instructions as will secure my department from censure."

NOTICE.

SURVEYOR GENERAL'S OFFICE, *Tallahassee, September* 15, 1828.

Those persons having claims to land in West Florida, as represented in the annexed schedule, are hereby notified that deputy surveyors will attend in Pensacola, from the 10th to the 13th of November next, for the third and last time, to complete the survey of those claims, when it is expected that claimants will attend and make the necessary arrangements with the deputies to identify their beginning corners, which are too indefinite to be found; and on failure to do so, they are informed that instructions have been received to survey the residuary lands as public domain, and the surveys to be finally closed and reported to the General Land Office. It is earnestly desired on my part that every facility be afforded to the claimants to have their lands run out and patented, and that the present opportunity will not be lost on their part to effect that object.

Those claimants to three large tracts of land in West Florida, contained in the reports of the commissioners, and numbered "four," "eight," and "ten," if disposed to avail themselves of the provisions of the first section of the act of Congress approved the 23d May, 1828, are requested to comply with the provisions of the twelfth section of the act of Congress approved the 8th February, 1827, without delay, so that their claims may be laid down on the township plats accurately, to enable them subsequently to locate the sections within the same, as authorized by the act of May, 1828.

ROBERT BUTLER.

N.

Abstract of claims to land in West Florida, founded on original grants, concessions, orders of survey, permits of settlement, and sales by the Spanish government. and confirmed by the commissioners of West Florida.

Numbers.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	Number of arpents.	Where situated.	By whom issued.	When surveyed.	By whom surveyed.	Cleared and cultivated.	
										From—	To—
3	Jno. de la Rua	Juan de la Rua	Concession	Sept., 1817	800	Black and Clear Water creek	Governor Massot	Dec. 18, 1818	Pedro Regio	1817	1819
7	Antonio Garcia	Antonio Garcia	do	Oct., 1817	800	Yellow Water	do	Oct. 20, 1817	do	1820	1821
8	Joseph Noreaga	J. Noreaga	do	Dec., 1817	800	River Escambia	do	Nov. 28, 1817	do	1818	1820
11	Pedro Sans	P. Sans	do	1817	800	Bayou Mulatto	Intendent Ramirez	Aug. 19, 1818	do	1818	1820
16	Juan Dominguez	J. Dominguez	do	July, 1790	600	Three miles from Pensacola	Governor Miro	May 16, 1790	L. de Burdecat	1801	1823
17	Salvador Ramirez	S. Ramirez	do	Dec., 1817	400	River Escambia	Governor Massot			1817	1818
21	Henry Michelet*	H. Michelet	do	Sept., 1817	800	do	do		V. S. Pintado	1818	1821
24	Mary Weaver	M. Weaver	do	Dec., 1817	800	do	do	April 4, 1821	Ant. Balderas	1818	1819
28	Philippe Prieto	Falippe Prieto	do	Sept., 1817	800	Three miles west of Pensacola	do	Nov. 22, 1819	Pedro Reggio	1818	1820
29	Francisco Fernando Moreno	Fra. & F. Morena	do	April, 1810	800	Village of Baranca	Intendent Morales			1810	1815
33	Louis Maestre	Louis Maestre	do	Nov., 1817	800	Bay of St. Mary de Galves	do	Nov. 13, 1817	Pedro Reggio	1817	1818
41	Catholic Church†	Catholic Church	Grant	June, 1810	30	Suburb of Pensacola	do	May 9, 1810	V. S. Pintado		
48	Juan Malagosa	J. Malagosa	Concession	Dec., 1817	800	River Escambia	Governor Massot	Dec. 22, 1818	Pedro Reggio	1818	1823
50	Maria D. Mollere	M. D. Mollere	do	1817	800	Clear Water creek	do	April 7, 1821	A. Balderas	1818	1819
55	Charles Beeler	Gabriel Hernandez	do	June, 1817	320	Mouth of Escambia	do	June 22, 1820	do	1817	1821
67	Thomas P. Rioboe	Vincent F. Texego	Order of survey	Oct., 1815	800	Bayou Governadas	Governor Soto	Dec. 8, 1818	Pedro Reggio	1814	1815
73	Jno. Innerarity	Thomas Miller	do	Dec, 1815	800	Bay of Escambia	do	May 5, 1817	V. S. Pintado	1815	1817
77	Jno. Brosnaham	J. Brosnaham	Grant	Oct., 1817	2,320	An island in Escambia river	Governor Massot	July 9 and 10, 1817	Pedro Reggio	1817	1821
7	Josepha Pol	Josepha Pol	Written permit	June, 1812	800	Perdido river	Governor Zuniga		do	1812	1816
9	Henry Potts	Charles Beeler	do	1817	800	Escambia river	Governor Massot		do	1817	1821
5	Millan de la Carrera	Mariano Latadaz	Sale	March, 1813	1,600	do	Governor Cabildo	Mar. 3, 1814	V. S. Pintado		
6	Joseph Antonio Miralla	V. F. Texeiro	Sale	do	800	Bayou Texas	do	do	do		
7	Juan Innerarity	Ygnacio Serra	Sale	May, 1815	735	Perdido river	Governor I. de Soto	May 20, 1815	do		
10	Pedro Philibert	Pedro Philibert	Sale	March, 1816	800	North of Bayou Mulatto	do	Dec. 12, 1814	do		

* Plat and certificate incorrectly returned.

† This grant was made to the vicar for the use of the Catholic church.

Donations.

To whom.	Quantity in acres.	Where situated.	Occupation and cultivation from—	Occupation and cultivation to—	Remarks.
Vincente Battletongue	640	Northeast of Pasa del Yndio.	1817	1820	
Benjamin Hadley.....	640	Rich Land Ponds.....	1817	1819	Confirmed so as not to interfere with Miguel Quigles.
Joel A. McDavids.....	640	On Claiborne road.....	1817	1824	Do. do.
Drury Manning	640	West of Escambia river	1819	1821	Do. do.
Needham Parker	640	East side of Escambia river.	1818	1819	Do. do.
Elijah H. Holmes.....	640	Northeast of Edgeley's creek	1818	1819	Do. do.
Henry O'Neal.....	640	West of Escambia river....	1819	1824	Do. do.
Abraham Single.....	640	North of Escambia river....	1819	1824	Do. do.
Joseph Nelson	640	East side of Escambia river.	1818	1819	
Jonathan Bamker	640	East side of Chactawhatchee.	1817	1820	
Nathaniel Hawthorn..	640	Pine Level, Edgeley's creek.	1818	1819	
James Braster	640	East side of Escambia river.	1819	1821	
Thomas Thrift	640	West of Escambia river....	1819	.....	

Conflicting claims.

No. 1.—To a tract of land containing seven thousand arpents, situated on the eastern side of Escambia river, sometimes called an island, about twenty-six miles from Pensacola, in the district of West Florida, claimed in part by titles emanating from the British government, and *in toto* by a claim emanating from the Spanish government, viz:

The claim of Theodore Galliard, Cornelia his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to two hundred acres of land derived from the British government.

Also the claim of Theodore Galliard, Cornelia his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to two tracts of land of five hundred acres each.

Also the claim of Theodore Galliard, Cornelia his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to two hundred and sixty acres of land.

The claim of Francisco Bonal, derived from the Spanish government, to an island circumscribed by the river Escambia, fronting the bluff called "Durand's Bluff," containing seven thousand arpents, situated about fifteen miles from the mouth of said river.

No. 2.—Of claims to a tract of land containing eight hundred arpents, situated forty-seven perches to the south of the suburb of Pensacola, bounded with Galvez spring, in the district of West Florida, claimed, in part, by titles emanating from the British government, and *in toto* by a claim emanating from the Spanish government, viz:

The claim of Theodore Galliard, Cornelia his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to two hundred and fifty acres of land derived from the British government.

SURVEYOR'S OFFICE, *Tallahassee, December* 1, 1828.

SIR: Your letter of the 31st of October, transmitting township plats six north, ranges twenty-nine and thirty, has been received. I have the honor to transmit herewith those township plats, together with a fractional township six, north of range twenty-nine, north and west, and west of the Conecuh river, which is the main branch of the Escambia; and this fractional township is thus made by, and in conformity with, your letter of instructions of March 27, 1828.

Referring you to the explanations in my letter of the 14th October last, with the accompanying maps, I hope they will be found entirely satisfactory.

I have taken the precaution to send the plan of Pensacola to the corporate body of that city, requesting their examination and approval thereof, with a view of having it rendered perfect, should any errors exist, and the deputy who made the plan will be ready to make all the corrections necessary on the spot.

I am, &c., &c.,

ROBERT BUTLER.

GEORGE GRAHAM, Esq., *General Land Office.*

TALLAHASSEE, *December* 15, 1829.

SIR: I have been expecting the arrival of Colonel Exum for some time, to give you a draft of the range which includes the Escambia river, to which the necessary explanations will be attached, to account for the seeming irregularity of the surveys east and west of that river. The colonel has been prevented by sickness and business, but will probably be here about the first of the coming year; and possibly Mr. Searcy may reach me by that time, as the latest advice from him informs me that he was recovering strength, and would set out as soon as he could bear the journey. The deputy surveyor who done the

work east of that river will also be here about the same time, and I must therefore claim your indulgence until I can act satisfactorily on this subject.

I hope to forward, about the last of this month, a plan of a town in the vicinity of Fort St. Mark's, to be laid before Congress for their consideration.

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

ROBERT BUTLER.

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

SURVEYOR'S OFFICE, *Tallahassee, December* 20, 1829.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, post-marked 28th, and received by last mail. The reasons for not furnishing you with the information required by your letter of the 9th of September, without any delay, you will find given in my last, of the 15th instant. I regret extremely that there should even be supposed an infraction of the act of January 31, 1823, on my part; and I feel at a loss to know in what manner it applies to me, as I have regularly transmitted my accounts; and the surveys upon which they are based have been also returned as soon as it was practicable, under the order from your department to continue the surveys of the private claims from year to year. I was led to believe from your letter that the surveys in question would be suspended, and my accounts proceed in their regular train of settlement; and being anxious to place full and accurate information before you, I have been waiting the arrival of two deputy surveyors, who are interested in these surveys, when my report would have been made for your decision.

By reference to the surveys on the Escambia, it will be found that the parallel of the townships on the east are south of those on the west, and the range itself somewhat narrowed on the north, which arises from the following causes, viz: In running the parallel in 1824–'25, the waters were extremely high and the season inclement; the distance across Black Water and Escambia bays about six and a half miles on the parallel and nothing but marsh, in which the surveyors and hands were frequently obliged to help each other out of the mud; the observations taken across these bays by means of flags, in all probability, were imperfect, and a variation north from the true line might have been the consequence.

When the surveys were ordered to be executed in that quarter the swamps of the Escambia were impracticable, owing to high waters, in consequence of which, I directed a meridian to be run from the first township corner west of said river, and the surveys to proceed west. When the range in question come to be run out subsequently, the facts above stated developed themselves, yet I am persuaded that the surveys on the river are correctly made. That this range should have narrowed on the north will readily occur to you as a matter not to be controlled; from the circumstance of several surveyors being engaged in running the ranges from Tallahassee to the point on the east, and a new meridian extended on the west of said river, it would have been a miracle to have fitted them exactly.

With these explanations, and a reference to the returns forwarded you, I am in hopes they will prove satisfactory.

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

ROBERT BUTLER.

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

Extract of a letter from Robert Butler, esq., to George Graham, esq., Commissioner of the General Land Office, dated February 17, 1829.

"Your letter of the 20th ultimo, covering a diagram on the Escambia and Conecuh, has been received. I am looking hourly for the surveyor who made this survey, and on his arrival shall take the necessary steps to have the same corrected."

SURVEYOR'S OFFICE, *Tallahassee, March* 16, 1829.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th ultimo by last mail, and in connexion therewith have received the Treasurer's draft for the amount specified.

You inform me that my accounts still remain in your office, waiting the transmission of the work upon which the payments have been made. I am aware of this circumstance, and regret most sincerely that the reiterated orders from the department for the surveys of the private claims west have rendered this delay indispensably necessary, of which I informed you when I received your last letter of instructions on that subject. To have made out and transmitted the work before the surveys were closed would have subjected this office the second time to the formation of a large portion of it, which I never for a moment apprehended was the wish of the department, more particularly as I informed you that the third survey would prevent me from reporting the previous work until a final return should be received in the office; this is about to be effected in a few days, and you shall be put in possession of the entire work as soon as practicable.

On the subject of examinations of surveys, in comparison with the field-notes, before payments are made, such has been the uniform practice of this office heretofore, and they shall meet with a most critical examination hereafter.

The surveyor who executed the work referred to in the diagram enclosed in yours of the 20th January ultimo is now here, and will be despatched for the correction of said work as soon as he completes the return of his late surveys.

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

ROBERT BUTLER.

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

Extract of a letter from Robert Butler, esq., to George Graham, esq., Commissioner of the General Land Office, dated May 5, 1829.

I shall commence next week to forward the work from my office, and continue from time to time until it shall be entirely completed. I regret that the arduous duties of Mr. Searcy in his department of my office has impaired his health in so great a degree that I entertain fears of his inability to complete the work, and his physician recommends absence from this climate and relaxation from business for a time as necessary to his restoration. May I consider myself authorized, under such a contingency, to employ another clerk during his necessary absence?

SURVEYOR GENERAL'S OFFICE, *July* 28, 1829.

SIR: I have this day forwarded to your address the township plats and field-notes enumerated in the enclosed schedule, and by the succeeding mail shall forward the residue of the work which has been executed by this department up to the present date. Indisposition has prevented their completion on the part of Mr. Williams for a few days past, added to the necessary absence of my other clerk.

I most sincerely hope some congressional provisions will be had before entering on the surveys east that will compel the claimants to show their lands and enable the surveyors to progress regularly with their work, and not produce such a scene of difficulty and almost ruin which the surveys west have imposed upon them and accumulated labor to this office. I am persuaded that time will ultimately be gained by the delay which may arise in waiting the decision of Congress on the private claims, and the passing a declaratory act compelling the claimants to show their lands, after due notice from this office, or otherwise the land to be surveyed as public domain. Under such a course a system of instructions can be made for the government of the deputies as will enable them to perform their duties correctly and speedily, without vexatious delays, and to the entire fulfillment of the laws and instructions from your department. Those surveys, which have been executed under all the difficulties which have been presented will, I trust, meet your entire approbation, but I regret to say have yielded nothing but labor to the deputies who executed them.

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

ROBERT BUTLER.

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

SURVEYOR'S OFFICE, *Tallahassee, January* 5, 1830.

SIR: I have before me your letter of the 11th December, relating to the fractional townships north, in ranges 29, 30, and 31 west, on the subject of which I addressed you on the 15th and 20th ultimo. I have this day addressed a letter to the deputy surveyor requiring of him such information as he may be in possession of.

I shall endeavor to forward by next mail a diagram of the surveys, provided the information be such as by doing so any additional light can be thrown upon the subject. A thorough examination of the traverse on the east of the Conecuh river having been made, a small error has been discovered, but trifling in its nature.

It will readily appear to your mind that under existing circumstances no connected maps of those surveys can be made, as the surveys never were connected, from the reasons given in mine of the 20th ultimo; and should the information I may be furnished with give no new light on the subject, and be still unsatisfactory to you, the only course to be adopted will be that of a resurvey. If there is any town plats in your office that have not marginal notes accounting for their non-completion, I will thank you to have their numbers given me, that the deficiency may be supplied, as on this subject I have been very particular.

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

ROBERT BUTLER.

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

SURVEYOR'S OFFICE, *Tallahassee, January* 5, 1830.

SIR: I have the honor to acknowledge your letter of the 11th ultimo, on the subject of some claims confirmed by the first section of the act of 1828, and to which your attention has been drawn by a letter from the Hon. Mr. White. The claimants have been notified in due time, and called upon to conform to the provisions of the twelfth section of the act of 1827, but have not conformed by furnishing the evidence required, of which Colonel White was informed a short time previous to his leaving Tallahassee. The colonel was of opinion that it became my duty to have the confirmed claims surveyed, and my decision was given him in writing, conforming to that now contained in your letter.

I shall, however, on the evidence being furnished, lay down the claims on the plats, as requested, if presented in sufficient time.

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

ROBERT BUTLER.

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

SURVEYOR'S OFFICE, *Tallahassee, January* 26, 1830.

SIR: Your letter of the 6th instant I have the honor to acknowledge, in which I am referred to your letter of December 11, requiring a connected set of township maps in the fractions of ranges 29, 30, and 31 west, and lying north of the base line. On the 5th instant I addressed you an answer to that letter, and have now the honor to enclose a diagram, accompanied with such explanations as the subject affords, within my reach.

If it shall be found necessary, under all the circumstances, to resurvey this work, it must be done as soon as the waters and season will permit, although it will be ruinous to the deputies, for I am persuaded that never was a worse section of work to be executed in the United States. I stated the impracticability of making connected plats of those fractional townships in my letter of the 5th instant, because the surveys never were connected, as heretofore explained.

I was in hopes to have forwarded the plan of a town near the fortress of St. Mark's by this day's mail, but the examination of the surveys above alluded to has prevented its completion. I am in hopes to forward it by the succeeding mail.

I am, &c., &c.,

ROBERT BUTLER.

GEO. GRAHAM, Esq.

The reason why the surveys east and west of the Escambia bay and river do not connect may be, and probably is, owing to some of the following causes:

The surveys westwardly from the first meridian from Tallahassee were continued to the Escambia river, without a new meridian, and a small error in any of the township lines, which could not be discovered, would necessarily throw the line north or south of the true point, where the same would strike on the opposite side from the meridian G, and the parallels runs from it to the river east.

In taking the distance, or extending the parallel across the bay, the surveyor may have, and no doubt has, northed or southed a little from the true point, which would render the connexion impossible.

In running a range north, a small variation of a few minutes, or sometimes more, would necessarily take place to effect a close, which it was thought unnecessary to put down on the township plats, from the range lines next the river and bay. It is very probable the lines parallel, or east and west lines, were run at right angles with the true meridian at Tallahassee, which would, of course, produce a discrepancy.

In extending the meridian north from G, the Perdido river interfered; another small error may have taken place, in itself of no importance, but, in connexion with the whole, would aid in producing the result of the river crossing itself on the plats.

Small errors, of but little importance in fractional sections, on the river would create the same difficulty, when, in fact, there would be but a small excess or deficiency in the area, not worthy of notice.

The very bad swamps, quagmires, and various other difficulties, may, and no doubt have, presented themselves—such as where two surveyors surveyed the same township and made separate returns, gave different variations, &c, would, with the whole, create the discrepancy.

In running a line that distance, without occasionally taking observations and correcting, a considerable error would be, and no doubt was, made in the parallel. This was not the case in the ranges of townships carried on which were or should have been six miles square, which would certainly have a tendency to create its share in the result.

In running the meridian north from G, no doubt the surveyor bore a little to the river, believing it would be better to have a narrow range than to have a slip between two ranges; this would produce a discrepancy, provided the parallels running from it were run at right angles from said meridian.

It never was contemplated to connect the surveys on the river when the work was done; now it is impossible, as there are the same numbers in the fractional sections on each side of the river in the same township—sometimes public, and others private land—for instance, see fractional township No. 1, range No. 30, north and west.

It appears that, in crossing the Escambia bay, owing to the great width and bad ground, there was a mistake made of about half a mile, from A to B, making the twenty-ninth range about that much too narrow; when the range line was run north from A to C six miles, then west six miles to D, then south to the bay at F, that point was about half a mile west of the point B.

SURVEYOR'S OFFICE, *Tallahassee, March* 16, 1830.

SIR: I have the honor to acknowledge the receipt of your letter bearing date 18th ultimo, and have read it with much interest and attention. With a view to comply with these instructions, I have directed an examination of the general points in the ranges referred to, and, as soon as I am placed in possession of the facts, I shall be enabled to determine accurately whether a resurvey will be necessary or not. I have only to claim your indulgence as to time, promising you that no delay shall be permitted, but by uncontrolable circumstances; and I am determined that the subject shall have a thorough investigation before I leave it. If it shall be determined on to proceed with the surveys east of the Suwannee this fall, you will oblige by giving me early information on the subject, as I wish to prepare a new set of instructions for the government of my deputy surveyors, with a view to insure a more perfect execution of their duties in laying down the private claims and connecting the public domain, and also to give timely notice to the claimants, leaving them without cause of complaint, if they neglect their own interest.

I am, &c., &c.,

ROBERT BUTLER.

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

SURVEYOR'S OFFICE, *Tallahassee, July* 12, 1830.

SIR: The deputy surveyor despatched for the examination of the work done in ranges 30 and 31, and a small part of 29, embracing the Escambia swamps, has recently returned, and it has been ascertained that a resurvey of that work is absolutely necessary; I shall therefore despatch two deputy surveyors for the execution of this work on or about the 1st of September next, being the earliest period deemed practicable and safe for its complete execution. If you have any surplus copies of the books containing the report of the commissioners west it would greatly facilitate the faithful execution of that work, by furnishing the deputy surveyors with copies, even should you require their return after the surveys shall have been executed. The surveys required to be executed under the act of the late session of Congress, together with a few private claims not heretofore found, can be executed whilst the deputies are west, and perhaps some scrap work of public land if deemed sufficiently valuable.

Accompanied you will receive my accounts for the quarter ending the 30th ultimo, corrected, agreeably to the adjustment of the Comptroller, up to March 31, 1830.

I am, &c., &c.,

ROBERT BUTLER.

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

LAKE JACKSON, *August* 1, 1830.

SIR: Owing to severe indisposition of one of my children I address you from my residence, acknowledging the receipt by last mail of your letter of instructions, bearing date 10th ultimo, and accompanying documents. I shall make the necessary arrangements without delay for their execution.

Will you have the goodness to apprise me of the amount of funds set apart for surveying in Florida, that I may thereby regulate the number of surveyors to be employed.

The transmission of ten or twelve copies of the document containing the reported land claims acted on during the last session would greatly facilitate the surveyors in the execution of their duties, and I solicit the favor of you to direct them to be sent to me. I shall despatch a surveyor to run out Key West and those islands adjacent as soon as the season arrives at which a work of that description can be executed without imminent hazard of the lives of all employed.

I hope your health is re-established.

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

ROBERT BUTLER.

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

Extract of a letter from Robert Butler, esq., to J. M. Moore, esq., acting Commissioner of the General Land Office, dated October 8, 1830.

Herewith accompanied you have my accounts for the third quarter of the present year, showing a balance against me, as adjusted by the Comptroller of the Treasury, of $3,825 19, of which amount the sum of $2,836 49 is for suspended items for discrepancies on the Escambia river, and all of which will be accounted for when the resurvey is made, which will commence on the 1st of November next, being the earliest period deemed safe for the surveyors to approach those swamps. The amount actually on hand is $988 70.

Extract of a letter from Robert Butler, esq., to Elijah Hayward, esq., Commissioner of the General Land Office, dated January 14, 1831.

By last mail your letters of the 16th and 17th ultimo were received, and the case of Alexander Love put in train for survey. The contents of your letter of the 17th shall be fully met at the close of the present month, at which period I expect to have seven or eight deputies in the east, three of whom are now engaged.

In the report you were kind enough to send me I find a remark, under the head of "Florida," that many private claims have been surveyed, but no certificates have been forwarded, which ought to have been received long since. I hope that the delinquency was not intended to be applied to this office, as I claim to have complied with the act of Congress on that subject, and under which the register is required to forward certificates for data to govern the issuing of the patents.

I anticipate that the connexion of the surveys heretofore made on the Escambia river (and which have been suspended) will be completed by the deputies by the close of the next month, including scrap work, and a few private claims not surveyed previously.

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

ROBERT BUTLER.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

Extract of a letter from Robert Butler, esq., to Elijah Hayward, esq., Commissioner of the General Land Office, dated February 3, 1831.

It is with extreme regret that I inform you of advices received from one of the deputy surveyors ordered to correct the meanders of the river Escambia that the low grounds are entirely inundated by

rains, so as to render, at present, all attempts to do that work entirely useless. I made an attempt during the summer, but my surveyor was taken sick, and was absolutely carried out of the swamp insensible. I shall avail myself of the earliest moment practicable to have that work completed, as I feel unpleasant under a suspension of such a heavy item in my accounts, when the work to be corrected is comparatively nothing. The surveys of the private claims, and connecting therewith the public lands in the west, have nearly ruined two of my valuable deputies.

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

ROBERT BUTLER.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

Extract of a letter from Robert Butler, esq., to Elijah Hayward, esq., Commissioner of the General Land Office, dated March 3, 1831.

In answer to your inquiry whether Paul McCormick has not been paid for lines run by Boyd or McNeil in 1825, I have made the necessary examination, and assure you that no payment has been made of the kind alluded to. When the accounts of Mr. McCormick were presented I carefully checked the same, having reference to the former surveys, and the present examination results in proof of its correctness. I have long since established the rule of withholding payment for all parts of lines where connexion is not formed to enable this office to cast the contents, and the present case was of that character, having small pieces of lines unconnected, and which have been run entire by the late survey.

Extract of a letter from Robert Butler, esq., to Elijah Hayward, esq., dated March 17, 1831.

Since writing you on the 3d instant I have been unwell with the influenza, which prevented me from sending by last mail the enclosed township plat, township one, range five north and east, corrected as promised.

The contracts remaining to be forwarded for all the work under contract you will receive herewith, which, with those previously sent, amount to 6,150 miles, at $4 per mile, is $24,600; to pay which I have on hand the sum of $834 10, and the Treasurer's check for $8,000, alluded to in my letter of the 3d instant, not yet taken up in my accounts, the residue apparent on the face of my account being suspended items for work on the Escambia river, which I have made three attempts to have executed, and my surveyors, in every instance, have been driven out of the swamp by high water. Those deputies are under standing orders to avail themselves of the first opportunity of low water to complete the corrections of that work.

SURVEYOR'S OFFICE, *Tallahassee, June 29, 1831.*

SIR: I have been informed that a petition was about being sent to you with a view to have the sale suspended of township eight, of range eighteen south and east, alleging that the lines have not been run.

I deem it necessary to enclose you a statement of Major Joshua A. Coffee, showing that he has examined the said township, and find it correctly run, marked, and measured.

I am, &c., &c.,

ROBERT BUTLER.

E. HAYWARD, Esq., *Commissioner of the General Land Office.*

JUNE 29, 1831.

SIR: I am informed that a petition has been forwarded to the General Land Office at Washington to suspend the land sales of township eight, in range eighteen, Alachua county. I have to state that when in that quarter I tested the lines of that township, and found them correct, both in their course and measurement.

I am, &c.,

J. A. COFFEE, *Deputy Surveyor.*

Col. ROBERT BUTLER, *Surveyor General, Tallahassee.*

Extract of a letter from Colonel Robert Butler, surveyor general, dated Tallahassee, July 29, 1831, to the Commissioner of the General Land Office.

"I have again to report the *entire impracticability* of having the fractional surveys on the Escambia river completed, *owing to high waters*, which have been *up for twelve months past.* I again repeat that there are two deputy surveyors under standing orders to complete these surveys, with some others unfinished, whenever the waters shall recede so far as to permit their execution.

"From a minute examination it appears that the report of the board of commissioners for East Florida for the year 1826 have never been furnished this office; they are indispensable to the execution of my duties, and hope you will have the goodness to have them sent."

Extract of a letter from Colonel Robert Butler, surveyor general, to the Commissioner of the General Land Office, dated at Lake Jackson, September 21, 1831.

"I have been confined for better than two months by indisposition, and am now getting some strength, and hope a few days more will enable me to get about."

LAKE JACKSON, *October* 12, 1831.

SIR: Two days elapsed after my last to you when I was again taken down, and became so low as to require help in and out of my bed. I am once more on my legs, able to ride a mile or two, and gaining strength daily.

I am, &c., &c.,

ROBERT BUTLER.

ELIJAH HAYWARD, *Commissioner of the General Land Office.*

SURVEYOR'S OFFICE, *Tallahassee, December* 1, 1831.

SIR: Your several letters, bearing date September 23 and October 17 and 31, have been received by the surveyor general. He is still too unwell either to read or to write an answer to them, owing to a nervous attack that has affected his whole system. He is now convalescent, and I flatter myself that he will soon be able to resume the duties of his office.

I am, &c., &c.,

ISHAM GREEN SEARCY, *Clerk in the Surveyor's office.*

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

SURVEYOR'S OFFICE, *Tallahassee, April* 11, 1832.

SIR: Your letter of the 13th ultimo has been received "urging the transmission of all the returns due from this office; also a diagram of such surveys as have been made, and to designate the townships under contract that have not been returned to this office; and also to explain the cause of the delay in the transmission of the returns due from your office."

The enclosed diagram exhibits the true situation of the state of the returns due from this office. Nearly one hundred townships and fractional townships are now ready to be forwarded to the General Land Office and the registers' offices; there are remaining about twelve townships yet to be finished, all under the last contract. Copies of all the last contracts have been furnished your office.

The resurveys on the Escambia and its vicinity have not yet been returned to this office, but will be in a short time. After a laborious resurvey of near five months by three experienced and persevering surveyors those surveys will require much labor and time to prepare them for the General Land Office and the register's office, but will be completed and forwarded as soon as practicable for it to be done.

There have been no new contracts entered into since the last furnished you, as the surveyors considered it a ruinous business to take contracts under your last instructions, bearing date September 23, 1831, but it is probable that some contracts may be taken under your modified instructions of the 24th of October, 1831, received at this office on the 27th of February, 1832.

The cause of my not forwarding sooner to the General Land Office the surveys made under the last contracts furnished you was owing to a severe and protracting illness that had confined me to my room since the 14th day of July last, together with the occasional indisposition of both of my clerks. Yesterday was the first day I have been able to go to my office in nearly nine months, and I am now so feeble I am unable to do business, and both the clerks in my office are sick at this time. Mr. Williams is very much indisposed indeed. Several of the deputies were likewise sick, which kept the returns out of the office much longer than was expected. Thus you will see that causes beyond my control, or others, have retarded the progress of business in every branch of this department.

You may rest assured that so soon as circumstances within my control will justify the completion of the surveys due the General Land Office they will be forwarded without delay.

I am, &c., &c.,

ROBERT BUTLER.

[*Here follows a plat, for which see original.*]

The yellow squares represent the townships and fractional townships that have been completed in the surveyor general's office and are ready to be forwarded to the General Land Office and to the registers' offices in the eastern and western district.

The squares with yellow borders alone represent the township surveyed under last contract and not sectioned.

The blue squares east of the meridian represent townships that have been sectioned and recently returned to the office which have not been made out for the General Land and register's offices, but will be completed as soon as practicable.

The blue squares west of the meridian represent townships which have heretofore been surveyed on the Escambia river and in its vicinity, and have been forwarded to the General Land and register's offices, but owing to some inaccuracies in the deputies, and various new surveys of private claims in those townships, had to be resurveyed, and will be again returned into the surveyor general's office in a short time, and will be made out and forwarded to the General Land and register's offices as soon as practicable.

SURVEYOR'S OFFICE AT TALLAHASSEE, *April* 18, 1832.

SIR: I have taken the first opportunity since my convalescence to investigate the subject of your letter of the 30th January last, and to place the matter fully before you, have sent herewith copies of all the documents in my possession in relation to the claim of Joseph Noreaga.

You will perceive by the enclosed diagram, which is a copy of the original plat of survey made by the Spanish government and forwarded to my office by the keeper of the archives at Pensacola, that the form and figure corresponds with the survey which I had ordered to be made, to be bounded south by the channel BB, as represented in the diagram enclosed in your communications.

The papers Nos. 1, 2, 3, 4, contain the correspondence between the late commissioner and myself, and between the deputy surveyor and myself.

It may be proper to remark, that upon exhibiting the original plat of survey to Colonel White, he at once admitted the correctness of my decision in regard to the survey, and disclaimed any right to the island below the channel BB.

I am still extremely feeble and debilitated.

I am, &c., ROBERT BUTLER.

HON. ELIJAH HAYWARD, *Commissioner General Land Office, Washington.*

PAPER NO. 1.

Extract of a letter from the surveyor general of Florida (Colonel Butler) to the Commissioner of the General Land Office, dated August 11, 1829.

"In the *case* of *Joseph Noreaga* (claimed by Colonel J. M. White) I have been governed in withholding my certificate from the fact that the island on which the improvement was made ought to be confirmed to that part *north* of a *branch* of the Escambia laid down by actual survey, and which contains about the quantity of land called for, and also conforms in shape to the original plat of survey returned by Mr. Cairo, keeper of public archives, to this office. The residue, south of said branch of the river, I consider as public domain; and should my opinion be sustained, the deputy surveyor can be required to return the survey as public land, which has been made south of that stream in which the sectional lines have been run.

"Enclosed you have a plat of the whole, as claimed by Colonel White, with the stream delineated, by which I consider the island bounded, as granted to Colonel Noreaga.

"Colonel White has just stepped in, and I have read the foregoing to him and explained the survey; and I am *authorized* by HIM to say that he is *satisfied* with my *decision.* I will, therefore, require the return of the deputy, and have the certificate made out agreeably, and the alteration made on the township plats."

[Here follow the plats; for which, see originals.]

PAPER NO. 2.

See letter from General Land Office, dated the 28th August, 1829.

PAPER NO. 3.

Copy of a letter from Benjamin Clements and James W. Exum, deputy surveyors, to Robert Butler, surveyor general, &c.

SIR: Your communication, with that of the Commissioner of the General Land Office to yourself, with a copy of a letter from Colonel Joseph M. White to the Commissioner, also a map of an island or islands in the Escambia river, is received.

In reply to your inquiries and those of the Commissioner of the General Land Office, we can simply state that during our surveying in that part of the Territory alluded to, we were unable to get any information respecting the island granted to Joseph Noreaga, except from a copy of the grant; however, we took the precaution to survey all the islands as public and private property, as it might be determined by the surveyor general. On our arrival at Tallahassee, to prepare our notes and township plats for the surveyor's office, we met with Colonel Joseph M. White, who informed us he claimed the island, and claimed to the slough marked CC; we made our plat and certificate of survey accordingly.

As respects the slough, marked BB, being a permanent water-course, it is like the rest of those sloughs, changing their position; and we have reason to believe the slough originally took its course some twenty or thirty chains above, near the place marked D, but owing to drift, &c., that point has become impassable, and the pass BB is now a channel through which the tide ebbs and flows. We would further state that after entering either of the sloughs there is sufficient depth of water for any craft that can enter the river at any point; the slough CC is considerably the widest, but as to depth they are nearly the same.

PAPER No. 4.

Copy of a letter from Robert Butler to Benjamin Clements and James W. Exum, deputy surveyors.

SURVEYOR'S OFFICE, *Tallahassee, February* 27, 1832.

GENTLEMEN: I herewith submit, for your inspection, a letter from the Commissioner of the General Land Office, of the 30th January, together with a copy of a letter from J. M. White to the Commissioner; also a plat submitted by the Commissioner, exhibiting an island in the Escambia river, surveyed in the name of Joseph Noreaga, being in township No. 1, in ranges 29 and 30 north and west.

You having surveyed said claim and all the land adjoining thereto, and having a perfect knowledge of the stream marked BB in the map, will you please to give me your opinion whether it is a permanent water-course, and if it is now navigable; and if not, whether from appearances it was or was not a navigable stream at the time the grant was made by the Spanish government; also, please to state what you think the depth of water is, and the general width of the stream at this time, and what it was formerly; if there has been a change in the channel, and whether or not the channels generally, at the termination of the Escambia river, have the appearance of having changed their direction or navigation at any time; and any other information that will throw light on the subject in relation to the inquiries made by the Commissioner.

SURVEYOR'S OFFICE, *Tallahassee, August* 12, 1832.

SIR: Yours of the 5th ultimo, enclosing the decree of the court on the claim of Arredondo for 289,645$\frac{6}{7}$ acres, has been received.

A competent and intelligent surveyor will be despatched early in September, to execute the survey of this claim in strict conformity to the decree of the court.

It would be inexpedient and hazardous to the health of the surveyor to attempt the survey of this claim earlier than the middle or last of September.

I am, &c., &c.,

ROBERT BUTLER.

Hon. ELIJAH HAYWARD, *Commissioner General Land Office.*

Extract of a letter from Robert Butler, esq., to Elijah Hayward, esq., Commissioner of the General Land Office, dated August 24, 1832.

"Enclosed you have copies of I. G. Searcy's resignation and my answer. You will please submit them to the President for his decision. On the additional duties imposed on my office by the late act of Congress, and the decision thereon by the honorable Secretary of the Treasury, the letter of my clerk is sufficiently explicit, without any additional remarks from me in my feeble state. It becomes necessary, however, to inform you that his place has not yet been filled, and my other clerk has been sick for many months, occasionally able only to attend to current business. I have again been down myself, but feel at present nothing but feebleness. I hope for better times soon."

TALLAHASSEE, *July* 1, 1832.

DEAR SIR: My health is so precarious that it becomes my duty to resign my berth in your office. If the duties were like those in most of the offices in the United States, my health would justify my continuance; for seven years they have been very laborious, for the last twelve months extremely so. Just as a finish had been made of all the returns due from your office the late law of Congress passed, which will cause them to be of no use; in addition thereto, four-fifths of the labor performed during the last seven or eight years in your office will again have to be gone through, which would require the constant attention of at least four or five additional clerks one year, to make the most laborions calculations and make new plats.

Under these circumstances the constitution of no individual can long survive the application necessary to the completion of this most laborious of all occupations and most fatal to the health.

I leave your office with regret; but in doing so, I have one great consolation, that is, that I have discharged my duty to the best of my abilities, and that I have never knowingly given you cause of complaint; if I have, I have never heard a murmur of complaint, nor has there ever existed one unkind word or feeling between us. I shall ever feel grateful for the many favors I have received at your hands, and hope some day to have it in my power to cancel some of the many obligations I am under to you.

Very respectfully, your obedient servant,

ISHAM GREEN SEARCY.

Col. ROBERT BUTLER, *Surveyor General, Territory of Florida.*

LAKE JACKSON, *July* 2, 1832.

DEAR SIR: Your letter of resignation of yesterday was duly received, and the fact shall be reported immediately to the President of the United States. It is due to you that I should declare that the first painful feeling which you have caused me in better than eight years' service was produced by this letter;

and I do think that my feeble state of health ought to have been spared so severe a shock by a previous consultation. The shock occasioned by the separation was almost overpowering. In making this severance, and to enable your successor as well as myself to distinctly understand the true situation of those duties under your immediate guardianship, I have to request that you will have tied up and sealed all township plats which have been returned to the office by the department, *and which have not been prepared by you*, and also fill up the general plan, leaving no work which has been done in the field undelineated thereon. This little arrangement will enable me to keep *order* from running into *chaos* as soon as I can resume my duties. I have further to request, that you will occupy my property for your own convenience and *its* preservation as long as your avocations will permit.

Wishing you speedy and general restoration to your shattered and enfeebled constitution, (arising from your devotion to your public duties,) I remain your sincere friend,

ROBERT BUTLER.

General Isham G. Searcy.

Surveyor's Office, *Tallahassee, September* 15, 1832.

Sir: Your letter of the 23d ultimo, covering the copy of a letter from the Hon. Joseph M. White, of the 13th ultimo, has been received. The lands of Boual Pintado and Carera were surveyed during the spring past, and the returns made into my office as soon thereafter as practicable.

Owing to a long and protracted illness I am so debilitated that it has been impossible for me to attend to their adjudication; they will be attended to so soon as my health will permit.

You and Colonel White have both been informed, from time to time heretofore, of the causes why those claims were not surveyed sooner. That your attention may be drawn to the facts, those claims were situated in the townships that were suspended, the completion of which was prevented by high water, sickness, and information necessary for identity.

Very respectfully, your obedient servant,

ROBERT BUTLER.

Elijah Hayward, Esq., *Commissioner General Land Office.*

At Home, *September* 16, 1832.

Sir: Since I wrote you last I have been again down, and have now entailed upon me a confirmed ague and fever. When I shall be able to attend to business, God only knows. My remaining clerk has been a long time sick, and some doubts have been lately entertained of his recovery. Almost every person has been sick in the country. My bond has been executed some days and certified, and only awaits my going to Tallahassee to be qualified, which I have not strength at present to attend to. Until you have better news from me, I hope you will not make any more requisitions on my office, as I am totally unable to attend to them.

Respectfully, your obedient servant,

ROBERT BUTLER.

Elijah Hayward, Esq., *Commissioner General Land Office.*

22d Congress.] No. 1086. [2d Session.

ON CLAIM TO LAND ON THE ISLAND OF KEY BISCAYNE, OFF CAPE FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1833.

Mr. Bullard, from the Committee on Private Land Claims, to whom was referred the petition of William G. Davis and Mary Ann, his wife, reported:

That the petitioners state that they became the purchasers of the island of Key Biscayne, off Cape Florida, from Peter Fornell; that the claim was laid before the land commissioners who confirmed their title to one hundred and seventy-five acres. They now ask for the balance of the island, which they represent as of no use to anybody except themselves, and to them only as a means of keeping off intruders.

The grant to Fornell is not shown, nor is it pretended that injustice was done to the petitioners by the report of the land commissioners. There is a certificate of some persons in that vicinity, that there is little or no land on the island fit for cultivation beyond the tract confirmed to the petitioners. They ask the rest of the land as a pure gratuity. Having shown no right nor any circumstances which entitle them to equitable relief, the committee are of opinion that the prayer of the petitioners ought not to be granted.

22D CONGRESS.] No. 1087. 2D SESSION.

EXTRACTS FROM SOLORZANO'S POLITICA INDIANA, SHOWING THE POWERS OF THE SPANISH VICEROYS AND GOVERNORS OF THE INDIES IN REFERENCE TO LAND GRANTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 8, 1833.

Extracts from Solorzano's Politica Indiana, a work of approved authority in all Spanish tribunals, and the most celebrated of the Spanish commentators on the laws of the Indies. The translations compared and certified by the translator of foreign languages in the Department of State.

[Translation.]

Book 3, *chapter* 5, *article* 31.

Because, as Carolo Pascalio says, and Calisto Ramirez, subjects have no obligation to investigate or know the orders and instructions of a secret nature which are given to the viceroys, in which bounds are put to their power, for if they do not obey them, they are subject to reprehension or punishment; but what they may perform must be sustained, because they are in quality of factors or substitutes for royalty, for whose actions he who named them is accountable, and put them in that charge which is indeed conformable to right.*

Book 3, *chapter* 9, *article* 14.

But although this, as I said, proceeds with reference to common law, and it is fit that the viceroys and governors of the Indies never cease to bear it in mind, still, as regards the municipal duty of these, the whole, or almost the whole, is left to their discretion and prudence; because, in the conflict or concurrence of these *cédulas* (royal provisions) and orders *de providende*, they have not to attend so much to the dates and orders of these as to that which may appear to them most convenient to execute, as also what the merits and services of those who have presented them ask and require, and the state of things in their countries or provinces, the government of which is committed to them. It is thus recommended to them in the royal cédulas, which I noticed in the beginning of this chapter, and others of the years 1567, 1605, 1610, directed to the viceroys, at that time, of Peru, Toledo, Monterey, Montesclaros.

Book 3, *chapter* 10, *article* 25.

This calls us to another question not less frequent and difficult, upon which I have seen some suits adjourned from a discord of opinions; I mean, who is to have the preference of two, of whom one obtained by favor from the court a special *encomiènda* (Indian tribute) by dispensation made to him by his Majesty, and another obtained the same in the Indies by grant of the viceroys or governors, having there power to do it, without having notice of the other from his Majesty.

I judge we can examine and easily solve this question as respects the right only by informing ourselves, and looking attentively as to the fact of which of these grants of the same object preceded the other; for if we suppose the vacancy to happen in the Indies, and the viceroy or governor, who *there is as the King himself*, made the appointment lawfully and immediately, and in exercise and use of his faculties, gave the title and possession thereof to some well-deserving person, we must come to the resolution that the grant of this encomiènda, which afterwards may be found to be made by the King in his court, is in itself null and of no value or effect, because there is no vacancy to supply, as we said in chapter five, on account of its being previously occupied, and the grant made in proper time; and the concession made in the name of the King, in virtue of authority sufficient and his own commission, must be and must remain always firm and valid as if himself had made it. Of this we have an express text in speaking about what is done by the procurators of Cæsar, (l. 1. de off. Proc. Cæsar,) and others still more expressive, which decide upon what we are saying upon the subject of gifts.†

Book 5, *chapter* 12, *article* 1.

Although it may seem that enough was provided for the maintenance of peace and for justice in the provinces of the Indies by the creation of audiences and magistrates, of which mention has been made in the preceding chapters, still, as those went on peopling and distinguishing themselves so much, it became meet, at least in the principal parts, such as Peru, New Spain, &c., to place governors of greater weight, with the title of viceroys, who should also act as presidents of the audiences there residing, and who should separately have in charge the government of those extensive dominions, and of all the military bodies which might there arrive, as their captain general; and should act, watch, and take care of all which royalty in person would act and take care of if there present; and should be understood to be suitable for the conversion and protection of the Indians, and spreading of the Holy Word, the political administration, and for the peace and tranquillity, and the increase of things spiritual and temporal.

ARTICLE 3. And truly, the provinces of the Indies being, as they are, so distant from those of Spain, it became necessary that in these, more than any other, our powerful Kings should place these images of their own, who should represent them to the life and efficaciously, and should maintain in peace and tranquillity the new colonists and their colonies, and should keep them in check and in proper bounds by such a dignity and authority as the Romans did when they spread theirs over the best part of the globe, dividing the most remote into two kinds, which they called *consular* and *pretorean;* the Emperors themselves taking the government of the principal of these in their own hands, and charging the senate with the second; and giving to those who went to govern the first the name of proconsuls and to the others that of presidents, about which we have entire chapters in law, where the commentators speak of this more extensively, and an infinity of authors.

ARTICLE 4. Some of those observe (in terms of which we speak) that to those proconsuls or presidents, may be likened the viceroys of the present day, although this is not agreed to by Pedro Gregorio, who says that the authority and power is greater of the viceroys, and that in France very rarely was

* L. 3, ff. de publicam, § fin. instit. de oblig. quæ es quasi dedic. Cabedus et alii apud Mc. d. c. 4 n 78.
† C. si is qui, 12 de prob. lib. 6, vide verba apud Mc. d. c. 9 num. 35.

such a dignity granted, except to a brother or child of the prince, or one designated as successor to the empire; and I find Bobadilla of the same opinion—afterwards Alciato and others whom he names.—*(See references.)*

Article 6. But however this may be, (their similitude to other titles,) it is of little importance. What I reckon as certain is, that the person to whom there is the greatest likeness, is to the kings themselves who appoint them and send them out, generally choosing them from titled gentry, and the most worthy in Spain of his chamber counsel, causing them, in the provinces which are intrusted to them, to be looked upon, as I have said, as their own person, to be their substitutes; for this is properly signified in the Latin word proreges or vice-reges, which in the common language we call viceroys; and in Catalonia and other parts they are called alterego, on account of this ubiquity of likeness or representation, which is also treated of in some chapters of common law, and the laws of the Partidas, and which are described extensively by Budeo, Casaneo, and other authors.—*(See references.)*

Article 7. From which it happens that regularly in the provinces which are intrusted to them, and in every case, and in all things which are not especially excepted, they possess and exercise the same power, authority, and jurisdiction, with the King who names them; and this not so much as a delegation as in the common way, as is proved by the texts, and by the doctors already quoted, and a number of others which are cited by Avendano, Humada, Cordan, Tollada, Bobadilla, Calisto, Remirez, Berarto, and others of the moderns, and in particular Juan Francisco de Ponte and J. M. Novario, who have written especial and copious treatises upon the office and power of the viceroys, and who reprove Fontancla, who, in too general terms, calls it delegated, and to these I add the latest, Marco Zuerio, who, in one of his political emblems, expressed well this representation with the painting of a seal, which the wax, being warm, receives, in which it is stamped or printed, with the addition of the letters for motto, *alter et idem;* and he applies it to this communication and representation which the Kings make of their Majesty to the viceroys whom they send to govern provinces where themselves cannot be present, they remaining with their power entire, although it be transmitted or transferred from one to others.

Article 8. And, approaching nearer to the municipal right of our Indies, almost everything which relates to this great power and dignity of viceroys will be found in the cédulas which I have already quoted, and in particular that part regarding their representation in one issued at the Escorial, July 19, 1614, from which is inferred "that to the viceroys there is, and must be observed, the same obedience and respect as to the King, without putting the least difficulty, contradiction, or interpretation, under the penalty of those who should contravene, incurring the punishments ordained by law, who do not obey the royal orders, and the others which are there marked and related."—*(See references.)*

Article 9. And all this is very right, for wherever the representation of another is given, there is the true copy of that other, of which the image is produced or represented agreeably to the understanding of a text, and as Tiraquelo explains at great length, and other authors; and, in general, this representation is more resplendent when the viceroys *and magistrates* are further rem ved from the masters who influence and communicate it to them, as Plutarch finely expresses it by the example of the moon, which becomes of greater size and splendor in proportion as she removes from the sun, which is the object which gives her that splendor.

Article 10. From all which I infer, in the first place, that this viceroyal power and dignity being of this nature, and so great as has been said, and that it has to be exercised in so many and such arduous affairs and cases as occur generally in the Indies, the prince ought to look well to the persons he chooses and sends upon these employments, since even in those of oidors and other ministers of less note, I demonstrated the necessity of the same caution in other chapters, and as to governors who are sent to new or warlike provinces, this is adverted to in elegant expressions by Cassiodoro.—*(See references.)*

Article 11. And the Padre Josef de Acosta is not less elegant in treating of the qualities of the viceroys, when he says that if the Romans took so much pains to send to their remote provinces, and such as were lately conquered, men of the first choice, perfect, and experienced, whom they knew, and scarcely trusted others than the very consuls of their own city; much greater pains are required with viceroys for the New World, which is so much farther distant from the eyes of their Kings, and is composed of so many different nations and mixtures of people, and comprehends so many new provinces, in which every day there occurs some new and unthought of affairs; where mutiny and sedition are contemplated; where sudden and dangerous changes are experienced; where municipal laws are not known, or not found sufficient for every case; and if we wish to make use of the Roman code, or the Castilian, these do not square with those of the country, and the very state of the republic is so inconstant, varied, and different in itself every day, that things which yesterday might be judged and considered as very straight and regulated, to-day would become unjust and pernicious.

Book 5, *chapter* 13, *page* 376, *article* 2.

The first established rule and sentence is, that viceroys can act and despatch in the provinces of their government, in cases which have not been especially excepted, all that the prince who named them might or could do, if he where himself present, and for this reason and cause his jurisdiction and power must be held and judged more as a thing established than delegated.—*(See references.)*

Article 3. All which is indeed conformable to the purpose for which these honorable and pre-eminent employments were instituted, which was, as it appears, that subjects who live and reside in such remote provinces may not be obliged to go and seek the King, who lives so far off; and that they may have near to them a substitute of his, to whom they can apply, with whom and of whom they can treat; they can ask and obtain all which they might expect from the King himself, or obtain from him even in those things requiring power or especial provision, as, after Andres of Milan and Francisco de Ponte, is explained well by Capiblanco, Mastrillo, Gambacurta, and others who treat of this. And speaking of this, the lawyer, Ulpiano, dares to say, in an absolute style, "that there is no case in the provinces which cannot be despatched by them;" and the same doctrine, with many examples to confirm it, are taught to us by many other texts of law, civil, canonical, and royal.—*(See references.)*

Article 4. In particular passages relating to viceroys of the Indies, we have an infinite number of cédulas which decide this and assert the same, which can be seen in the first volume of those in print from page 237, and, besides these, another still of a fresher date given at St. Lorenzo, July 19, 1614, which orders, generally, "that the viceroys, as holding the place of the King, can act and decree in the same manner as the royal person, and must be obeyed as one holding his authority, without replying, without interpretation, under the penalties to which are subjected those who do not obey the royal commands,

and such laws as may be imposed by them; and that which they ordain and command, the King will hold as firm and valid."—*(See references.)*

ARTICLE 5. All which is certain, and in such manner that even when they exceed their powers or secret instructions, they must be obeyed like the King himself, although they may transgress and are afterwards punished for it, as I have already said in other chapters; and Mastrillo expresses it at some length, in speaking of the practice of these secret instructions, and the form which must be observed in them. And the reason of this is because we must almost presume in favor of the viceroys, and what they do we must consider as done by the King who appointed them, as is said in many texts and by several authors.—*(See references.)*

Book 6, *chapter* 12, *page* 482, *article* 13.

And by another cédula in Madrid, October 27, 1535, it is permitted that the ancient conquerors, and *other well deserving* persons in the Indies, be remunerated and accommodated with lands and possession there, and that amongst these the most worthy should be preferred; which cédula is very just, and now can be enforced by the viceroys without contravening that of 1591, *when the merits were worthy of satisfaction*, because the interest of Kings is not small to give compliance to it, nor is it new to give a premium to old service, as I have said in other places.

I certify that I have revised the above translation, and compared it with the original, to which it corresponds minutely.

ROBERT GREENHOW,
Translator of foreign languages to the Department of State.

22D CONGRESS.] No. 1088. [2D SESSION.

ON CLAIM TO A CHOCTAW RESERVATION IN MISSISSIPPI UNDER THE SECOND ARTICLE OF THE TREATY OF SEPTEMBER 27, 1830.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1833.

Mr. PLUMMER, from the Committee on Public Lands, to whom was referred the petition of Silas D. Fisher, reported:

That by the provisions of the second article of the supplement to the treaty made and entered into between the United States and the Choctaw nation of Indians at Dancing Rabbit creek, on the 27th day of September, A. D. 1830, a reservation of one section of land was granted to Silas D. Fisher, alias Silas D. Fisher the petitioner, to be located so as to include his residence and improvement at the time of the treaty. It appears from the statements of the petitioners, as well as other evidence, that the said Fisher had no permanent residence and improvement within the limits of the Choctaw nation at the date of the treaty, but that he was residing temporarily with his father-in-law near the Choctaw line, without the boundaries of the nation. The petitioner is therefore not only unable to avail himself of the provisions of the treaty in his favor, but in consequence of his peculiar situation is deprived of the provisions of the 14th article of the said treaty, granting to each head of a family a section of land, to include his improvement, on condition of his residing on the same for five years; and also of the provisions of the 19th article, granting to each head of a family a tract of land in proportion to the quantity he might have had in cultivation at the date of the treaty.

Other persons provided for in the same article of the supplement to the treaty, who were similarly situated with Mr. Fisher, and did not reside in the nation, were by a provision in the treaty authorized to locate the reservations granted to them on any of the unimproved and unoccupied lands within that section of country acquired from the Choctaws by the aforesaid treaty. The petitioner was one of the mingoes or captains who signed the treaty. It is therefore evident from the foregoing, and other facts and circumstances, that it did not occur to the commissioners that the petitioner had no residence and improvement in the nation at the time of the execution of the treaty, or he would have been permitted by a clause in the treaty to locate the reservation granted to him on any of the unappropriated lands. The petitioner therefore prays the passage of a law authorizing him to locate the section of land granted to him on any of the unappropriated lands within the limits of that tract of country ceded to the United States by the treaty aforesaid. In the opinion of the committee, equity and justice demand the relief prayed for. The committee will not go into an argument in favor of the petitioner, but refer to the arguments so forcibly set forth in the petition, and the facts stated in the accompanying documents made a part of this report.

The committee report a bill for his relief.

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

The petition of the undersigned, one of the captains of the northwest district of the Choctaw nation, in the State of Mississippi, respectfully showeth: That the name of your petitioner is contained in the 2d article of the supplement to the late treaty between the United States government and the Choctaw nation, which reads as follows, viz: "Article 2. And to each of the following persons there is allowed a reser-

vation of a section and a half of land, to wit: James L. McDonald, Robert Jones, Noah Wall, James Campbell, G. Nelson, Vaughan Brashears, R. Harris, Little Leader, S. Foster, J. Vaughan, L. Durans, Samuel Long, T. Magaha, Thomas Evnidye, Giles Thompson, Thomas Garland, John Bond, William Leflore, and Turner Brashears. The *two first named persons* may locate one section each, and one section jointly, on any unimproved and unoccupied land, *these not residing in the nation.* The others are to include their present residence and improvement. Also one section is allowed to the following persons, to wit: Middleton Mackey, Wesley Trahern, Chodehmo, Moses Foster, D. W. Wall, Charles Scott, Molly Nail, Susan Colbert, who was formerly Susan James, Samuel Garland, *Silas Fisher*, D. McCurtain, Oaklahoma, and Polly Fillicutchy, to be located in entire sections, *to include their present residence and improvement*, with the exception of Molly Nail and Susan Colbert, who are authorized to locate theirs on any unimproved and unoccupied land."—(Reference to the supplement to the treaty.) And your petitioner further showeth that his residence at the time of the execution of the treaty *was*, and, from the time he left his father's house, more than a year previous, *had been* without the limits of the Choctaw country, and that he never had a separate residence or any improvement in the said Choctaw country.—(Reference to the annexed certificates, and to the return of the agent of government employed to take an account of the Choctaw improvements and residences.) And your petitioner further showeth that the 18th article of the treaty contains the following provision, viz: "And further, it is agreed that in the construction of this treaty where well-founded doubt shall arise, it shall be construed most favorably towards the Choctaws."—(Reference to the treaty.) Your petitioner therefore prays that his case may receive from your honorable bodies a favorable construction, and that in the decision to be made regard may be had to the following considerations, viz: 1st. The intention of government to grant him a section of land as expressed in the words "also one section is allowed to the following persons, &c."

2d. The fact that the two persons first named in the second article of the supplement, which contains the name of your petitioner, having been known to the United States commissioners to reside without the limits of the Choctaw country, were permitted *expressly* upon that ground to locate their reservations upon any unimproved and unoccupied land.

3d. The nature of the case presented by your petitioner, (there being a grant of land without any residence or improvement to fix its location,) as one involving a well-founded doubt to be construed agreeably to the 18th article of the treaty; and

4th. The fact that your petitioner will remain entirely unprovided for, unless the grant made to him by government shall be constituted a floating reservation.

In view of these considerations your petitioner prays that he may be permitted and authorized to locate the section of land granted to him by a provision in the 2d article of the supplement to the treaty lately concluded between the United States government and the Choctaw people, upon any lands in the northwest district of the country ceded by said treaty, (to which your petitioner was attached,) unimproved and unoccupied at the time of the execution of said treaty. And your petitioner, as in duty bound, will ever pray, &c.

S. D. FISHER.

OCTOBER 15, 1832.

Certificate of Colonel G. Leflore.

I, Greenwood Leflore, chief of the northwest district of the Choctaw nation, in the State of Mississippi, do hereby certify that Silas D. Fisher, named in the 2d article of the supplement to the late treaty between the United States government and the Choctaw people, was, at the time of the execution of said treaty, one of the captains of said district, and, as such, used his influence in favor of the measure and signed the treaty; that in consideration of his merit as a virtuous man and an active officer, he was proposed as one eminently entitled to the gratuity of a section of land, and his name was accordingly inserted in the 2d article of the supplement to the treaty; that the fact of his having no residence or improvement in the Choctaw country did not occur at the time his name was introduced, but that it is well known to me that the said Fisher resided, at the time of the execution of the treaty, with his father-in-law, a white man, without the limits of the Choctaw country, where he had lived from the date of his marriage, a considerable time previous, and that he never had a separate residence or any improvement in said Choctaw country. As, therefore, the article embracing the name of said Fisher is so worded as, in connexion with the facts above stated, may prevent a location of the land granted to him by government, in consequence of which, if a rigid construction is enforced, a poor but highly meritorious man may be deprived of the bounty intended to be bestowed, I would earnestly recommend his case to government as one involving a *well-founded doubt* as to the location of a claim, which, I hope, may be so construed as to admit of a location upon any lands in the northwest district of said Choctaw country, to which said Fisher was attached, unimproved and unoccupied at the time of the execution of said treaty.

Given under my hand the 15th day of October, 1832.

GREENWOOD LEFLORE.

Certificate of United States agents.

We, the undersigned, agents of government for the Choctaw people, do hereby certify our belief of the facts stated in the foregoing certificate of Chief Greenwood Leflore, and from our knowledge of the character and services of Captain Silas D. Fisher as a man of correct moral deportment and an efficient assistant of the agents of government in the removal of his people, do cheerfully concur in the recommendation of his case to the favorable consideration of the government, believing that his interests can only be protected by a grant of the privilege of locating his claim in the manner stated in the foregoing certificate.

Given under our hands the 15th day of October, 1832.

S. T. CROSS, *Agent Creek Removal.*
WM. S. COLQUHOUN, *Assistant Agent.*

N. B.—The foregoing certificate of the agents for the Choctaws would have been signed by Major W. Armstrong, the superintending and only remaining agent of the Choctaw removal, and also by Colonel F. Armstrong, the agent for the Choctaws west and one of the agents for examining the Choctaw improvements, if it had been possible for my friend who assisted me in procuring certificates to have seen them. When I last saw Colonel Armstrong he informed me that he had represented my case to the department and expressed his wish and his confident belief that my claim would be constituted a floating reservation.

S. D. F.

WASHINGTON, *January* 7, 1833.

In answer to your request to be informed what I know of the facts stated by Mr. Silas D. Fisher in his petition to Congress on the subject of his claim to a reservation of land under a provision of the late treaty with the Choctaw tribe of Indians, I have the honor to state that I am personally acquainted with Silas D. Fisher; he was at the time of the treaty a captain in Colonel Greenwood Leflore's district; he had returned from school from Kentucky and married a short time before the treaty. I am confident he had no improvement in the nation. He had not settled, but was at the time staying with his father-in-law, Mr. Kelly.

Yours, &c.,

JOHN BLACK.

Hon. F. E. PLUMMER.

22D CONGRESS.] No. 1089. [2D SESSION.

ON CLAIM TO A RESERVATION OF LAND UNDER THE TREATY WITH THE CHOCTAW INDIANS OF SEPTEMBER 27, 1830.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1833.

Mr. PLUMMER, from the Committee on Public Lands, to whom was referred the petition of Greenwood Leflore and others on behalf of Jacob Thompson, reported:

The petitioners represent that Jacob Thompson is a native and quartroon of the Choctaw tribe of Indians, and that no provisions were made for him to obtain a grant of land by the treaty of Dancing Rabbit creek, made on the 27th day of September, 1830, between the United States and the mingoes, chiefs, &c., of the Choctaw nation. They therefore pray Congress to pass a law extending to said Thompson the provisions of the fourteenth article of said treaty.

There is no evidence before the committee other than the statements of the petitioners, nor is any reason assigned by the petitioners why Thompson does not come within the purview and meaning of said article of the treaty. By the provisions of the above-mentioned article of the treaty aforesaid "each Choctaw head of a family," on signifying his intention to become a citizen of the United States and continuing thereon for five years, is entitled to a reservation of six hundred and forty acres of land for himself, to three hundred and twenty for each child over ten years of age, and to one hundred and sixty for each child under ten years of age. In the absence of any testimony on the subject the committee deem it inexpedient to grant to the said Jacob Thompson the relief prayed for, when the petitioners, by their application to Congress, admit that he cannot legally avail himself of the general provisions contained in the treaty. The committee therefore ask to be discharged from the further consideration of the subject.

22D CONGRESS.] No. 1090. [2D SESSION.

APPLICATION OF ILLINOIS FOR THE RIGHT OF PRE-EMPTION TO ACTUAL SETTLERS ON THE PUBLIC LANDS WITHIN HER LIMITS.

COMMUNICATED TO THE SENATE JANUARY 11, 1833.

To the honorable the Senate and House of Representatives of the United States assembled, &c.:

The memorial of the legislature of the State of Illinois would respectfully represent: That deeply sensible of the importance to the growth and real prosperity of this State, (of a population of freeholders,) and convinced that the interest of the Union in the public lands so far from being disadvantageously affected will be the more promoted as those lands are in the greater quantity sold, your memorialists propose for your favorable consideration the enactment of a law granting pre-emption rights for two years after its passage, to actual settlers on the public domain, whereby they may enjoy the same privilege as those provided by the act supplementary to the several laws for the sale of the public lands, "approved the 5th day of April, 1832."

Your memorialists respectfully suggest to your honorable bodies that many worthy heads of families are settled upon the lands of the United States, whose most industrious exertions afford them but little more than the means requisite to their support; while holding by a precarious possession the improvements which they have made, they have little or no inducement to greater exertions than that derived from a hope, though distant, that they may, by untiring industry and rigid economy, accumulate the money necessary to secure them freeholds at the minimum price.

This class, embracing, as your memorialists are assured it does, many valuable citizens, is composed of those whose necessities and habits compelled them to cultivate the earth for subsistence; and acting under the expectations entertained by them of the liberality of Congress, they have entered upon the public lands and made openings in the forests, thereby attracting others of more capital and enterprise to the neighborhood, and by reducing the public land to cultivation have furnished inducement to others to vest capital in land, which but for the hardy enterprise of the original settler on the neighboring tracts might have for years escaped the notice of purchasers, and thus have lain profitless to the government. These considerations, your memorialists conceive, weigh much in the scale of policy. But your memorialists would appeal to your justice and liberality on behalf of the adventurous pioneer of the wilderness. He has lived to see privileges now asked for conferred upon others similarly situated with himself, while with unceasing toil he was striving to acquire the means of availing himself of them, whenever, in realization of hopes created by an established policy and course of legislation, an opportunity should be presented under a new enactment of Congress.

He knows that the government has been benefited by his industry in an increased sale of the surrounding lands, and cannot believe that he is to be thrown upon the charity of the merciless speculator in the labors of others—that his hard-wrought improvement is to go to the enjoyment of a stranger without remuneration.

ALEXANDER M. JENKINS, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

22D CONGRESS.] No. 1091. [2D SESSION.

ON APPLICATION FOR RETURN OF MONEY PAID FOR LAND SOLD BY THE GOVERNMENT WITHOUT TITLE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 14, 1833.

Mr. ASHLEY, from the Committee to whom was referred the petition of Baptiste Jeansonne and Joseph Pierre Petre, reported:

That Baptiste Jeansonne and Joseph Pierre Petre, as the legal representatives of Petre Forest, Antoine Dupré, Scolaste Roy, claims seventy-four acres of land which was originally included in their surveys of three several tracts of land granted by the Spanish government, and confirmed by the United States. From the evidence before the committee, it seems that the surveys made under the authority of the United States, by their deputy, James Hazzard, were erroneously executed, varying from the original lines so as to leave out of their boundaries the said seventy-four acres of land, and including the same quantity by running upon a confirmed tract belonging to another individual; thereby the said seventy-four acres were represented as public land and sold accordingly, and the said Jeansonne and Petre became the purchasers at one dollar and twenty-five cents per acre, amounting to ninety-two dollars and fifty cents. They therefore solicit Congress to pass an act authorizing the return of the money so paid.

The committee, considering the prayer of the petitioners just and reasonable, report a bill for their relief.

22D CONGRESS.] No. 1092. [2D SESSION.

RELATIVE TO INCREASED APPROPRIATIONS FOR THE GENERAL LAND OFFICE, AND THE CORRECTION OF ABUSES IN THE EXECUTION OF THE SURVEYS OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1833.

Mr. WILDE, from the Committee of Ways and Means, submitted the following resolutions and documents:

Resolved, That the estimates, documents, and correspondence transmitted to the Committee of Ways and Means by the Commissioner of the General Land Office, in explanation of the increased appropriations asked for the service of the present year in that department, be printed, and referred to the Committee on Public Lands, with instructions to inquire and report—

1. Whether any, and which, of the appropriations now asked, and not heretofore made or authorized, are proper to be hereafter provided for by law; in any and what manner, and for any and what time, and to report the proper bill or bills for that purpose.

2. What have been the causes of the arrearages of business in the General and other Land Offices: and whether any and what part of them have arisen, or are likely to increase from unnecessary precipitation in surveying and bringing into market the public lands; excessive appropriations for that purpose; too large allowances to surveyors or others concerned in that service; too minute a division of the lands; the injudicious survey and subdivision of such as are not worth that expense; or any other and what causes; and what are the appropriate remedies?

3. Whether any and what abuses exist in the survey, sale, or entry of the public lands through defects in the existing laws or otherwise, and what are the appropriate remedies; and especially whether any and what further provisions are necessary to insure fidelity, industry, and punctuality in discharge of the duties of all persons employed in the General and other Land Offices, their clerks and deputies, including the surveyors, their deputies, and the other persons employed by them?

4. Whether any and what further provisions are necessary to prevent registers, receivers, and their clerks and deputies, surveyors, and their deputies and clerks, and all other persons employed in the General or other Land Offices, from engaging, or being directly or indirectly interested or concerned in the purchase, sale, or entry of lands, or any interest therein; and to make void all fraudulent deeds and devices by which the laws in that respect may be evaded; and that the committee have power to send for persons and papers?

GENERAL LAND OFFICE, *January* 7, 1833.

SIR: To explain the objects of the following appropriations for the year 1833, for which estimates have been submitted by the Secretary of the Treasury, I have the honor, respectfully, to refer the committee to the following accompanying documents, viz:

Paper marked A will serve to show the items composing the aggregate amount of $16,158 40, as contingencies for the year 1833, and to cover the deficit in the appropriation of the last year to meet the expenses of that year. It will be perceived that the single item of blank patents, including the printing, covers $11,858 40, leaving only $4,300 to cover all other expenses, including 200 books.

I have to assure the committee that the expense of the land office *increases* in a *direct ratio* with the increase of sales and land offices. There are at present forty-eight land offices in operation; two, at least, if not three, will be created during the present session out of the late Choctaw and Chickasaw cessions, and others are contemplated. The expense of getting these offices into operation bears heavily upon this office. The late law authorizing the subdivision of the public lands into quarter-quarter sections has greatly increased the number of patents (two being required for the same quantity of land that a single patent was formerly granted.) Hence the demands of the contingent fund must necessarily be on the increase. It may, moreover, be satisfactory to the committee to be assured that this office obtains all articles of contingencies on the lowest prices that the market affords. The parchment contract is reduced so low as to have rendered it difficult for a long time to find merchants willing to accede to the terms offered by the office. We pay nineteen cents for parchment and printing: fifteen years ago they cost about three times that amount. Such has been the economy exercised in this office that it is impossible to effect any reduction in the expenses.

In consequence of the deficit of the last year's appropriation, the office has been compelled to obtain from the Branch Bank of the United States an advance of $2,290 on the faith of an appropriation to cover such deficit.

In reference to the item of surveying expenses, I beg leave to refer the committee to the accompanying paper, marked B, and the copy of the surveyor's estimates (so far as received) accompanying the same paper, marked C.

To explain the submissions for the offices of the surveyors general, I beg leave to refer the committee to the circular letter from this office dated 13th of September, 1832, to the several surveyors general, and to their reports in reply thereto, all under the same cover, marked D.

I flatter myself that the surveyors' reports will fully explain the absolute necessity of providing increased means for the surveyors' offices. It has for years past been *matter of notoriety* in the several surveying districts (of which there are now *seven*) that the government has failed to accomplish the object of the laws of Congress in having lands brought into market after the surveys have been made, for want of force in the surveyors' offices, by reason of the inadequacy of the appropriation. The public interest and that of individuals equally demand that those surveys be brought into market. Depredations are constantly being committed on the timber, thereby depreciating, in numerous instances, the value of the land.

After the surveys are completed, it is the duty of the surveyors' offices to test the accuracy thereof by protraction. Triplicate plats have then to be made out—one for the district land office, one for the General Land Office, and a third for the record in the surveyor's office; the field-notes have afterwards to be recorded. A late law of Congress authorizing the subdivision of land into quarter-quarter sections has greatly added to the labors of the surveyors' offices. The old subdivisions have to be disturbed, and new subdivisions have to be made; these new subdivisions have also to be made in triplicate.

The timely and judicious application of small sums might, to a great degree, have prevented the existing embarrassments in the surveyors' offices. There are about four hundred townships of land surveyed, which cannot be brought into market for want of more clerks and draughtsmen.

New laws are continually imposing new duties and taking off the attention of the officers from the mass of arrears, and thereby increasing them.

In addition, I have to urge, as a reason for the necessity of increased expenditure, the fact that the surveyors' offices contain all the *original evidences* of survey. Their offices are anything but fire-proof, and if burnt down, all legal evidences of surveys are lost with them. This was the case in Alabama about five years ago; the surveyor's office was destroyed by fire, and probably one-half the evidences of surveys in that State were consumed. To prevent a similar evil the department is greatly desirous of having authenticated transcripts of the field-notes filed among its own archives; and hence the two objects of bringing up the back work in the surveyors' offices and the commencing a system of transcribing of the old field notes are blended together in the estimate; and the reason for blending them was, that all the reports from the surveyors, under the circular letter of the 13th September last, were not

received in due time, and the estimate was necessarily made without them. Now that they are received, (in part only, however,) I do not see any good reason for making any alteration in what has been estimated.

In reference to the submissions for extra clerk hire in this office, I have to remark that the labors of this office are continually increasing. The aid which those estimates call for will not keep up current business. There are now *forty-five thousand patents to be issued;* before the end of the year there will be *forty-five thousand more,* and there are already *six new land offices* which the office has no accountant to supervise.

The best idea that can be given of the wants of the office is the undeniable fact that its concerns with each land and surveying district, to wit: checking the sales of public lands, (that is, keeping an account with each purchaser of public lands;) auditing the accounts of the receivers of public moneys; writing and recording all the various descriptions of patents for public land, private claims, and military bounties; issuing military land scrip; preparing connected maps of the public surveys; the immense amount of correspondence with land agents and individuals, demand at least one clerk to supervise the concerns of each land and surveying district and perform the various duties which are briefly enumerated above. There are at this time fifty-five land and surveying districts, whereas there are only seventeen regular clerks and eleven extras; in all, twenty-eight.

In relation to the nature and amount of the arrears of this office, I would beg leave to refer the committee to my reports accompanying the last three annual reports made by the Secretary of the Treasury to Congress.

Being now fully of the opinion that the estimates for extra clerk hire are far short of the exigency of the public service, and as there are now six land districts without a clerk to superintend them, and there being five or six in contemplation this session, I cannot fail to urge on the committee the necessity of increasing the appropriation of $7,000 to $9,000.

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

ELIJAH HAYWARD.

Hon. G. C. VERPLANCK, *Chairman Committee of Ways and Means, House of Representatives.*

A.

An explanation of the estimate of the expenses of the General Land Office during the year 1833, *submitted by the Secretary of the Treasury.*

Item	$16,158 40
Deficit of appropriation for 1832:	
Bartow & Co.'s bill, rendered for 4,680 parchments	655 20
Bartow & Co.'s bill, rendered for 4,680 parchments	655 20
William J. Stone's bill, for printing 11,600 patents on copperplate, at 5 cents	580 00
Cost of printing 9,360 parchments, delivered by the Bartows, as above	468 00
Peter Force's bill, for fifty tract books	400 00
Cost of fifty additional tract books which should have been procured for surveys to be opened in 1832	400 00
	3,158 40
Of this deficit for the past year the sum of $2,290 40 have been advanced by the Branch Bank of the United States.	
In 1833, 50,000 pieces of parchments are to be paid for during the year. There are *now* 45,000 patents *to be issued.* Before the end of this year there will be 90,000	7,000 00
Printing 50,000 patents on copperplate, at 5 cents	2,500 00
For 100 record books for land patents, paper, quills, ink, wafers, blanks for forfeited land scrip, records for military land scrip, binding returns from land offices, miscellaneous records, bookcases, desks, carpets for brick floors, printing accounts for advertising land proclamations, printing instructions to the district land offices, and supplying books and blanks for the same, &c., &c., &c	3,500 00
Aggregate	16,158 40

B.

In explanation of the estimate of the expenses of surveying the public lands during the year 1833, *submitted by the Secretary of the Treasury.*

1st. The general item of $75,000. This item embraces all the public surveys for which specific objects are not assigned, to wit:

For Ohio, Indiana, and Michigan peninsula, also surveys in Michigan west of the lake	$50,000
For the Territory of Arkansas	20,000
For the Territory of Florida	25,000
For Louisiana	25,000
For Illinois and Missouri	26,000

For Mississippi,* balance due on old surveys	$10,000
For Alabama*	5,000
Aggregate	161,000
Deduct unexpended balance of former appropriations	86,000
Leaves	75,000
In reference to the items for surveying the late Choctaw cession in Mississippi and Alabama..	75,000
For surveying the late Creek cession in Alabama	20,000
For surveying the late Chickasaw cession in Mississippi and Alabama, in case the treaty should be ratified	80,000

The committee are respectfully referred to the accompanying copies of the surveyor's estimates.

C.

Copy of surveyor's estimates for 1833.

SURVEYOR'S OFFICE, *Florence, Alabama, November* 1, 1832.

SIR: Your letter calling for the usual estimates for surveying the public lands in Alabama for the year 1833 has been received, and, in answer thereto, I make the following estimates, which may not be precisely correct, but are as nearly so as may be. In the Choctaw country last ceded, and within the limits of Alabama, there are 3,447 miles of the lines of the surveys. This work has all been done in this year; but on account of some errors a small part of it has to be surveyed over again, but which will not produce a material difference in the extent of miles; whole amount, at four dollars a mile, is $13,788.

An appropriation was last year made of $80,000, to be applied to paying for the surveying of this country. Out of that appropriation I have received $8,000; the balance of $5,788 is yet due to the surveyors for that work, and probably may be paid out of the former appropriation. This can be ascertained at the proper department of the treasury.

The survey of the Creek lands is now in progress, and will be completed, in all probability, in the course of this year. The precise contents are not yet known, but it may be estimated that the survey will amount to $70,000.

An appropriation was made last year for surveying the Creek lands of $50,000, which will leave a balance of $20,000 to be raised out of next year's appropriation.

By a treaty lately signed between the United States and the Chickasaws, which is not yet ratified, but, if it shall be ratified by the President and Senate, the Chickasaw nation has ceded all their country east of the Mississippi river, estimated to contain 280 townships, equal to 6,451,200 acres, or 20,160 miles of surveying, at four dollars a mile, will be $80,640.

If the treaty is ratified the land will be surveyed in the year 1833; and although the surveys are to be paid for out of the proceeds of the sale of the same lands, yet the government will advance it before the sale can take place, subject to be refunded out of the sales of the lands, as is provided for in the treaty.

Recapitulation.

For surveying the Choctaw lands	$5,788
For surveying the Creek lands	20,000
	25,788

If the Chickasaw treaty is ratified, it is estimated that 20 townships of that country will be in Alabama, and 260 townships in Mississippi—in all, 280, equal to 20,160 miles, at four dollars per mile, $80,640.

I am your obedient servant,

JOHN COFFEE.

T. L. SMITH, Esq., *Register of the Treasury.*

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, December,* 1832.

Estimate of the amount of public lands in the State of Louisiana to be surveyed in the year 1833.

In the southwestern district, 1,500 miles of the public lands, at four dollars per mile	$6,000
In the district north of Red river, 4,000 miles of public lands, at four dollars per mile	16,000
In the southeastern district, 1,500 miles of public lands, at four dollars per mile	6,000
For surveying private confirmed claims in said district	2,000
	30,000

H. B. TRIST, *Surveyor General.*

* Exclusive of the late Indian cessions.

SURVEYOR'S OFFICE, *Washington, Mississippi, October* 20, 1832.

SIR: In reply to your letter of the 11th ultimo, requesting an estimate of the expenditures which may be necessary for this office for the year 1833, I have to state that, for surveying in the late Choctaw cession, there was last session of Congress appropriated $80,000 Of this sum I learn from General Coffee that $13,500 may be required for that part of the late Choctaw cession within Alabama, leaving for Mississippi $66,500.

The contracts for surveying already amount to about $70,500; which contracts were made under the belief that the whole $80,000 were applicable to surveys within Mississippi, as expressed in the law.

This will show a deficit to meet the contracts of	$4,000
Balance to complete the surveys of the late Choctaw cession, over the $70,500 which may be required in the ensuing year	65,500
To complete a few unfinished townships of the Choctaw district, and correct erroneous surveys, and supply defects in the surveys of the districts west of Pearl river	5,000
To settle accounts for surveying in Louisiana, and recording done by one of the late principal deputies, which accounts are not yet adjusted, say	15,000
For salary of the surveyor south of Tennessee	2,000
For salary of two clerks as usual	1,700
For salary of three extra clerks to keep up the recording and gradually bring up that which is several years in arrears, at $800 each	2,400
For record books and other necessary contingent expenses	500
	96,100

If the Chickasaw country should be obtained, and the government desire it, there may be one hundred townships surveyed of that country, which, at four dollars per mile, and allowing for traverse of water-courses, will require three hundred dollars on an average for each township, making $30,000, which added to the above will make the entire sum $126,100.

With great respect,

GIDEON FITZ, *Surveyor of Public Lands south of Tennessee.*

T. L. SMITH, Esq., *Register of the Treasury of the United States.*

SURVEYOR'S OFFICE, *St. Louis, November*, 1832.

SIR: Your letter of the 11th of September last was received in due time, and, in compliance therewith, I submit the following estimate of the expenses of this office during the year 1833, viz:

Surveying 7,700 miles of public lands, at $3 per mile	$23,100
Surveying the common field lots and the out-boundaries of the commons of the several towns and villages in Missouri, and for surveying and resurveying confirmed private land claims, say 500 miles, at $3 per mile	1,500
Postage on letters and packages received at and sent from this office on public business	300
Stationery, including platting instruments, and binding books of plats, &c	600
Office rent	180
Fuel	75
Office furniture	100
Salary of the principal surveyor	2,000
Salary of three clerks	2,000

And if the allowance for extra clerks, which has been recommended to the Commissioner of the General Land Office, should receive the sanction of Congress, the following additional appropriation will be required, viz.

Extra clerks	3,900
Additional office rent	120
Additional cost of fuel	75
Additional stationery and platting instruments	800
Additional office furniture	150
Also, if this office is authorized to employ on particular occasions, (as has been recommended,) a deputy surveyor at a per diem allowance, for the execution of such portions of the surveys as cannot be done for the present compensation, there may be required for that purpose	1,500
	36,400

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

E. T. LANGHAM.

T. L. SMITH, Esq., *Register of the United States Treasury, Washington City.*

SURVEYOR'S OFFICE, *Little Rock, Arkansas Territory, October* 20, 1832.

SIR: Your letter of the 11th ultimo, requesting estimates for the year 1833, has been received, and I have the honor herewith to transmit said estimates under the heads that follow, viz:

For surveying public lands	$25,000
For salary of surveyor general	1,500
For salary of draughtsman and clerks	1,800

For furniture for surveyor's office, viz: writing-desks and tables, bookcases, chairs, &c.....	$200
For blank books and stationery.....	150
For postage.....	50
For printing.....	100
For house rent and fuel.....	200
For transporting from St. Louis to Little Rock the books, papers, documents, &c., which relate to the surveys in the Territory of Arkansas.....	150
For surveyor general's services or mileage, travelling to and returning from St. Louis, in procuring and having transported to Little Rock, the books, papers, documents, &c., which relate to the surveys in the Territory of Arkansas.....	128
	29, 278

Making an aggregate of twenty-nine thousand two hundred and seventy-eight dollars.

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

J. S. CONWAY.

T. L. SMITH, Esq., *Register United States Treasury, Washington City.*

SURVEYOR GENERAL'S OFFICE, *Cincinnati, November* 7, 1832.

SIR: Your letter of the 11th September was duly received, and, in compliance with your request, I herewith have the honor to submit the following estimates for this surveying department for the year 1833:

For surveying the public lands in the Michigan Territory west of Lake Michigan, for contracts now existing.....	$20, 000	
For other surveys in Ohio, Indiana, and the peninsula of Michigan.....	5, 000	
		$25, 000
For salary of surveyor general.....	2, 000	
For salary of three clerks, as heretofore.....	2, 100	
For salary of additional clerks required by the state of the office.....	2, 000	
		6, 100
For stationery and postage.....		500
		31, 600

Prospective estimates made by this office must necessarily be uncertain, as it cannot be known what surveys the government may order to be made within the next year. If further surveys be ordered to be made within the year 1833 in the Territory west of Lake Michigan, which is probable, an additional sum, to cover such surveys, will be required.

I have the honor to be your obedient servant,

M. T. WILLIAMS.

THOMAS L. SMITH, Esq., *Register of the Treasury.*

D.

Copies of reports from the surveyors general in reply to the annexed copy of a circular letter bearing date September 13, 1832, *which are furnished to the committee with a view to explain the submissions for increased clerk hire in the surveyors' offices.*

CIRCULAR TO SURVEYORS GENERAL.

GENERAL LAND OFFICE, *September* 13, 1832.

SIR: I have to request that you will furnish to this office, in time to be submitted to Congress at an early period of the ensuing session, a report by land districts, detailing under specific heads, as far as practicable, the nature and amount of arrears of the different work of your office:

1st. The number of townships surveyed the field-notes of which remain to be tested by actual protraction, and the time which will be required to protract the same with your present force.

2d. The arrears in furnishing copies of township plats and descriptive notes, both to this office and the district land offices, with the time required to do the work with your present force.

3d. The arrears in recording plats, with the time required to perform the work with your present force.

4th. The arrears in recording field-notes, with the time required to perform the work with your present force.

5th. The number of clerks which would be requisite to bring up all the arrears in two years, were it practicable for so great a number to be employed at one time.

6th. The number of clerks that could be most usefully employed at one time, with their respective compensations, classed according to the duties to be performed, &c.

7th. The amount of house rent and fuel which would be required (in case Congress should make an appropriation for those objects) in the event of your being authorized to engage as many clerks as you could advantageously employ at one and the same time.

Intending to submit to Congress the propriety of so altering the law regulating the public surveys as to require the surveyors to furnish with the township plats, to this office and to the district land offices, copies of the *field-notes* instead of the *descriptive notes;* and also the propriety of transcribing *all the field-notes* of the public surveys now extant, in order that authenticated copies thereof may be preserved at

the seat of government, I will thank you to render a separate estimate of the amount of labor to be performed in order to effect that object, and of the time, number of clerks, and also the amount of expenditure that would have to be incurred in so doing.

I am, &c.,

ELIJAH HAYWARD.

SURVEYOR'S OFFICE, *St. Louis, November* 12, 1832.

SIR: In answer to the latter part of your letter of the 13th of September last, I have to inform you that it is estimated to transcribe all the field-notes of the surveys now extant in Illinois and Missouri, to be furnished the General Land Office, would require about 8,500 days' labor; which, allowing 300 working days to the year and an annual compensation of $600 to the clerks employed, would cost $17,000, exclusive of additional office rent, fuel, and stationery, which would perhaps be $1,000, making a total of $18,000. It is, however, recommended that this business should not be commenced until the field-notes are recorded in this office, and properly indexed.

To furnish the General Land Office and the district land offices with copies of the field-notes in lieu of descriptive lists of the townships to be surveyed in future, would require an additional labor proportioned to the quantity of surveys that may be executed in any one year; and as there are but few surveys that will be returned to this office before the latter part of next year, no appropriation will be required for that purpose at the ensuing session of Congress; but if it is intended to furnish the notes of the townships—the plats of which have not yet been sent to the district land offices—three additional clerks, at a compensation of $600 each per annum, will be required.

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

E. T. LANGHAM.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office, Washington City.*

SURVEYOR'S OFFICE, *St. Louis, November* 12, 1832.

SIR: I received in due time your letter of the 13th of September, of the present year, and herewith submit the following statements in answer thereto, viz:

1. There are no recent surveys in this office the field-notes of which require to be tested by actual protraction or otherwise; but circumstances which will be developed in an after part of this communication show that, to put the affairs of the office in proper order, this will be no small item in the catalogue of duties to be performed.

2. This office has not sufficient data to answer with precision what are the arrears in furnishing the plats and descriptive notes to the General Land Office and to the registers of the several land offices, as the record evidences thereof commence only with the latter part of the year 1824. It is expected, however, that of the surveys in Illinois and Missouri the plats have mostly been furnished to the General Land Office, and that the arrears to the registers are about four hundred townships and fractional townships, the plats of which on file in this office are unauthenticated, and ought, with few exceptions, to be constructed (or protracted) anew from the field-notes, and examined thereby, before copies are prepared for the land offices, which will require about 800 days' labor; to make and compare a copy of each for the registers will require, say, 400 days' labor; and to complete and compare the descriptive notes will require about 400 days' labor; making a total of 1,600 days' labor to bring up the arrears of this branch of business.

To furnish the registers with copies of the mutilated plats of townships heretofore offered for sale will require about 1,000 days' labor.

3. There has been surveyed in Illinois and Missouri townships and fractional townships equal to about 2,204 whole townships, of which the plats of only ninety townships and thirteen fractional townships have been recorded, (and which record is not authenticated,) leaving townships and fractional townships equal to about 2,108 whole townships of which the plats have not been recorded; and, as but few of those on file are authenticated, it is thought advisable to recommend that an entire new set be constructed, on suitable paper, from the field-notes, and examined and properly authenticated previous to putting them on record, except those in the Kaskaskia district, and some of the old surveys in the Howard and Western districts, of which there are duplicates, and sixty townships in the Shawneetown districts, of each of which there is one copy that has lately been constructed but not examined and authenticated, and excepting also a few others which have of late years been made, in conformity with the present regulations of the department at Washington city. To construct anew from the field-notes such of the plats as it is deemed necessary and proper, exclusive of those townships not yet furnished the registers and already estimated for, and also those which have lately been constructed, as before stated, will require about 4,000 days' labor. To examine the same, and those which have already been constructed, and make the required corrections, will be about 2,000 days' labor. To record the whole of the said plats and examine the record will be about 4,000 days' labor.

4. A small portion of the field-notes in the Kaskaskia, Shawnee, and Danville districts, but none in any of the other land districts, has been recorded. It is recommended that the whole be recorded with as little delay as practicable, for many of the notes of the old surveys are in a perishable condition, being, in numerous instances, nearly illegible on account of the indifference of the ink and paper, which are decaying with evident rapidity, and if much longer delayed will be a serious loss to the public. To record and examine the whole of the field-notes, except those already recorded, to examine the record, and to make proper indexes thereto, it is estimated will require 9,000 days' labor.

5. According to the foregoing estimates, it will require thirty-six clerks to bring up the arrears of the office and place the documents therein in proper order in two years, allowing 300 working days to the year; and although it is practicable, yet it is not thought advisable to employ so great a number at one time.

6. In addition to the clerks allowed by law and now engaged in this office, six others might be use-

fully employed at one time, viz: three draughtsmen, at $700 each per annum, and three recording clerks, at $600 each.

7. Should Congress make an appropriation for these objects, and allow six additional clerks, the office rent would then be about $300, and the fuel would cost about $150 per annum.

The latter part of your letter, requiring a *separate estimate* of the amount of labor to be performed in order to furnish the General Land Office with copies of all the field-notes of the public surveys now extant, and to furnish the district land offices and the General Land Office with copies of the field-notes, instead of descriptive lists, will be the subject of another communication by this day's mail.

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

E. T. LANGHAM.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office, Washington City.*

P. S.—The press of business in conducting the ordinary operations of this office has presented as minute an examination of the papers thereof as is desirable, and as would have been made under different circumstances, but it is confidently believed that the most scrutinizing inspection would vary the general result but little. And it may be proper to remark that, in estimating the time required to perform the different portions of labor, a liberal course was pursued, so as to be sure of not making an under calculation. Therefore, whatever errors may be found will, it is expected, invariably lessen the foregoing estimate, but not to any considerably extent.

SURVEYOR'S OFFICE, *Washington, Mississippi, October* 24, 1832.

SIR: In reply to your letter of the 13th ultimo, I have to state that there are about 400 townships in the old land districts of this State, of which the field-notes are not recorded. The clerks here estimate the recording of field-notes of three per week for one clerk as being sufficient, which would require the services of two clerks one year and a half nearly.

The contracts for surveying the late Choctaw cession amount to about $70,000; and allowing that each township on an average may require $300, the number of townships will be, say, 234, which, at three per week, will require one clerk to record the field-notes one year and a half. These two objects will occupy three extra clerks one year and six months.

The two clerks provided for by law, with the surveyor general, then may be able to prepare the township maps, record them, and furnish copies for the General Land Office and land offices, respectively.

It is proper to remark that clerks who are mere copyists would be of but little use in copying or recording the old surveys. The papers will require arranging, and notes for the government of the copyist, which will require the attention of the surveyor general frequently, or a practical experienced surveyor. Under these circumstances, I am induced to recommend the employment of only three extra clerks, at $800 each. If it should be determined to have all the field-notes copied out of the record books, as well as those which have not been recorded for the General Land Office, then two or three more clerks could be employed, as they could copy from the record books without much attention.

The correspondence between this office and the General Land Office should be recorded; as yet there has not been time to spare for this object. The accounts, too, should be recorded in full, rather than put them on file; papers on file are liable to be misplaced and lost. There has always been too much service required from this office by the government to be properly performed by the number of clerks employed.

My estimate furnished to the Register of the Treasury for the year 1833 will show you what surveying is contemplated for the ensuing year with the approbation of the government, and the expenditures to accomplish it. A copy is enclosed, dated the 20th instant.

As to office rent, it may be reasonable to estimate it at $180 per annum, or more; if several clerks should be employed it will require more room than we have at present. The office I now occupy is at a lower rate, but that is because there is very little demand for house room, and it is not large enough for more clerks than are now employed.

As to fuel, I presume that eight cords of wood will be sufficient for one fire-place, and four fire-places would not be too much for the number of persons to be conveniently situated, which, at $3 per cord, would amount to $96 per annum. These expenses should, in justice, be defrayed by the public, and not out of the surveyor's salary. His expenses of living are unavoidably very considerable in a southern country; his services are very laborious and responsible.

The copying of field-notes require, say, at least double the time that copying of descriptive notes of a township would require.

With respect,

GIDEON FITZ, *Surveyor of Public Lands south of Tennessee.*

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

SURVEYOR'S OFFICE, *Florence, Alabama, November* 29, 1832.

SIR: In answer to your circular letter of the 13th of September last, I make the following estimate and report, to wit: That part of the Choctaw country lately ceded to the United States which lies in the State of Alabama has been surveyed and returned to this office. It contains sixty-three townships and fractional townships; thirty-nine of which lie in the St. Stephen's land district, and twenty-four in the Tuscaloosa land district; none of which have as yet been protracted or copied in this office.

That part of the Creek country lately ceded to the United States within the limits of Alabama has, much of it, been surveyed and returned to this office, and the whole survey will be completed and returns made by the last of this year. It is estimated to contain two hundred and seventy-seven townships and fractional townships, to wit: 165 in the Tallapoosa district, and 112 in the Coosa land district, making in the whole, as before stated, 277 townships and fractional townships; none of which have been protracted or copied in this office

Recapitulation.

St. Stephen's land district	39 townships and fractions.
Tuscaloosa.....do	24....do.....do.
Tallapoosa.....do	165....do.....do.
Coosa .....do	112....do.....do.
Total	340 townships and fractional townships;

all of which have to be protracted, and two copies each of the township plats and descriptive notes to be made to the General Land Office and the registers' offices.

With the present force in this office it will require four and a half years, and perhaps five years, to perform the above work, including the various incidental duties of the office.

To bring up all the arrears of work in this office, including the above work, within two years, it will require the aid of four additional clerks, one of which must be a good draughtsman, to work under the directions of the present draughtsman, whose qualifications will enable him to direct and instruct the young draughtsman and perform his own duties also, but who ought to be compensated for such additional service and labor. In the event of thus pressing the business of the office, the labors of the present draughtsman and clerk will become laborious and increased, and therefore, in justice, their salaries should be raised to one thousand dollars each. I would propose an appropriation as follows:

For salary of principal clerk	$1, 000
For salary of principal draughtsman	1, 000
For salary of four clerks, each $625	2, 500
Additional office rent per year	100
Fuel per year	40
Total	4, 640

To make a complete copy of all the field-notes of the surveys in the State, and furnish one copy thereof to the General Land Office and to the register's office, it is presumed would require the labor of the foregoing force two years over and above the time to perform all the duties in the ordinary way, as at present practiced.

I have no correct data from which to make a correct estimate of the time to perform the service, as required in your letter first alluded to, but presume the foregoing is, as near as may be, a reasonable allowance for the labor required.

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

JOHN COFFEE.

Hon. ELIJAH HAYWARD, *Commissioner General Land Office.*

SURVEYOR GENERAL'S OFFICE, *Cincinnati, November* 13, 1832.

Sir: In compliance with the requests of your circular letter of the 13th September last, I have the honor of submitting the following statements. The nature and amount of the different arrears of work in this office, separated by land districts, being fully set forth in my communication to you of October 8, 1831, up to that date, I beg leave to refer you to that communication for an answer to that portion of your inquiries, and to add further:

1. The field notes returned to this office are regularly tested by protraction soon after their reception. Under this head there are no arrears of work in this office, with the exception of the notes of a few townships recently received.

2. There are no arrears in furnishing *copies of township plats* either to the General Land Office or to the district land offices. There are due to the General Land Office *copies of descriptive notes* of eighteen townships, (see my letter of the 3d August last;) to the land office at Detroit fourteen townships, and to that at White Pigeon sixty-four townships. These items of arrears have accrued by reason of the subdivision of fractions required by the provisions of the act of the 5th April last.

3. Referring to the amount of arrears up to the present moment, I am of opinion that *five* additional clerks for two years would be required to bring up the work of the office; but this is too great a number to be advantageously employed at the same time.

4. *Two*, or at furthest *three*, additional clerks might be advantageously employed at the same time. Their salaries should be about $700 each for two of them, and $600 for the third.

5. For office rent and fuel there should be about $150 appropriated additional.

6. Upon a careful examination of the subject, I find there are, in Ohio, of surveyed townships and fractional townships, about | 830
In Indiana | 853
Michigan Territory | 500
Total number of surveyed townships | 2, 183

This number is exclusive of the field-notes of private claims. Estimating that to copy and compare the field-notes of one township, including the notes of the exterior lines and the meanders, will require the labor of a clerk *one and a half days*, it follows that it will require ten years, $\frac{374}{300}$ of a year, for one clerk to make copies of all the field-notes in this office, exclusive of the notes of the private claims.

A clerk competent to make fair and accurate copies of field-notes may be employed for a salary of about $600 per annum.

I am, very respectfully, your obedient servant,

M. T. WILLIAMS.

ELIJAH HAYWARD, Esq., *Commissioner General Land Office.*

LAKE JACKSON, *November* 26, 1832.

SIR: In reply to your circular of the 13th September last, I beg leave to state that, as far as the feeble state of my health has permitted, I have carefully examined the same.

For the ordinary business of the office the duties should be divided, or classed, into three parts, giving an equal portion to each, as near as may be. First, a person to make calculations, exclusively, of the contents of sections, fractions, and private claims, and to examine the protractions, &c. Secondly, a draughtsman to make out three fair copies of each township plat, three fair copies of each private claim, &c.; and a third clerk to attend to making out three fair copies of the field-notes, making out accounts, &c.; which three are indispensable. The duties of the draughtsman, at this time, far exceed the other duties.

In proportion as the surveys advance to the east, so in proportion will difficulties increase, owing to the intervention of private claims, and the consequent additional labor required on each township plat, more than formerly.

In relation to the eastern land district of Florida, there remain, under the last contract, two townships to be finished, and it will take about six days to complete them. In the western land district there remain, under the last contract, three townships to be completed, and it will take about six days to complete them also.

There remain under old contracts in said districts twenty-three townships that have been suspended, which will take about three months to be completed.

The answers to the second, third, and fourth queries are included in the above.

In answer to the fifth query it will require, exclusive of the three above named, the services of two first-rate calculators for fractions, sections, private claims, and to subdivide and lay down the lots in fractions. Two first-rate draughtsmen to make three fair copies of each township plat and private claim; and two eligible clerks to make copies of all the field-notes heretofore surveyed, to be filed in the General Land Office, making, in all, nine clerks, who could thus be advantageously employed at one and the same time.

Answer to the sixth query. The clerks' salaries, agreeably to the above arrangement, should be as much, if not more, than any in the surveying department in the United States, because their duties are equal to, if not more arduous, than those of any other officer in the United States; but, agreeeable to the present salaries, the seven first named should be allowed a compensation of $1,000 each, and the others $800 or $1,000 each.

Answer to the seventh query. House rent, fuel, tables, instruments, &c., and stationery, would require from $1,000 to $1,200 for the two years.

Recapitulation.

One additional clerk, to perform the ordinary business for two years, from January 1, 1833..	$2,000
Two calculators, to bring up arrears on old surveys.....	4,000
Two draughtsmen, to bring up arrears on old surveys.....	3,200
House-rent, fuel, desks, copying, glasses, &c., &c.....	1,200
Two years' salary of the present two clerks.....	2,000
Two years' salary of the surveyor general.....	4,000
The whole expenditure for salaries, exclusive of surveying.....	20,400
Deduct for salary of the surveyor general and his two clerks, as now allowed by law.....	6,000
This amount required to bring up arrearages in said time.....	14,400

In conclusion I would beg leave further to state that, should those additional duties be imposed on the office, the surveyor general ought, consequently, to be allowed an additional salary of $500 during the above two years alluded to.

I am, sir, very respectfully, yours, &c.,

ROBERT BUTLER.

ELIJAH HAYWARD, Esq., *Commissioner General Land Office.*

GENERAL LAND OFFICE, *January* 14, 1833.

SIR: Among the reasons urged in my communications to you on the 7th instant, in support of the estimates of the department for increased clerk hire in the offices of the surveyors general, I omitted, in the hurry to bring that communication in due time before the committee, to mention an important item of the duty of the surveyors general, which does not come properly under the denomination of arrears of current duties, but to perform which will necessarily tend greatly to divert their attention from those arrears. It is the constant demands on their time and attention to renew the township plats of the old districts.

On these plats are marked all the indications of sales, forfeitures, relinquishments, and resales of each particular tract of land. The plats are made out on paper, and not on parchment, as would be desirable. The plats of the old credit system districts have all become so defaced as to require renewal; and even in many of the districts which have been put in operation within the last twelve years, a renewal of the plats, wholly or partially, is required. The plats are liable by law to be inspected by each land purchaser, and it may readily be conjectured that the constant handling of them by all descriptions of persons must necessarily mutilate them in a few years. The operation of the late pre-emption laws has, within three years, greatly tended to the injury of those plats by the wear and tear produced by the incessant references.

It is a fact well known to this office that in some districts the land officers cannot with certainty sell land, in consequence of the great difficulty of discriminating between the vacant and sold lands, by reason of the defacement of the plats; and although instructions have been repeatedly given to the surveyors

general to remove the difficulty by renewing the plats, yet the department has been unable to accomplish the object for want of means in the surveyors' offices.

From these causes, as may readily be imagined, it frequently occurs that lands are erroneously sold; and the *only effectual* checks to prevent the erroneous issuing of patents are found in the *tract books of this office.*

The detection of such errors, and the correspondence necessary to their correction, impose much labor both on this office and that of the Secretary of the Treasury, who is authorized by law to direct the correction of errors made at the land offices.

With great respect, sir, your obedient servant,

ELIJAH HAYWARD.

Hon. G. C. VERPLANCK,
Chairman of the Committee of Ways and Means, House of Representatives.

22D CONGRESS.] No. 1093. [2D SESSION.

ON CLAIM FOR REVOLUTIONARY BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1833.

Mr. MASON, from the Committee on Public Lands, who were instructed by a resolution of the House of Representatives, adopted on the 3d January, 1833, to inquire into the expediency of allowing to Bernard Valentine a tract of land for his military services during the revolutionary war, reported:

That it appears to the satisfaction of the committee, by the affidavits of Robert King and John Steele, who was an officer in the revolutionary army, that Bernard Valentine enlisted in the 10th Pennsylvania regiment in the spring of the year 1777, to serve during the war; that, after discharging his duties with fidelity in that regiment for some time, he was transferred to Lamb's regiment of artillery. Your committee are satisfied, from the proofs above referred to, that the said Valentine actually served to the end of the war, and is therefore entitled to the bounty land promised to soldiers so enlisting and serving, although his name does not appear on the rolls of the army returned to the War Office, and now in that department. They therefore report a bill for his relief.

22D CONGRESS.] No. 1094. [2D SESSION.

APPLICATION OF ILLINOIS FOR RELIEF TO CERTAIN SETTLERS WHOSE PRE-EMPTION RIGHTS HAVE BEEN DECLARED FORFEITED.

COMMUNICATED TO THE SENATE JANUARY 18, 1833.

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

The memorial of the general assembly of the State of Illinois respectfully represents: That the Quincy land district, in the State of Illinois, is bounded on the east by the Illinois river and the third principal meridian; on the north by the northern boundary of the said State; on the west by the Mississippi river, and on the south by the base line of military bounty tract, and embraces in its limits much fertile and valuable land, abounding in natural advantages, and in great demand. The land in this district was surveyed about sixteen years ago from the base line, as far north as to include a part of township 18 north. Three years ago eleven townships at or near the mouth of Rock river were proclaimed for sale, but not more than twelve or fourteen township plats have ever been furnished to the land office, exclusive of the townships thus offered for sale. There have been upwards of five hundred pre-emption rights proven at this land office, under the law of the 5th April last, that the land offices were unable to sell to the pre-emptors for want of the township plats, and which pre-emption claims are now construed by the head of the land office department to be forfeited, which forfeiture has accrued, not from any act or neglect of the pre-emptors, but solely in consequence of the inability of the land officers to discharge the duties imposed on them by law, from the want of the necessary plats of survey.

Your memorialists therefore pray that the provisions of the said law of April 5 be extended so as to embrace the cases above stated, and that the law for the relief of those claimants be so formed as to legalize and render available the proofs of pre-emption rights already made at the office aforesaid, under said law, together with all proceedings already legally had in relation thereto, so that the said claimants may not be put to the great trouble and expense of reiterating their claims, proofs, and other proceedings.

Your memorialists would further respectfully suggest, in relation to the whole of the said land district, that there has probably been no other case in which lands so long surveyed have been withheld for so

great a length of time from market. The emigration to this portion of the State of Illinois is now considerable, and is annually and rapidly increasing, and in no portion of our country is the demand for land greater, or the prospect of sale more promising.

It is therefore earnestly requested of your honorable body that such legislative action be had as may require from the proper departments the speedy completion of the necessary plats and surveys, and the placing the whole of the lands in said district in a situation for immediate sale.

ALEXANDER H. JENKINS, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

22D CONGRESS.] No. 1095. [2D SESSION.

ON CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 19, 1833.

Mr. WICKLIFFE, from the Committee on Public Lands, to whom was referred the bill from the Senate (No. 19) for the relief of Elizabeth Magruder, of Mississippi, reported:

The Committee on Public Lands have had referred to them, by the order of the House, the bill from the Senate for the relief of Elizabeth Magruder, of Mississippi, and, after an examination of the evidence, a majority of the committee are of opinion the bill ought not to pass. They refer to the report made by the Committee on Private Land Claims at the last session of Congress as embracing the substance of all the evidence now submitted to this committee, and make the same a part hereof.

The committee are convinced that Ann Brashear was not entitled to a confirmation of the claim now sought to be satisfied, and that the claim was very properly rejected by the board of commissioners. This tract, though it is represented to have been granted by a Spanish officer, is situated north of the 31st degree of north latitude, and wholly without the jurisdiction of the province of Spain.

There was a total failure to prove, before the commissioners, the facts which would have authorized its confirmation. There is no proof of the fact now that Ann Brashear ever lived upon the land or cultivated the same. This fact, though represented in the petition to Congress in 1830, when the bill passed for her relief, to which reference is made, was not proved; and the committee in their report upon the case, in pursuit of the question whether a grant was made by the Spanish governor to Ann Brashear, omit to investigate the most important *facts*, and without proof of which this claim never ought, under any circumstances, to have been confirmed, to wit: the fact of occupation and cultivation by the said Ann. Under a mistaken view of the facts, in the absence of proof, Congress, in 1830, passed the law by which Ann Brashear was confirmed in her right to 480 acres of land, and the interest of this government was thereby released to her, saving the rights of all other persons. The petitioner, Thomas B. Magruder, at that time represented the land to be in the possession of the said Ann, and that she had ever theretofore occupied it. The following strong language is used by the petitioner: "And your memorialist begs leave further to state, that the residue of the said tract (*i. e.*, the part for which he asked confirmation) of 800 arpents, so originally granted to Mrs. Ann Brashear, is now, and hitherto has been, unoccupied by any person other than the said Mrs. Ann Brashear, and that she has not, for some years, raised a crop or made any improvement upon the said land, solely in consequence of the non-confirmation of said claim, and that no person hath any claim to any part of the residue of 800, deducting the 320 arpents confirmed to Richard Sparks, unless some late entry of a part thereof may have been made as land of the United States."

At this time it turns out to have been the fact that Ann Brashear was not in the possession or cultivation of this land. It does not appear, nor has it at any time been made to appear by proof, either before the commissioners or to Congress, that she ever occupied or cultivated the said tract at any time. At the date of the petition, the land had been sold by the government and was in the occupation of others, of which facts the petitioner must have been fully apprised at the time he presented the petition and obtained the passage of the act of 1830.

Under these circumstances the petitioner now asks Congress to permit him to enter the 480 acres in any part of the State of Mississippi subject to private entry, in lieu of the said 480 acres which he now represents as having been previously sold by the government, and in the adverse possession of others.

A question of some difficulty presents itself to a portion of the committee, growing out of the facts in this case. They are perfectly satisfied that the claim of Ann Brashear ought never to have been confirmed; but Congress, by a solemn act of legislation, superinduced by the false representations made to them, or wholly mistaking the nature of the claim and the obligations of the government in regard to the petitioner, has confirmed it. The petitioner, however, finds the act of confirmation unavailing to him; the title to the land had, by the government, been passed to others, and he asks Congress to permit the land to be entered elsewhere. Ought this Congress, upon this state of fact, to look behind the act of 1830 and refuse to satisfy by other means a demand which, by that act, was admitted to be just, and which demand or claim it was the purpose of that act to satisfy? A majority of the committee were of opinion that this Congress had a right to go behind the act of 1830, and inquire into the equity and justice of the petitioner's original claim; and being of opinion that the claim ought never to have been confirmed by Congress, recommend that the bill be rejected. Should, however, this House be of opinion that any investigation into the merits of this claim is precluded by the former legislation of Congress, then it will be necessary to amend the bill by reducing the number of acres, as it appears that there are 139.98 acres of land the which, though sold by the government prior to the act of 1830, had been relinquished by the purchaser, and by the provisions of said act are vested in said Ann Brashear.

22D CONGRESS.] No. 1096. [2D SESSION.

ON CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 19, 1833.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petitions of Jean Baptiste, Louis Metoyers, Etienne Lacasses, Barthelemy Rachal, François Roubieu, Julian Rachal, and Pierre S. Compere, reported:

The petitioners, respectively, claim tracts of land lying in the parish of Natchitoches, in the State of Louisiana, on the river Attache, or Little river, a branch of the Red river, by right of occupation and cultivation, by virtue of the several acts of Congress making provision for those in occupation of the lands ceded by France and Spain to the United States. The said petitioners, respectively, prove that they were in the occupation and possession of the several tracts of land claimed by them prior to 1803, and have since occupied and cultivated the same and still are in possession of the same. The proof is made before a justice of the peace of the State of Louisiana, who certifies the same. There is no evidence of his official character accompanying said documents; the committees are satisfied of that fact from the information given them by the Hon. Mr. Bullard, who represents that district, and is acquainted with said justice, and also his handwriting, and the witnesses by whom the facts are proven, and of their credibility. The committee therefore report a bill for the relief of said petitioners.

22D CONGRESS.] No. 1097. [2D SESSION.

ON CLAIMS TO LAND IN WEST FLORIDA, UNDER BRITISH PATENTS PRIOR TO THE TREATY OF 1783.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 19, 1833.

Mr. BULLARD, from the Committee on Private Land Claims, to whom was referred the petition of Elihu Hall Bay, reported:

The Committee on Private Land Claims have given to the subject involved in the memorials of Elihu Hall Bay, of the heirs of Gaillard, of the heirs of J. and E. Jones and others, heretofore referred to them, that degree of attention and deliberation which they consider due at the same time to the claimants and to the rights of this government. These claims grow out of certain British patents for lands previously to the treaty of 1783, within that part of West Florida which, at that period, became a Spanish province, and which, by virtue of subsequent treaties, became an integral part of the United States. The lands in question are situated in that section of country east of the Mississippi, south of the 31st degree of north latitude, and west of the Perdido. In order to a full understanding of the case and of the views of the committee, it seems proper to look back into the history of that region and to consider the different treaties upon which its political condition depended at different periods.

At the general pacification in 1763, France was despoiled of all her possessions in North America, stretching through the interior of the continent from the mouth of the St. Lawrence to the Gulf of Mexico. Canada, Nova Scotia, and Cape Breton fell to the share of Great Britain. That part of Louisiana situated to the westward of the Mississippi was ceded to Spain, including the island of Orleans. That part of ancient Louisiana lying to the east of the same river, except the island of Orleans, was also ceded by France to Great Britain; Spain at the same time ceded to Great Britain Spanish Florida. At that period, therefore, and up to the commencement of the American revolution, the whole territory to the westward of the Mississippi, with the single exception of the island of Orleans, belonged to Great Britain. In the hands of that power, all the territory to the south of the colony of Georgia was divided into two governments, called East and West Florida, embracing Spanish Florida and that part of ancient Louisiana east of the Mississippi, and of the island of Orleans.

On the breaking out of the revolutionary war, Canada and the Floridas stood aloof from the contest, did not unite in the declaration of independence, and must be regarded, during that war, as alien enemies.

During the period between 1763 and 1783, the grants in question were made by the English governors of West Florida. In the course of the revolutionary war Spain invaded West Florida and conquered it from Great Britain. At the close of the American war Great Britain, by the treaty of 1783 with Spain, ceded to that power in full right "East Florida, as also West Florida." The social condition of the inhabitants of that country, their right to hold the property then possessed by them, and to enjoy other privileges, depend on the stipulations of that treaty. The words used, so far as relates to this matter, are these: "His Catholic majesty agrees that the British *inhabitants* or others 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." The time limited for this emigration was fixed to the space of eighteen months, but it was further stipulated that, "if, from the value of the *possessions of the English proprietors*, they should not be able to dispose of them within said terms, then his Catholic majesty shall grant a prolongation proportionate to that end."

It cannot be contended, with any show of reason, that this treaty annulled all preceding grants of land made by British authority. The same expressions are used in the treaty by which France ceded Canada to Great Britain, with the addition that the French inhabitants should enjoy under the British

government the right of worship according to the forms of the Catholic church. So far from annulling the titles to lands, the treaty, by permitting the sale, expressly recognizes their existence and validity, so far as the terms of the treaty extend. It never was pretended that the French inhabitants of Canada, who did not choose to sell their possessions and to emigrate, forfeited their estates to the British Crown. The *permission* allowed by the treaty with Spain to the British inhabitants and subjects to dispose of their estates, by no means implies that those who choose to remain would be obliged to submit to the confiscation of their property, and would not be permitted to become subjects or denizens of Spain. That might depend on the policy of Spain and the general regulations of her colonies.

But it is necessary to inquire to what classes of persons did this stipulation in the treaty of 1783, as well as in the capitulation of Pensacola two years before, apply. The expressions are: "The British *inhabitants* or others who may have been subjects of Great Britain *in the said countries.*" The committee is not acquainted with any rule of construction by which these expressions, evidently intended as stipulations in favor of the actual *inhabitants* of a conquered or a ceded province, can be extended to embrace the claims of non-residents not in possession of lands, whether founded on a complete or an inchoate title. If such had been the meaning of the parties they would have entered into some stipulation to that effect. None of the claimants appear ever to have been actual inhabitants and possessed of these lands at the date of the treaty. It therefore appears to the committee that their case is not provided for by the treaty. Nor is it shown that in the long interval of time between the date of that treaty and the cession of the country to the United States, these grants were ever recognized by Spain. That Spain was not bound to recognize them by the treaty is abundantly evident, because no government is bound to permit aliens to hold lands within its dominion, and because the British government insisted on no stipulation to that effect. The British government never made any complaint against Spain on that score; and although the committee has no positive evidence on the subject, it is generally understood that that government made compensation to some, at least, of its own subjects for the sacrifice of their rights in the cession of Florida to Spain.

Considering this, therefore, as a question between the claimants and the government of Spain, it seems to the committee quite clear that Spain was not bound either by the treaty of 1783 nor by the law of nations to recognize these claims as valid; and it is certain they never were so recognized during the existence of the Spanish authorities in Florida. The United States, as the successors of Spain in the sovereignty of that country, are not bound to confirm these claims unless it be either, first, in virtue of subsequent treaties; or, secondly, by the acts of the board of commissioners and the legislation of Congress; or, thirdly, by the law of nations, and particularly, as is contended by the claimants, by the *jus post liminii*. Let us examine the question in reference to these three grounds.

1. *Treaties.*—The committee know of only two treaties between the United States and foreign governments which have the slightest bearing on this subject. The first is that of 1803 with France, and the second the treaty of 1819 with Spain. The treaty with France contains no stipulation on the subject of grants of land by any government. It simply stipulates that the *inhabitants* of the ceded country shall be protected in their property. By the treaty of 1819, it is stipulated in the eighth article that "all the grants of land made before the 24th of January, 1818, by his *Catholic Majesty*, or by his *lawful authorities*, shall be ratified and confirmed to the persons in possession of the lands," &c. By whichever of these treaties the country in question was ceded to the United States, it is clear that non-resident claimants to land of which they were not possessed as owners at the date of the treaties, respectively, cannot claim the benefit of the stipulation; and in the case of the last named treaty the grant must have been derived from the authority of Spain.

2. *Legislation of Congress.*—In April, 1812, an act of Congress passed for the purpose of ascertaining the titles and claims to land in that tract of country south of the then Territory of Mississippi, and east of the river Mississippi and the island of New Orleans, and west of the Perdido. Two land districts were laid off, the one west and the other east of Pearl river. For each of these districts it is provided that a commissioner should be appointed: his duties are pointed out by the act. It was made his duty to receive notices and evidences of claims to land within his district. By the fourth section of that act it is provided, "that every person claiming lands in the tract of country aforesaid by virtue of any grant, order of survey, or other evidence of claim whatsoever, derived from the French, British, or Spanish governments, shall deliver to the commissioners for land claims a notice, in writing, stating the nature and extent of his claims, together with a plat (in case a survey shall have been made) of the tract or tracts claimed. The claimant in such cases is further required to deliver, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of claim. It is provided, however, that where lands are claimed by virtue of a complete French, British, or Spanish grant, it shall only be necessary to record the patent, together with the order of survey and the plat, with an abbreviated statement of his chain of conveyances.

It is made the duty of the commissioners, each within his district, to inquire into the justice and validity of the claims filed with them; to ascertain in every case whether the lands claimed have been inhabited and cultivated; at what time such inhabitation and cultivation commenced. They are further required to make out a list of actual settlers who have no written evidence of title. It is made the duty of the commissioners to make abstracts from the record of claims—to arrange them into classes according to their respective merits—which abstracts they are directed to transmit to the Secretary of the Treasury, to be by him laid before Congress at the next session thereafter "for their determination thereon." By another act approved on the 14th of April, 1814, the time for making a report was further extended, and the district east of Pearl river extended to the east of Tombigbee.

Here let it be remarked, in passing, that the commissioners had no authority to decide between the government and the claimants. Their duty consisted in collecting the evidence on which Congress was to act. In pursuance of this authority, the commissioners made a report which was laid before Congress. On the 3d of March, 1819, an act of Congress was approved which decided on all the cases reported upon by the commissioners. By that act, all complete Spanish grants contained in the reports, and believed to be valid according to the laws and usages of Spain, were declared and recognized as valid and complete titles against any claim on the part of the United States. The next clause in the act relates to the class of claims now under consideration; "and that all claims founded upon British grants, contained in said reports, which have been sold and conveyed, according to the provisions of the treaty of peace between Great Britain and Spain of September 3, 1783, by which that part of Louisiana lying east of the island of Orleans was ceded to Spain under the denomination of West Florida, or which were settled and cultivated

by the person having the legal title therein at *the date of the treaty*, are recognized as valid and complete titles against any claim on the part of the United States or right derived from the United States."

By the same act last mentioned, the authority of the commissioners was superseded by the appointment of a register and a receiver of public moneys at St. Helena court-house and at Jackson, with *power to examine the claims recognized, confirmed, or provided to be granted by that act;* and to make out to each claimant entitled, in their opinion, thereto, *a certificate* according to the nature of the case, under such instructions as they might receive from the Commissioner of the General Land Office. On presenting such certificate at the General Land Office, it is declared that if it shall appear to the satisfaction of the Commissioner that the certificate has been *fairly obtained*, according to the true intent and meaning of the act, then and in that case a patent shall issue.

It is unnecessary to detail the reports made by these different registers and receivers, acting as boards for the adjustment of land titles in that section of country, and the several acts of Congress to confirm their proceedings. They appear to have no relation to this subject. It is clear that Congress, in the act of March 3, 1819, adopted, in relation to British patents of a date prior to 1783, precisely the principles which the committee announced at the commencement of this report, and confirmed all such as appeared to have been sold and conveyed by the British grantees, according to the stipulations of the treaty of 1783 between Spain and Great Britain, and also all such as were settled and cultivated by the person having the legal title therein *at the date of that treaty.* This government has already done all that Spain was bound to do, either by the treaty or the laws of nations. So far from regarding the permission to sell and emigrate allowed by the treaty as annulling the grants, this government has adopted that as full evidence of recognition of title on the part of Spain; and all grantees who did sell are considered as having a complete and valid title. Those who remain in possession retained all their rights, and their titles derived originally from Great Britain have been fully confirmed. Their continuing to reside in the province was considered as proof that they were regarded as subjects or denizens of Spain.

How far the claims of the different memorialists have been provided for may readily be ascertained by application to the General Land Office. There is no evidence before the committee which could induce them to take these cases out of the general rule, and to provide for them by special legislation. They appear to have been acted on by the commissioners, and subsequently by Congress.

There is one transaction, however, connected with these claims, which the committee think themselves bound to notice. The register of the land office and receiver of public moneys, created by the act of 1819, was authorized, as has been remarked above, to examine the claims *recognized, confirmed, or provided to be granted by that act,* and to make out certificates to be presented for patents to the Commissioner of the General Land Office. It appears that, on the 6th, 7th, and 8th of January, 1830, the register and receiver, at St. Helena, did issue certificates on seventy-five different claims in favor of various persons, and, among others, of the heirs of T. Gaillard for nine claims, and of E. H. Bay for five claims; in favor of the heirs of E. & J. Jones nine or ten claims, and of numerous other claimants. On the 26th of July, 1830, the Commissioner of the General Land Office, by public notice, revoked and annulled these certificates. The committee subjoin a copy of the notice:

"Those persons who obtained on the 6th, 7th, and 8th of January last, from the register and receiver of the land office at St. Helena, in the State of Louisiana, certificates of confirmation of certain British grants of land in the above mentioned district, numbered one to seventy-five, inclusive, and which are particularly designated in the abstract hereto subjoined, are hereby notified that said *grants* are not recognized by any law of the United States, and that said certificates of confirmation are void and of no effect. By direction of the Secretary of the Treasury."

It would appear, therefore, that the claims in question are not provided for by the act of Congress above mentioned, and have been rejected.

But the memorialists press their claims with great earnestness on the principles of the law of nations, and particularly that principle of the Roman civil law, commonly called the *jus post liminii.* The committee are willing to adopt the definition of that rule of national law from the memorialists. They define the *jus post liminii* to be that "branch of national law by which States or sovereigns are bound to restore to their citizens or subjects things which were taken possession of by an enemy on the conquest of a country, when it comes under the power or jurisdiction of the State of which the former owners or proprietors are citizens or subjects."

The application of this rule, thus defined, to the case of the claimants appears to the committee to involve an utter confusion of ideas. It supposes that the United States and Great Britain are identical, and that the claimants are, and were, at one and the same time, subjects of Great Britain and citizens of the United States. If Great Britain had recognized Florida, her subjects, who may have suffered by the conquest, would have been at once restored to the full integrity of their rights—such is the rule. But how, and in what sense of the word, are the United States the successor of Great Britain in the sovereignty of Florida? There is no privity between the two governments. We derived our title to the sovereignty of Florida from Spain, and not from Great Britain. The claimants appear, at the date of the grants, to have been British subjects in a colony, which, during the revolutionary war, belonged to the dominions of our enemy. If their sovereign sacrificed their rights to subserve the political interests of his Crown, at what period did the duty of the government of the United States originate to restore them to rights which they claimed originally as British subjects, and not as American citizens? The committee do not mean to insinuate that the claimants are not American citizens; they only mean to say that, in relation to these grants, they appear in the quality of British subjects. By this beautiful fiction of the Roman law an absent and captive citizen, however protracted his captivity, was, on his return, restored at once to the full enjoyment of his suspended rights, and *considered as never having been absent.* But how can the claimants bring themselves within any such rule in relation to rights in Florida derived from the British Crown, and not from the government of the United States? Upon the whole, in whatever view the committee regard these claims, they cannot resist the conclusion that the government of the United States is under no obligation whatever to take any further steps in relation to this class of claims, and they recommend the adoption of the following resolution:

Resolved, That it is inexpedient to legislate any further in relation to grants to lands in Florida, derived from the Crown of Great Britain prior to the 3d of September, 1783.

22D CONGRESS.] No. 1098. [2D SESSION.

ON CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 22, 1833.

Mr. MARDIS, from the Committee on Private Land Claims, to whom was referred the petition of Christopher A. Green and Robert Lawson, asking the confirmation of their title to a section of land therein described, to wit: section No. 19, township No. 18, and range No. 3 east, situated in St. Clair county, Alabama, reported:

The committee are, after a thorough investigation of the subject, satisfied that legislation would be useless, as the title exhibited by the petitioners is as full and complete as it could be possibly made by any act of Congress. They therefore ask to be discharged from the further consideration of the subject, and that the report be printed.

22D CONGRESS.] No. 1099. [2D SESSION.

ON CLAIM TO CERTAIN RESERVATIONS IN A TOWNSHIP OF LAND GRANTED FOR REVOLUTIONARY SERVICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 23, 1833.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of Arnold Henry Dohrman, reported:

That by an ordinance of the Congress of the United States, passed October 1, 1787, there was granted to said Dohrman "one complete and entire township, subject to reservations as in other townships, agreeably to the ordinance of May 20, 1785, out of the three last ranges surveyed in the western territory of the United States." It also appears that the ordinance of May, 1785, made reservations for the United States in all townships of land in the following words: "There shall be reserved for the United States, out of every township, the four lots being numbered 8, 11, 26, 29, and out of every fractional part of a township so many lots of the same numbers as shall be found thereon, for future sale. There shall be reserved the lot No. 16 of every township for the maintenance of public schools within the said townships; also one-third part of all gold and silver mines, lead and copper mines, to be sold or otherwise disposed of as Congress may direct." In accordance with the preceding resolutions, the said Dohrman selected township No. 13, range 7, of the Steubenville district, in the State of Ohio. The heirs of the said Dohrman now insist that the ordinance granting to their deceased parent the entire township, with the usual reservations made under the ordinance of 1785, intended only to reserve section No. 16 for school purposes, and also the right of the government to any gold or silver, lead or copper mines in said district, and did not intend to reserve sections 8, 11, 26, and 29; and that the resolution was always so understood by their deceased parent, as well as by the government; and, accordingly, said sections Nos. 8, 11, 26, and 29 have never been taken possession of or sold by the government, and now remain either the property of the government or the said heirs or assignees of said Dohrman. The Commissioner of the General Land Office seems inclined to the opinion that the construction placed upon said resolution and ordinance by the heirs of said Dohrman corresponds with the intention and wishes of the Congress that passed the resolution, and therefore recommends its adoption. A portion of the committee consider the same as the proper construction of the said resolution and ordinance, whilst a majority of the committee consider that the said sections Nos. 8, 11, 26, and 29 of said township was reserved to the government. But all the committee concur in the opinion, that as the selection of said township by said Dohrman was upon land of inferior quality, and by no means corresponding in value to the expectations or wishes of the Congress which passed said resolution, and by no means an adequate compensation for the generous, and liberal, and patriotic services of said Dohrman in the cause of the American revolution, in recommending to the House the passage of a bill allowing to the heirs of said Dohrman said sections 8, 11, 26, and 29 in said township.

22D CONGRESS.] No. 1100. [2D SESSION.

RELATIVE TO THE CLASS OF MILITARY OFFICERS ENTITLED TO REVOLUTIONARY BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, WITH A REPORT OF THE SECRETARY OF WAR, JANUARY 23, 1833.

DEPARTMENT OF WAR, *Bounty Land Office, January* 21, 1833.

SIR: So far as information appears to be required from this office by the resolution of the House of Representatives of the United States of the 10th instant, referred to this office on the 19th instant, to report thereon, I have the honor to state, in reference to the inquiries "whether there was any specific

promise of land either to Lee's legion, the corps of engineers, or artificers commanded by Colonel J. Baldwin," that the two first-named being *military corps* on the continental establishment, the officers attached thereto were embraced in the several resolves of Congress providing bounty lands for such of them as continued in service to the close of the war.

No returns exist in this office of the names of the officers of the corps of artificers commanded by Colonel J. Baldwin, nor does it appear that land warrants have issued to any of the officers of that corps, except to Samuel A. McCoskey, surgeon, and William McCoskey, surgeon's mate; and these issues appear to have been made in virtue of the resolution of Congress of May 3, 1782, as follows: "*Resolved*, That as the dispersed situation of the corps of artificers commanded by Captain Wyley will no longer require the services of Dr. A. McCoskey and Dr. William McCoskey, his mate, they be considered as reduced and retiring from the service on the 10th instant, and the surgeon be entitled to all the emoluments heretofore allowed to reduced regimental surgeons;" from which it would appear that these officers had been retained in service until May 10, 1782, being a period of more than thirteen months after the corps of artificers commanded by Colonel J. Baldwin had been dissolved under the resolution of Congress of March 29, 1781, by which resolution it is explicitly declared that "all officers of the regiment of artificers not retained by virtue of these resolutions be no longer considered in the service of the United States." The officers retained by the resolution just referred to were, it is believed, incorporated with the reduced corps of *artillery artificers* and continued in service; the names of some eighteen or twenty of whom are returned on the records of this office as being entitled to, and as having received, bounty lands from the United States.

The officers of the regiment of *artillery artificers* being attached to the artillery *in the field* were, it is believed, considered *military officers;* hence those of them who served to the end of the war were embraced in the resolves of Congress providing bounty lands. The duties of the officers of the corps of *artificers* being (as it is believed) confined to the superintendence of workshops, laboratories, &c., and to the control and direction of the artisans attached thereto, and not being required to act in the field, were not, it is presumed, considered *military* officers. Their names were therefore not returned on the list of officers on file in this department among those entitled to land bounties from the United States. Had they been considered *military* officers, it is presumed that Congress, when, by their resolution of March, 1781, they declared the corps of artificers "dissolved, and no longer in the service of the United States," would at that time have designated them as reduced and supernumerary officers, and as such entitled to all the emoluments in land and half pay. That Congress did not so consider the officers of that corps is manifested by the discrimination made in the cases of the two Doctors McCoskey, before referred to. If the surgeon of that name (surgeons' mates not being entitled to half pay) had been considered at the time of the dissolution of that corps (to which he then belonged) as entitled to "all the emoluments heretofore allowed to regimental surgeons," further legislation in behalf of that officer would have been superfluous.

The records of the War Department, from the earliest period succeeding the war of the revolution, exhibit no grant of bounty land to an officer or private of the corps of artificers, except in the two cases referred to in the aforegoing. This fact indicates the construction applied to the resolutions of Congress in reference to that corps by the individual who first presided over the department, who was himself an officer of the highest grade in the army.

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

WM. GORDON.

The Hon. SECRETARY OF WAR.

22D CONGRESS.] No. 1101. [2D SESSION.

RELATIVE TO PROVIDING FOR THE MORE PROMPT DESPATCH OF BUSINESS IN THE GENERAL LAND OFFICE, AND CORRECTING DEFECTS IN THE SYSTEM OF SURVEYING THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 24, 1833.

GENERAL LAND OFFICE, *January* 21, 1833.

SIR: I have the honor to submit the following report and statements on the several subjects of inquiry embraced in the resolution of the Senate of the 9th instant, which you have referred to this office for that purpose, to wit:

"*Resolved*, That the Committee on Public Lands be instructed to inquire into the nature and amount of arrears of business in the General Land Office, and what additional number of clerks will be necessary to bring up such arrears and promptly discharge the current duties imposed by law; and also into the propriety of increasing the compensation of those who have the immediate supervision of the separate and distinct branches of business therein. Also,

"*Resolved*, That the said committee be instructed to inquire into the expediency of so modifying the existing laws in relation to the surveying of public lands as to provide for the defects of the system, in all cases where the maximum prices authorized by law have been found so inadequate as to render it impracticable for the department to accomplish surveys alike demanded by the public interest and that of individuals. Also,

"*Resolved*, That the said committee be instructed to inquire into the nature and amount of the arrears of work in the offices of the several surveyors general, and the propriety of making provisions for bringing up the same as soon as practicable; also into the propriety of causing authenticated transcripts of all the field-notes of the public surveys now lodged in the offices of the surveyors general to be made and deposited among the archives of the General Land Office."

I. THE NATURE AND AMOUNT OF ARREARS OF BUSINESS.

In presenting the state and condition of this office, with its arrears of business, as existing on the first day of the present year, for the information of the committee of the Senate, the appropriate classification thereof will be found under the respective heads of—

1. Private land claims.
2. Military bounty lands.
3. Posting the entries and accounts of the sales of public lands, and auditing the quarterly accounts thereof.
4. Indexes to the records of patents for lands sold, and for military bounty lands for services in the last war.
5. Opening tract books for the entries of lands sold in the several land districts.
6. Writing, recording, examining, and comparing patents for lands sold.
7. Examining and completing the title papers of suspended cases of lands sold, and writing and recording the patents for the same.
8. Issuing certificates under the seal of the office for tracts of land granted to States, Territories, and corporations, for canal, road, and other purposes.
9. Auditing the quarterly accounts of the surveyors general for the surveys of the public lands and private land claims.
10. The draughtsman's department.

1. *Private land claims.*

About six hundred private land claims are now in the office, the title papers and documents of which have not been collected and prepared for decision and patents.

To examine these documents, and attend to the necessary correspondence and instructions to perfect the titles, with that fidelity and impartiality which the peculiar circumstances and merits of each case may require to secure to *bona fide* claimants that justice to which they are respectively entitled by law, and writing and recording the patents for the same, would occupy the time of one clerk, aquainted with the duty, one year and six months. The number of cases presented for patent will increase with the progress of the public surveys. More than fifteen thousand of these claims, already confirmed, have not yet been presented for the action of this office; and of this number, from three to four thousand may be expected to come in in the course of the present year, if Congress should provide the necessary means to enable the surveyors general to make returns of the surveys thereof. The total number of cases reported to this office exceeds twenty-eight thousand.

The indexing the names of the original claimants being wholly in arrears, together with the names of more than seven thousand present claimants, the labor of performing this duty would occupy the time of a competent person about two years and six months. To enable the office to give the information often necessary to parties interested, and frequently required, it is of great and increasing importance that these claims should be indexed to original claimants, as also to the present claimants, as soon as possible. It is also equally important that, where claims have been once rejected, and subsequently revived and confirmed, or again rejected, references to all such and other proceedings, affecting the validity of the claims, should be made on the reports. The labor required to make the examinations necessary for such references would be very considerable, but cannot, at this time, be satisfactorily estimated.

Many of the original reports of the commissioners confirming these claims are much worn and injured by daily reference and use, and it is now necessary they should be correctly transcribed to preserve the original document of such importance to the security of land titles, and to prevent a recourse to them on ordinary occasions. One person acquainted with this service would transcribe these reports in four years. Of the propriety and expediency of having this duty immediately performed, no reasonable objections are perceived. For a detailed view of the arrears of this branch of business, reference is made to the annexed statements marked A, B, and C.

2. *Military bounty lands.*

More than three hundred cases of surveys under Virginia military warrants are now on file in the office to be examined and patented if the title papers should be found perfect. A large portion of these cases were suspended under the provisions of the act of May 20, 1826, but will probably be entitled to patent under the law of April 23, 1830. In addition to which, it is understood that about eight hundred surveys under such warrants remain of record in the surveyor's office at Chilicothe, and are expected to be presented in the course of a year or eighteen months. The labor of examination and of writing and recording the patents in such cases has greatly increased within a few years, by reason of the fractions of warrants on which the surveys are founded, the numerous calls, courses, and distances recited in the surveys, and the consequent tedious investigation of title. Many of the patents occupy a close-written sheet of thirty by fifteen inches, and some of them both sides of the same. The time required to bring up these arrears, for one competent clerk, would be one year and six months.

This office has no alphabetical index of the names of persons to whom warrants have issued by the United States for revolutionary services, and patents granted therefor. A suitable book was provided for that purpose many years ago, but the work has not been executed for want of sufficient aid, and in consequence of the more pressing demand for current duties. The information which such an index would readily afford is now obtained by a laborious examination, and not unfrequently of three or four hours in particular cases. Six months' time for one person would be required for this service.

The old War Office registry of warrants and surveys patented, a book which was transferred to this office in 1812, has been in constant use between thirty and forty years, and is now so much worn and defaced as to render a renewal of it necessary as soon as practicable; which, in consequence of the examination of papers on file in connexion with the subject, would occupy one clerk acquainted with the business about two years.—(See statement marked D.)

3. *Posting the entries and accounts of the sales of public lands and auditing the quarterly accounts thereof.*

There were about twenty-four thousand certificates of purchase on hand and unposted on the 1st instant, which, on an average of twenty per day for one person, including the incidental correspondence connected with this duty, would require the labor of a competent clerk four years—an estimate of labor which it is believed cannot be performed during the regular office hours. To post these entries accurately, the accountants are required, previous to making the entries in the office books, to compare the certificates of purchase with the receiver's receipt for the same, and these with the monthly returns of sales by the register, and the monthly abstract of receipts by the receiver, and all these documents with each other; and then ascertain from the tract book that the particular tract had not been previously sold, nor reserved from sale, nor the subject of a confirmed private claim, and that it was subject to private entry by remaining unsold after an offer at public sale, or that it was purchased at public sale. In the performance of this duty the strictest accuracy is necessary to detect the errors of the land officers, and to prevent the patents being issued erroneously, either as to the names of the patentees or the tracts described.

To adjust and make out a statement of the quarterly accounts of the several receivers of public moneys, and recording the same, for the above arrears of posting, including the incidental correspondence connected therewith, (amounting to one hundred and eighty-four quarterly accounts, exclusive of the semi-annual statements of the per centum allowed to the States for road purposes,) would occupy the time of one clerk at least one year.—(See statement marked E.)

4. *Indexes to the records of patents for lands sold and for military bounty lands for services in the last war.*

The indexing of the names of patentees to the records of patents for lands sold, in consequence of more pressing demands upon the time of the office, has been suspended for eleven years, with the exception of a small portion of the work which has been executed within the last six months. To such an extent have these arrears accumulated as to create great embarrassments in the prompt discharge of duty, and has been the cause of much delay and consumption of time to the serious injury of the public service. The almost daily requisitions for exemplifications of the records of patents to supply the loss of the originals, or to be used as evidence in the administration of justice, render it necessary that these indexes should be completed as soon as possible. Including the records of patents now in arrear, separate indexes are required for two hundred and forty-four volumes, and general indexes for three hundred and sixty-three volumes of the cash system; separate indexes for one hundred and fourteen volumes, and a general index for sixty-six volumes of the credit system; besides a general index for twelve volumes of the records of military bounty land patents for services in the last war. It is estimated that, to complete these indexes, the time of thirteen active clerks would be employed one year.

It has also become of great and increasing importance that the indexes of assignments of purchased lands, which have been neglected since the year 1824, should be completed as soon as possible. The numerous applications for transcripts of records, and copies of title papers, and other documents in these cases, to be used in the investigation of legal titles for judicial decision, and in the settlement of intestate estates, and the necessity of a prompt compliance with these demands, requires that every facility should be provided to meet every such call without an injurious interruption of the regular routine of office duty. To complete these indexes, two intelligent and industrious clerks would be profitably employed at least one year, as the numerous files of title papers surrendered under the several relief laws which have been passed since 1820 would have to be carefully examined. For a more particular view of this branch of arrears, see statement marked F.

5. *Opening tract books for the entries of lands sold in the several land districts.*

There are required to be opened, to enable the accountants to complete the posting of sales to the close of the year 1832, a quantity equal to three hundred and forty-two tract books, of four quires each, for lands already proclaimed for sale, and surveyed and prepared for public sale. The act of the 5th April last, by which entries are permitted in quarter-quarter sections, has rendered double the usual number of tract books necessary, and increased the labors of opening them nearly two-fold for the same quantity of the public domain. It will occupy the time of two clerks one year to bring up the arrears of this branch of business. In truth, I do not believe that two persons can perform this amount of labor, during office hours, within that period.—(See annexed statement, marked G.)

6. *Writing, recording, examining, and comparing patents for lands sold.*

On the first day of the present year there were more than forty-five thousand patents to be written, recorded, examined, and compared for lands previously sold under the cash system. This arrear of business has been accumulating for many years for want of sufficient aid in the office, until it has become a source of great public inconvenience, and the cause of no inconsiderable private injury, by reason of the delay in furnishing the legal title to purchasers. At least fourteen clerks, for one year, would be employed to perform this duty. The most pressing necessity exists to have this work done with all possible despatch consistent with that careful attention which secures accuracy. After the patents are written and recorded, they are then examined and compared by three persons with the record of the same and the title papers on which they are founded. The average number written and recorded by one person during office hours, per day, does not exceed twelve, and the number examined and compared by three clerks, per day, is about three hundred. If the patents could be promptly issued on receiving the certificates of purchase, much time and expense would be saved to the parties in interest, and to this office, in those cases where the purchasers die before the patents are issued, in proving heirship, furnishing the probate of wills, authentic copies of letters of administration, orders of sale by the local tribunals for the payment of debts, and the subsequent conveyances to purchasers.—(See statement marked H.)

7. *Examining and completing the title papers of suspended cases of lands sold under the credit system, and writing and recording the patents for the same.*

The number of suspended cases for lands sold, in which the title papers are not complete, amount to two thousand two hundred and seventy-two, nearly all of which are under the credit system, and have

been suspended from three to fifteen years. In numerous instances the right to patents in these cases depends on legal evidence of assignments, proofs of heirship, the probate of wills, the regularity and legality of sales by executors or administrators, or on executions founded on final judgments of competent tribunals, not yet furnished to the office for its action thereon. The labor of examining these papers, attending to the necessary correspondence to complete the titles, and writing and recording the patents for the same, would be equal to the services of two clerks one year.—(See statement annexed, marked I.)

8. *Issuing certificates, under the seal of the office, for tracts of land granted to States, Territories, and corporations for canal, road, and other purposes.*

This branch of office duty is now wholly in arrears. The number of tracts granted to Ohio, Indiana, Illinois, and Alabama, exceeds twenty-nine thousand of eighty acres each, all of which are to be entered on the tract books of this office, and colored on the connected and township maps; transcripts of which entries, to the respective registers of the proper land offices, and certificates of the location thereof, under the several acts making the donations, with the seal of the office affixed, will be transmitted to the several States to whom these grants have been made. This amount of arrears embraces only the large donations, and is exclusive of smaller grants to political and other corporations in these and other States, and also exclusive of donations to the Territories. Time does not admit of the requisite examination to ascertain the amount of the smaller donations and grants to the Territories.—(See statement marked J.)

9. *Auditing the quarterly accounts of the surveyors general for the surveys of the public lands and private land claims.*

In consequence of the want of sufficient force in some of the surveyors general's offices, and the embarrassments therein occasioned by numerous private land claims, many returns of the township plats have been delayed, without which the accuracy of the charges for surveying cannot be tested, nor the accounts therefor adjusted. Thirty-six quarterly accounts of the surveyors general, up to the close of the third quarter of 1832, now remain to be adjusted for the causes above stated. To make out, state, and record these accounts, and attend to the incidental correspondence connected therewith, will require the time of one clerk, acquainted with the subject, at least one year. For a more particular statement of these arrears, see document hereunto annexed, marked K.

10. *The draughtsman's department.*

The arrears of this department of the office, with only one draughtsman allowed by law, have been rapidly increasing for many years, as the public surveys have progressed and the returns thereof made; and in consequence of the almost daily interruption of the regular business by demands for copies of plats and surveys of particular tracts, and diagrams of disputed boundaries arising from errors in the early surveys south of Tennessee and in Louisiana, and from the surveys of conflicting private land claims, and for Indian reservations located by treaty. There are now on hand six hundred township plats to be protracted on the connected district maps; to do which, and entering the subdivisions in the bound volumes of plats, made necessary by the act of the 5th of April last and some previous laws of Congress, would require the labor of a competent person one year.

On the 28th of February, 1823, a resolution was adopted by the Senate directing to be prepared and laid before that body at its next session maps of the several States of Ohio, Indiana, Illinois, Missouri, Mississippi, Alabama, and Louisiana, and the Territories of Michigan, Arkansas, and Florida, to contain plats of the public lands therein which had been surveyed previous to the first day of that year; marking thereon those lands to which the Indian title had not been extinguished, and distinguishing by colors on the plats lands granted to the army, lands sold by the United States, lands granted to occupants or confirmed to persons claiming under British, French, or Spanish titles, and also such surveyed lands as remained unsold; the number of acres of each class, and the quantity surrendered to the United States under any law for the relief of purchasers, together with a statement of the amount of debt due the United States from purchasers in the said several States and Territories. No means were provided to comply with this resolution until April, 1824, when three thousand dollars were appropriated for that purpose, and a draughtsman to make the maps, and two persons to color the same, were appointed, and the appropriation expended in the payment of their salaries. But a small portion of the labor required was performed by these persons, and what was done, either from incompetency or negligence, was found to be so very inaccurate as to be useless. Since that period a part of this service has been performed by the regular draughtsman of the office, and by an assistant occasionally employed and paid out of the contingent fund of the department. There is now no appropriation for such object, and the contingent fund of this office for the last two years has been insufficient to meet the ordinary charges upon it. To complete this work would occupy the time of one person, acquainted with the duty, at least six years.—(See annexed documents L and M and statement N.)

Notwithstanding the magnitude of these arrears, being equal to the services of sixty-one clerks for one year, (see annexed summary statement, marked O,) I am convinced, from a very careful and particular examination, that the estimate is rather below than above what will be found necessary to bring up the business of the office to its current duties. No allowance has been made for sickness and other temporary or unavoidable absence from duty. In truth, there are other smaller items of arrears which have not been enumerated nor included in the estimate herein submitted. That they are all of a character greatly embarrassing the operations of the office, and interposing obstacles to the daily performance of its ordinary duties, must be manifest to every person acquainted with the routine of its business.

It may be asked, *from what causes have these arrears accumulated?* I answer, from the physical impossibility of the office to discharge all the duties required of it by law with the force provided for that purpose; from the unfortunate reduction of the clerks, in 1827, from twenty-two, exclusive of the draughtsman, to sixteen, at a period when many of the arrears existed which have been herein enumerated, and when a considerable portion of the business under the relief system remained either entirely undisposed of or but partially completed; from the rapid increase of the sales of the public lands, and the additional duties imposed by the relief laws and other acts of Congress passed since the year 1826; from the establishment of additional land offices and surveying districts, and the numerous reservations contained in Indian treaties, with the consequent labor of examination and investigation previous to the sales and conveyances

of the same under the sanction of the President; from the many grants of public lands for canal, road, and other purposes; and from a great accession of miscellaneous business within the last three or four years, not previously demanded of the office.

The relief laws of March 2, 1821, April 20, 1822, March 3, 1823, May 18, 1824, and May 4, 1826, in the process of their operation liquidated a land debt due to the government of about *twenty-two millions of dollars*, and required the posting and balancing at least *sixty thousand* individual accounts of purchasers. The provisions of these laws, with the exception of those of 1826, did not expire until the year 1829, two years after the force of the office had been reduced; and at the time of its reduction there were an immense number of suspended cases of a complicated character, involving, in the course and progress of their examination, a voluminous correspondence with the surveyors, land officers, and the parties interested. The arrears of the bureaus of private land claims and military bounty lands were then equal or greater than at the present period. In addition to the rapid increase of the sales of the public lands since the year 1826, with the great arrear of patents at the close of that year for lands sold under the credit system, it should be remarked that the number of tracts subsequently sold under the cash system exceed by more than *eighteen thousand* the whole number of patents issued of every class and description to the end of the year 1830, ten weeks after the administration of the office was placed in my hands.—(See annexed statement P.)

Besides the relief laws referred to, three others have been passed since the reduction of the force of the office, to wit, the acts of March 21, 1828, March 31, 1830, and February 25, 1831, in addition to the several pre-emption laws, which have thrown a considerable increase of labor on the office and greatly interfered with its more regular course of duties. It should also be observed that since the year 1826 six additional land offices and two surveying districts have been established, which now increases the business of the office equal to the labor of two clerks. I have not named the scrip laws, which increased the aggregate of duties, because the appropriation of four extra clerks to that service has been nearly equal to the additional labor required to execute them.

The above may be considered as the most prominent causes which have produced the present condition and aggregate of arrears of this office, although others of minor importance might be enumerated which have proportionably contributed thereto.

II. THE ADDITIONAL NUMBER OF CLERKS NECESSARY, AND OF INCREASING THE COMPENSATION OF THOSE AT THE HEADS OF BUREAUS.

In the three annual reports of the operations of this office which it has been my duty to make to the Secretary of the Treasury I have faithfully exposed some of the arrears of business which I found on first entering upon the administration of its concerns and the constant accumulation of new and other duties required by the numerous acts of legislation connected with the disposition of the public domain, and truly stated the necessity of additional aid to bring up the arrears and carry on the current business with that facility which the interest of the government and that of individuals imperiously required. To remedy the existing evils, and secure to individuals their just claims to a prompt discharge of public duty, I would respectfully suggest the propriety of employing in this office, from and after the 30th of June next, one clerk at a compensation of $1,700 per annum, one at $1,500, five at $1,400, ten at $1,150, and thirteen at $1,000—in the whole, thirty regular clerks, which is an addition of fourteen to the present number; also one draughtsman at $1,500 and two assistant draughtsmen at $1,150 each, and one messenger at $700, and two assistant messengers at $350 each.

With this force in the office, the person receiving a compensation of $1,700 per annum will be the *chief clerk*, who, in addition to his other qualifications, must have a particular knowledge of the laws and parts of laws having any relation to or connexion with the land system of the United States, including private land claims, military bounty lands, all reservations contained in Indian treaties, and donations to States, Territories, corporations, and individuals, and of the manner and form in which these laws are executed. He is also required to possess a knowledge of the details of office duty, through all the ramifications of its multiplied concerns; and, under the Commissioner, has a general superintendence over the other clerks of the office, and the books, records, and files of papers which constitute its archives. In addition to which, among other duties, he is charged with the immense miscellaneous correspondence of the office, frequently requiring an extensive examination of the laws, circulars of instruction, previous decisions of the Secretary of the Treasury on the same subject, and the principles settled by the Supreme Court of the United States. To accomplish this arduous duty, the time allotted for business is insufficient, and he is often compelled to devote his mornings and evenings, before and after office hours, to the public service, without any additional compensation therefor.

The clerk proposed at $1,500 per annum is designed to have charge of all the fiscal operations of the office connected with the sales of public lands; to adjust, make out, and record the quarterly accounts of the receivers of public moneys; to conduct all the correspondence with the registers and receivers in relation to their monthly and quarterly returns; and to have a general supervision over the official conduct of the posters and accountants of the office. As the accounts of all the land officers, as also those of the surveyors general, are audited by the Commissioner, and transmitted directly to the First Comptroller of the Treasury, without being submitted to the examination of any other bureau, this clerk will be required to possess the qualifications of the First Auditor of the Treasury Department, in adjusting accounts, and an intimate and familiar acquaintance with all the laws for the sale of the public domain, and with the details of business connected therewith. A person thus competent, I do not believe can be procured for a compensation less than the one suggested.

I have proposed five clerks, at $1,400 per annum, one of which is intended to be an assistant of the chief clerk; one to have charge of the bureau of private land claims; one, of the bureau of military bounty lands, including the issue of scrip; one, of the bureau of patents, having charge of the records of patents, with their title papers, the superintendence of the patent writers, and the exemplification of the records of patents, and the copies of all title papers and other documents furnished under the seal of the office; and one to have charge of the bureau of examiners, wherein are compared the patents with the records thereof, and the title papers on which they are founded, before the signature of the President is requested, or that of the Commissioner, or the seal of the office is permitted to be affixed. This bureau assorts and files the certificates of purchase, and, when not engaged in its appropriate business, is employed in writing and recording patents, or indexing the records of the same.

Ten clerks are proposed at $1,150 each; eight of which are designed for posters and accountants of lands sold; one to be employed in the bureau of private land claims; and one in the bureau of patents.

The thirteen clerks recommended at $1,000 each are intended to be employed as follows: one with the chief clerk, to record letters and official statements and reports; one in the bureau of private land claims; one in the bureau of military bounty lands; two in the bureau of examiners; and eight in writing and recording patents, and in making copies of such documents as may be required in connexion with the sales of land under the cash system.

A draughtsman is proposed at a salary of $1,500 per annum, and two assistant draughtsmen at $1,150 each. Heretofore the office has had but one draughtsman at $1,150, and occasionally an assistant at $1,000 per annum, paid out of the contingent fund. The arrears of this branch of business are rapidly increasing, and the surveys of more than four hundred townships have already been made, and will be returned as fast as the very limited means of the surveyors general will admit. The auditing of all the surveying accounts properly belongs to this department of the office, in addition to an intimate acquaintance with all the laws in relation to the private land claims and the surveys of the public lands, besides the peculiar skill of a draughtsman and the science of surveying. I have now no person competent to superintend the discharge of all these duties. The talents and acquirements necessary for this service cannot be procured for the compensation now allowed by law. I have tendered the situation to several persons whom I believed to be competent, but who declined the offer on the ground that the pay was inadequate. I deem it indispensably necessary for Congress to make the proposed provision for this service, to secure to the government and to individuals interested their respective rights and the benefits resulting from a correct discharge of duty.

The messenger and two assistants herein recommended are now employed in the office, though one of them is paid out of its contingent fund.

With this additional number of permanent clerks, if the ordinary business should not greatly increase, and with a special appropriation of $5,000, to be expended in writing and recording patents out of the office, it is believed the arrears would be brought up in four years, and the current business performed in the meantime; at the expiration of which period the whole force would be required to discharge its ordinary duties; but it is impossible accurately to estimate the future increase of business, as it will depend much on future legislation. The act of the 5th of April last, by which quarter-quarter sections are permitted to be entered, has increased the labor of posting, of examining the accounts of sales, and of writing, recording, and comparing the patents at least fifty per cent. During the last year the demand for copies of patents was equal to an average of two per day, and for copies of other documents and title papers greatly exceeding that of any previous year. This branch of duty must continue to increase as the sales and the settlements extend in the vast region of the west. And it should be remembered that the calls made by Congress and its committees for information, statements, and reports, employ at least four clerks six weeks during the short and two months during the long session, exclusive of the time occupied in answering the inquiries of members on subjects not of legislative action. I would also remark that the duties of the clerks of this office, with few exceptions, are of a peculiar character, demanding a high degree of talent, and a greater labor of investigation than is necessary for some of the bureaus of the government. Comparatively, there is very little that is merely mechanical, except the writing and recording patents for lands sold. The operations of forty-eight land officers and seven surveying districts are all examined, and the accuracy of their proceedings tested and ascertained by this office before the government can definitely act thereon; and when it is considered that the land titles of nearly three millions of people depend upon the correctness with which the duties of this office are performed, the importance of the subject will be forcibly presented to every impartial mind, and to the justice and decision of Congress.

III. ON THE SUBJECT OF THE EXPEDIENCY OF SO MODIFYING THE LAWS FOR THE SURVEYS OF THE PUBLIC LANDS AS ARE REQUIRED BY THE PUBLIC INTEREST AND THAT OF INDIVIDUALS, AND AS TO THE NATURE AND AMOUNT OF THE ARREARS OF THE SEVERAL SURVEYORS GENERAL, AND THE PROPRIETY OF MAKING PROVISION FOR BRINGING UP THE SAME AS SOON AS PRACTICABLE, AND AS TO THE PROPRIETY OF REQUIRING THE FIELD-NOTES TO BE DEPOSITED IN THE GENERAL LAND OFFICE.

In reference to the second resolution, I have to advise the committee that there are numerous defects in the existing laws relative to surveying the public lands.

1. As the survey of the public lands must exhibit their connexion with the adjacent private claims, the former cannot be completed until the lines of the latter are known to the surveyors. The surveyors cannot compel the claimants to show their lines, and hence the public surveys, however great the demand for them, cannot proceed in consequence of the embarrassments of the private claims.

2. Under the existing laws there is no authority to disregard claims even when there is every reason to believe they were confirmed either by forged or antedated papers.

3. Under the existing laws the maximum prices are such as, under various circumstances, to prevent the government from effecting most important surveys. The running of meridian and base lines cannot be executed in that peculiarly accurate manner that the law intends for anything like the maximum price of ordinary surveying. It is necessary that the meridian and basis parallel lines be doubly chained. The survey of the worst kind of cane-brakes is also a duty too arduous to be effected at the ordinary rates. The department has for years been endeavoring to cause a connexion of the public surveys with the line of demarcation between the States of Illinois and Indiana, (run by agreement between and by the direction and authority of those two States,) but never could accomplish the object by reason of the maximum price being utterly inadequate to effect the desired survey. Important objects of survey, both to the government and to individuals, are not necessarily of sufficient consideration and magnitude for surveyors to undertake at the rate of three dollars or four dollars per mile. The instances are too numerous to undertake to designate minutely.

There is highly valuable property owned by the government in the vicinity of New Orleans, which never can be ascertained at the present prices. The surveyors might not earn laborers' wages on their mileage in ascertaining the boundaries of these lands. Every consideration, both of utility and propriety, therefore suggests that a discretionary power should exist somewhere to accomplish the purposes of the law when the present prices are insufficient.

4. The surveyors general are required by the regulation of the department to take bonds from their deputies. They should be required by positive provision of law to do so, and the law should provide that all defects of survey or omission to fulfil the condition of their bond should be recoverable by legal proceedings.

5. The existing provisions of law require the surveyors general to furnish with the township plats, instead of copies of the field-notes of survey, a document which is called a description of the township, which shows the quality of the lands on the sectional lines and between the corner posts, and also refers to the character of the corner posts or bearing trees. These descriptions, however, answer not the purpose of the field-notes, and no protractions can be made from them. The original field-notes are in the offices of the surveyors general. No copies of them are extant by law, and if the originals should be lost by the burning down of the surveyors offices, or otherwise, there is no record of the survey in existence.

In the year 1827 the surveyor's office at Florence, for the State of Alabama, was consumed by fire, and all the original records were destroyed. It so happened, however, that the surveyor general had rendered to the General Land Office copies of the field-notes, from time to time, instead of the descriptive notes required by law. This office was therefore enabled to supply the loss of those originals, and did supply copies of such as had been furnished. But as the predecessor of the surveyor had furnished descriptive notes, as required by law, and not the field-notes, hence there were no records of those surveys in this office. The loss of the originals is therefore not to be supplied. Hence the records of surveys are lost for a great portion of the State of Alabama.

In order to remedy what are regarded as defects in the existing system, I beg leave to propose to the consideration of the committee the accompanying programme of a bill "for regulating and facilitating the making of public surveys of the lands of the United States, and rendering returns thereof to the General Land Office."—(Document marked Q.)

In reference to the third resolution, I beg leave to submit to the committee a copy of certain documents submitted to the Committee of Ways and Means of the House of Representatives, being as follows:

A letter from the Commissioner to the chairman of said committee, dated January 7, 1833, with accompanying documents to explain the various objects of appropriation for public lands and the surveyors offices, submitted to Congress in the treasury estimates for the year 1833. A copy of a circular letter from this office to the surveyors general on the subject of the arrears of their respective offices, dated September 13, 1832, and copies of such replies as have been received thereto.—(Document marked R.)

I also beg leave to submit to the committee a synopsis (document marked S) of the information contained in the replies from the surveyors, as far as it has been found practicable to arrange and classify the subjects of their replies. I have to remark that there have not yet been received replies from the surveyors general of Louisiana and Arkansas. Neither of these offices can be said yet to have got into operation. The latter office, from recent advices, had not procured from St. Louis all the books, papers, and documents ordered to be transferred to his surveying department by the law of the last session of Congress, in consequence of the great amount of transcribing to be done where the original records of surveys in Arkansas could not be separated from those of Illinois and Missouri.

In reference to these important objects, I beg leave to present to the view of the committee the accompanying programme of "a bill in relation to the arrears of business in the offices of the surveyors general of the United States, and for other purposes," (document marked T,) and to refer to the treasury estimates for the year 1833, for the amounts of which the department, with a due reference to the importance of the ojects set forth, deemed it expedient to propose to be allotted to each surveyor general.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. Louis McLane, *Secretary of the Treasury.*

A.

Statement showing an estimate of the private claims confirmed by the laws of the United States, with a notice of Indian reservations made by treaty.

Louisiana—*Southeastern district.*

There have been confirmed in this district about 2,040 claims, and the land office, under an act of the last session, is now open for the examination of claims not heretofore confirmed.

No patent certificates have been received at this office, and consequently none of the confirmed claims have been patented. Some of the township plats have been received, and the surveys are progressing. It may therefore be reasonably expected that many patents will be demanded before the close of this year.

Louisiana—*Southwestern and northern districts.*

In these districts about 3,270 claims have been confirmed; one hundred and twenty-one cases have been patented, and about 500 certificates are now in the office for patenting. The greater portions of the districts in which these claims are situated have been surveyed, and the patent certificates for most of them must be expected in a short time.

Louisiana—*St. Helena district.*

About 3,100 claims have been confirmed in this district, and nearly the whole of the district has been surveyed and the plats returned to this office. With due diligence on the part of the land officers it is reasonable to suppose that upwards of 2,000 certificates may be forwarded for patent in less than one year. None of the claims in this district have been patented, no certificates having been received.

Mississippi—*Washington district.*

The claims confirmed in this district amount to 1,100. Of this number, although all the certificates have been issued and delivered to the claimants, but about sixty have been patented. The whole of the district was surveyed many years ago, but, in consequence of errors therein, many township plats will

have to be re-examined preparatory to making the corrections required. The causes, however, which have prevented the claimants from presenting their certificates for patents are not known to this office.

MISSISSIPPI AND ALABAMA—*St. Stephen's and Augusta districts.*

Within these districts about 700 claims have been confirmed. Not more than fifteen or twenty certificates have been presented and patented, but, as a great part of the surveys have been executed, most of the certificates may be issued during the next year.

FLORIDA.

In this territory upwards of 1,300 claims have been confirmed. About 100 certificates were received during the last year, but which had to be returned in consequence of informalities. These certificates, with others for the claims already surveyed, should have been received ere this, and the surveys are in progress. Many demands for patents are expected during the present year.

MISSOURI AND ARKANSAS.

In Missouri and Arkansas upwards of 3,500 claims have been confirmed, and a board of commissioners is now in session at St. Louis deciding upon other claims.

Rather more than 500 claims have been patented, and, as the tracts of country in which the claims are situated are almost entirely surveyed, the certificates can shortly be issued for the whole of them. It is known that near 1,000 patent certificates have been issued by the recorder which have not been presented for patents in consequence of the inattention of the parties interested.

INDIANA—*Vincennes district.*

There have been confirmed in this district about 900 claims, of which about forty have been patented, and, as they are all surveyed, nothing but the inattention of the parties prevents the issuing of patent certificates for these claims.

ILLINOIS AND MICHIGAN.

It would be difficult to ascertain the number of claims in Illinois and Michigan which have been confirmed. A large portion of them have, however, been patented, but, as they have all been surveyed, patents can at any time be demanded for those remaining, which must amount to several hundred.

INDIAN CLAIMS.

Some of these claims have been patented; others have been lately located, and require certificates to be issued; while there are some yet unlocated. The exact number of reservations made by the several treaties has not been ascertained, but they exceed five hundred, and, especially in cases of transfer, &c., involve more labor than the ordinary cases of private claims. In addition to this number, it appears by the published abstract of the Choctaw treaty of 1830 that provision is made for granting about 1,700 reserves, exclusive of those to be granted to such Indians as may cultivate a certain number of acres for a few years, and to the several members of their families. By the treaty of March last with the Creek Indians numerous reservations are also granted, but this office has not, at present, the means of ascertaining their number.

B.

Statement in relation to the indexing of the private claims.

Indexes in favor of the "present claimants" have been made out in the following cases:

	Claims.
St Helena district	3,655
Jackson Court-House district	1,013
Missouri and Arkansas	6,759
In the Louisiana districts	5,028
In Florida	2,116
In Michigan	1,247
In Washington district, Mississippi	1,863
Total number indexed to present claimants	21,681

Claims not indexed.

Indiana	1,408
Illinois	3,022
Louisiana districts	2,379
St. Stephen's district	363
Total number to be indexed to present claimants	7,172
Total number to be indexed in the names of the original claimants	28,853

C.

Statement of the arrears in the bureau of private land claims, with an estimate of the requisite number of clerks to bring up the business in one year.

Examining and collating the title papers, and attending to the necessary correspondence to perfect the titles of 600 claims, and writing and recording the patents for the same	1½
Indexing the names of the original and present claimants	2½
Transcribing the original report of the commissioners	4
Total	8

Making references on the reports not estimated.

D.

A statement exhibiting the items of arrears in the military bounty land branch of the General Land Office, with an estimate of the number of clerks required to bring up the business in one year.

Examining the title papers, attending to the necessary correspondence and instructions to perfect the titles of three hundred surveys, and writing and recording patents for the same	1½
Indexing the names of persons to whom United States military warrants have issued, and patents granted therefor	½
Transcribing the war office registry of warrants and surveys patented	2
Total	4

E.

A statement of the arrears of posting the entries and accounts of land sold, and auditing the accounts of receivers of public moneys, with an estimate of the number of clerks necessary to bring up the business in one year.

Posting 24,000 certificates of purchase, with the necessary examinations thereof, and the incidental correspondence connected therewith	4
Adjusting and making out a statement of the quarterly accounts, and recording the same, including the necessary correspondence connected with the discharge of this duty	1
Total	5

F.

A statement exhibiting an estimate of the number of clerks necessary to complete the indexes to the records of land sold, and of military bounty lands of the last war, and to papers of assignments of purchased lands in one year.

Making separate indexes to 358 volumes, and general indexes to 441 volumes of records of patents equal to 779 volumes in the whole, computing the labor at five days per volume	13
Making indexes to the assignments of purchased lands	2
Total	15

G.

A statement showing an estimate of the number of clerks necessary to bring up the arrears of the tract books in one year.

Opening 342 tract books, computing the labor at two days per book	2
Total	2

H.

A statement exhibiting an estimate of the number of clerks necessary to bring up the arrears of the office, in writing, recording, examining, and comparing patents under the cash system for one year.

Writing and recording 45,000 patents, computing at the rate of 12 per day for one person	12
Examining and comparing 45,000 patents with the records and title papers of the same, and filing away the certificates of purchase	2
Total	14

I.

A statement showing the number of cases of lands sold for which patents have been suspended, with an estimate of the number of clerks necessary to bring up this branch of arrears in one year.

SUSPENDED CASES.

In Ohio	216
Indiana	54
Illinois	128
Missouri	221
Alabama	210
Mississippi	1,371
Louisiana	95
Michigan	8
Arkansas	113
Florida	56
Total	2,472

Estimate of clerk hire for one year.

Examining the papers, attending to the necessary correspondence to complete the titles, and writing and recording the patents for the same, computing at the rate of 4 cases per day	2
Total	2

J.

A statement of the quantity of lands granted Ohio, Indiana, Illinois, and Alabama, for canal and road purposes, with an estimate of the number of clerks required for one year to make the necessary entries, abstracts, and certificates of the same.

Ohio	922,937 acres	11,537—80 acre lots	
Indiana	524,800 "	6,560	"
Illinois	480,000 "	6,000	"
Alabama	400,000 "	5,000	"
Total	2,327,737	29,097	

Estimate of the clerk hire for one year.

Making 29,000 entries on the tract books, and coloring the same on the township plats	2
Making out transcripts of the several tracts to the registers of the proper land offices, and certificates of locations to the several States receiving the grants	1
Total	3

K.

A statement of the arrears in adjusting the quarterly accounts of the surveyors general, with an estimate of the time required to bring the same up in one year.

Surveying districts.	Number of quarterly accounts to be adjusted.	Miles of surveying charged in the accounts.		
		For which plats are received.	For which plats are not received.	Total of miles charged.
Ohio, Indiana, and Michigan	2	2, 873	.....	2, 873
Missouri, Illinois, and Arkansas	15	3, 473	9, 055	12, 528
Alabama	3	233	2, 488	2, 721
Florida	8	46	6, 482	2, 628
Mississippi and Louisiana	closed.	38, 184	2, 005	40, 189*
Mississippi	4	14, 077	.....	14, 077
Louisiana	4	accounts	not returned.	
Arkansas (office not yet in operation)	.....	.....	.....	.....
Total	36	58, 866	20, 030	78, 916

*These accounts have been suspended to be examined on the return of the plats and accounts by the present surveyor general of Mississippi.

Estimate of clerk hire for one year.

The adjustment of these accounts, including the necessary correspondence, computed at three townships or 216 miles per day, would be equal for one year to	1
Total	1

L.

IN THE SENATE OF THE UNITED STATES, *February* 28, 1823.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause to be prepared and laid before the Senate at the beginning of their next session maps of the several States of Ohio, Indiana, and Illinois, Missouri, Mississippi, Alabama, and Louisiana, and the Territories of Michigan, Arkansas, and Florida; which maps shall contain plats of the public land within the aforesaid States and Territories, which, before the first day of the year 1823, had been surveyed under the authority of the United States; marking upon the maps aforesaid the land the Indian title to which, at the date aforesaid, was not extinguished, and distinguished by colors upon the plats aforesaid the land granted to the army, the lands sold by the United States, the land granted to occupants, or confirmed to persons claiming under British, French, and Spanish titles, and also the land surveyed as aforesaid which, at the date aforesaid, remained to be sold; stating, likewise, the computed number of acres each of the enumerated classes of land, and the number of acres which, at the date aforesaid, had been surrendered to the United States under any law passed for the relief of the purchasers of public land, together with a statement of the amount of debt at the date aforesaid due to the United States from the purchasers of public land within the respective States and Territories aforesaid.

Attest: CHARLES CUTTS, *Secretary.*

M.

TREASURY DEPARTMENT, *March* 19, 1823.

SIR: Enclosed you will receive the copy of a resolution of the Senate of the 28th February last, directing the Secretary of the Treasury to cause maps of the several States of Ohio, Indiana, Illinois, Missouri, Mississippi, Alabama, and Louisiana, and of the Territories of Michigan, Arkansas, and Florida, to be prepared and laid before the Senate at the beginning of their next session. I request that they may be prepared before that time, in order that they may be laid before that body on the first day of the next session of Congress.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

JOHN MCLEAN, Esq. *Commissioner General Land Office.*

N.

A statement exhibiting an estimate of the clerk hire necessary to bring up the arrears of the draughtsman's bureau in one year.

Protracting six hundred township plats upon the connected district maps and entering the subdivisions in the bound volumes of plats, made necessary by the act of April 5, 1830, and some previous laws of Congress	1
Completing the maps and coloring the same for the use of the Senate, in pursuance of a resolution of that body adopted February 28, 1823	6
Total	7

O.

A summary statement of the number of clerks necessary to bring up the arrears of business in the General Land Office in one year.

1st. In the bureau of private land claims, per statement C	8
2d. In the bureau of military bounty lands, per statement D	4
3d. Posting entries of sales of public lands and adjusting the quarterly accounts therefor, per statement E	5
4th. Indexes to records of patents, &c., per statement F	15
5th. Opening tract books, per statement G	2
6th. Writing, recording, and examining patents under cash system, per statement H	14
7th. Suspended cases of lands sold, per statement I	2
8th. Entries, certificates, and transcripts of grants to States, per statement J	3
9th. Adjusting quarterly accounts of surveyors general, per statement K	1
10th. Draughtsman's bureau, per statement N	7
Total	61

P.

A statement showing the quantity of lands sold under the cash system, the number of tracts of eighty acres each, and the whole number of patents issued, of every description, in the several years of 1827, 1828, 1829, *and* 1830, *with the excess of tracts sold over the number of patents issued.*

Years.	Acres sold.	No. of tracts.	Patents issued.	Excess of tracts not patented.
1827	926, 727	11, 571	11, 982	.....
1828	965, 600	12, 070	7, 783	4, 287
1829	1, 244, 860	15, 561	10, 647	4, 914
1830	1, 929, 733	24, 121	14, 610	9, 511
Total	5, 066, 920	63, 323	45, 022	18, 712
From which deduct the excess of patents over tracts sold in 1827				411
Total of excess of tracts sold over patents issued				18, 301

Q.

A BILL for regulating and facilitating the making of public surveys of the land of the United States, and rendering returns thereof to the General Land Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in each and every case in which the holder of any claim to land, under a title recognized by the laws of the United States, after having received due notice, either personal or by advertisement, in some public newspaper in the district in which such claim may be situated, that a deputy surveyor is about to survey the lands including such claim, shall refuse or neglect to furnish such deputy with all the information in the power of such claimant to afford, respecting the true situation and boundaries of the claim, it is hereby made the duty of the deputy surveyor to survey and return the same as public land; and in case the claimant should thereafter establish the position and limits of the claim, the same shall be located under the direction of the Commissioner of the General Land Office, by taking such legal subdivisions of the public lands as will give to that tract the shape and contents of the original claim as nearly as practicable.

SEC. 2. *And be it further enacted*, That in all cases where a surveyor general shall be satisfied that there is good ground to believe that any claim to public lands has been confirmed in consequence of the production of forged or antedated papers or documents, or has been supported by perjury, or that a claim has been located so as to embrace lands not covered by the original grant or settlement, it shall be his duty to represent the claim upon his returns of survey, in such manner as the Commissioner of the General Land Office may direct, and to furnish to the said Commissioner a statement of the facts and circumstances of the case; and if from such statement the Secretary of the Treasury shall be of opinion that fraud has been practiced, either in procuring the confirmation, or in the location of the claim, he shall cause the land covered by such fraudulent claim or location to be offered for sale in the same manner as other public lands in the same district; and upon being advised thereof, it shall not be lawful for the surveyor general, or the land officers, to issue or grant any survey, certificate or paper, or copy of any document tending to show that the claimant had any title to such alleged claim.

SEC. 3. *And be it further enacted*, That if, in the execution of his duties, a surveyor general shall have ascertained that, in consequence of the small amount of the work to be performed, or of the peculiar nature thereof, either on account of its locality or other causes, that it is impracticable to procure any accurate survey to be made by a surveyor competent thereto, at the present rate of compensation, it shall be his duty to report the facts to the Commissioner of the General Land Office, who, with the approbation of the Secretary of the Treasury, shall be, and hereby is, authorized to make for such work such further and other allowance, in addition to the price now allowed by law for surveying, as he may deem justified by the circumstances of the case.

SEC. 4 *And be it further enacted*, That it shall be, and hereby is, made the duty of the surveyors general to transmit to the Commissioner of the General Land Office copies of all contracts entered into for surveying; and, at the time of making such contracts, to require from the deputy a bond, with good and sufficient security, conditioned for the correct and faithful execution of the work confided to him, and for the reimbursement of any expenses which the government may be at in having any errors or omissions in the execution of the work ascertained and corrected. And, in all cases in which a surveyor general may doubt the accuracy of any work, he shall take such measures as the Commissioner of the General Land Office may prescribe for the purpose of examining and ascertaining the same; and in case it shall be found that the work is erroneous or defective, it shall be the duty of such surveyor general to take the necessary measures to have it corrected or completed, and the expenses in making the examination, correction, or completion, shall be recovered from the deputy surveyor and his securities, by legal proceedings on his bond.

SEC. 5. *And be it further enacted*, That in case the Commissioner of the General Land Office may deem it advisable for the interests of the United States, it shall be lawful for him to require from the surveyor general the transmission to his office of copies of the *field-notes* of the public surveys, or the originals thereof, in lieu of the descriptive notes now required by law.

R.

Copy of a letter addressed by the Commissioner of the General Land Office to the honorable G. C. Verplanck, Chairman of the Committee of Ways and Means of the House of Representatives, and dated January 7, 1833; also copies of the accompanying documents.

GENERAL LAND OFFICE, *January* 7, 1833.

SIR: To explain the objects of the following appropriations for the year 1833, for which estimates have been submitted by the Secretary of the Treasury, I have the honor, respectfully, to refer the committee to the following accompanying documents, viz:

Paper marked A will serve to show the items composing the aggregate amount of $16,158 40 as contingencies for the year 1833, and to cover the deficit in the appropriation of the last year to meet the expenses of that year. It will be perceived that the single item of blank patents, including the printing, covers $11,858 40, leaving only $4,300 to cover all other expenses, including 200 books.

I have to assure the committee that the expenses of the Land Office increase in a direct ratio with the increase of sales and land offices. There are at present 48 land offices in operation. Two, at least, if not three, will be created during the present session out of the late Choctaw and Chickasaw cessions, and others are contemplated. The expense of getting these offices into operation bears heavily on this office. The late law, authorizing the subdivision of the public lands into quarter-quarter sections has greatly increased the number of patents; (two being requisite for the same quantity of land that a single patent was formerly granted.) Hence the demands on the contingent fund must necessarily be on the increase. It may moreover be satisfactory to the committee to be assured that this office obtains all articles of contingencies on the lowest prices that the market affords. The parchment contract is reduced so low as to have rendered it difficult, for a long time, to find merchants willing to accede to the terms offered by the office. We pay 19 cents for one parchment and printing; fifteen years ago they cost about three times that amount. Such has been the economy exercised in this office, that it is impossible to effect any reduction in the expenses.

In consequence of the deficit of last year's appropriation, the office has been compelled to obtain from the branch bank of the United States an advance of $2,290 on the faith of an appropriation to cover such deficit.

In reference to the item of surveying expenses I beg leave to refer the committee to the accompanying paper, marked B, and the copy of the surveyor's estimates (so far as received) accompanying the same paper, marked C.

To explain the submissions for the offices of the surveyors general, I beg leave to refer the committee to the circular letter from this office, dated September 13, 1832, to the several surveyors general, and to their reports in reply thereto; all under the same cover, paper marked D.

I flatter myself that the surveyors' reports will fully explain the absolute necessity of providing increased means for the surveyors' offices. It has, for years past, been *matter of notoriety* in the several surveying districts (of which there are now *seven*) that the government has failed to accomplish the

object of the laws of Congress, in having lands brought into market after the surveys have been made, for want of force in the surveyors' offices, by reason of the inadequacy of the appropriation. The public interest and that of individuals equally demand that those surveys be brought into market. Depredations are constantly being committed on the timber, thereby depreciating, in numerous instances, the value of the land.

After the surveys are completed it is the duty of the surveyors' offices to test the accuracy thereof by protraction. Triplicate plats have then to be made out, one for the district land office, one for the General Land Office, and a third for the record in the surveyors' offices. The field-notes have afterwards to be recorded. A late law of Congress authorizing the subdivision of land into quarter-quarter sections has greatly added to the labors of the surveyors' offices. The old subdivisions have to be disturbed, and new subdivisions have to be made. These new subdivisions have also to be made in triplicate.

The timely and judicious application of small sums might, to a great degree, have prevented the existing embarrassments in the surveyors' offices. There are about 400 townships of land surveyed, which cannot be brought into market for want of more clerks and draughtsmen. New laws are continually imposing new duties, and taking off the attention of the officers from the mass of arrears, and thereby increasing them.

In addition, I have to urge, as a reason for the necessity of an increased appropriation, the fact that surveyors' offices contain all the original evidences of survey. Their offices are anything but fire-proof, and if burnt down all legal evidences of survey are lost with them. This was the case in Alabama about five years ago. The surveyor's office was destroyed by fire, and probably one-half of the evidences of survey in that State were consumed. To prevent a similar evil, the department is greatly desirous of having authenticated transcripts of the field-notes filed among its own archives; and hence the two objects of bringing up the back work in the surveyors' offices, and the commencing a system of transcribing of the field-notes, are blended together in the estimate; and the reason for blending them was, that the reports from the surveyors, under the circular of 13th September last, were not received in time, and the estimate was necessarily made without them. Now that they are received, (in part only, however,) I do not see any good reason for making an alteration in what has been estimated.

In reference to the submissions for extra clerk hire in this office, I have to remark that the labors of this office are continually increasing. The aid which those estimates call for will not keep up current business. There are now 45,000 patents to be issued, before the end of the year there will be 45,000 more, and there are already six new land offices which the office has no accountant to supervise. The best idea that can be given of the wants of the office is the undeniable fact that its concerns with each land and surveying district, to wit: checking the sales of public lands, (that is, keeping an account with each purchaser of public lands,) auditing the accounts of the receivers of public moneys, writing and recording all the various descriptions of patents for public lands, private claims, and military bounties, issuing military land scrip, preparing connected maps of the public surveys, the immense amount of correspondence with land agents and individuals, demand at least *one clerk* to supervise the concerns of *each* land and surveying district, and perform the various duties which are briefly enumerated above. There are at this time *fifty-five* land and surveying districts, whereas there are only seventeen regular clerks and eleven extras, in all twenty-eight.

In reference to the nature and amount of the arrears of this office, I would beg leave to refer the committee to my reports accompanying the three last annual reports made by the Secretary of the Treasury to Congress.

Being now fully of the opinion that the estimates for extra clerk hire are far short of the exigency of the public service, and as there are now six land districts without a clerk to superintend them, and there being five or six more in contemplation this session, I cannot fail to urge on the committee the propriety of increasing the appropriation of $7,000 to $9,000.

With great respect, your obedient servant,

E. HAYWARD.

Hon. G. C. VERPLANCK, *Chairman of the Committee of Ways and Means, House of Representatives.*

A.

In explanation of the estimate of the expenses of the General Land Office during the year 1833, *submitted by the Secretary of the Treasury.*

Deficit of appropriation for 1832:

Bartow & Co.'s bill rendered for 4,680 parchments	$655 20
Bartow & Co.'s bill rendered for 4,680 parchments	655 20
William J. Stone's bill for *printing* 11,600 patents on copper-plate, at 5 cents	580 00
Cost of printing 9,360 delivered by the Bartows	468 00
Peter Force's bill for 50 tract-books	400 00
Cost of 50 additional tract-books which should have been procured for surveys to be opened in 1832	400 00
	3,158 40
Of this deficit for the past year the sum of $2,290 40 has been advanced by the branch bank of the United States:	
In 1833 50,000 pieces of parchments are to be paid for during the year There are *now* 45,000 patents *to be issued.* Before the end of this year there will be 90,000	7,000 00
Printing 50,000 copies on copper-plate, at 5 cents	2,500 00
For 100 record books for land patents, paper, quills, ink, wafers, blanks for forfeited land scrip, records for military land scrip, binding returns from land offices, miscellaneous records, book-cases, desks, carpets for brick floor, printers' accounts for advertising land proclamations, printing instructions to the district land offices, and supplying books and blanks for the same, &c	3,500 00
Aggregate	16,158 40

B.

In explanation of the estimate of the expenses of surveying the public lands during the year 1833, *submitted by the Secretary of the Treasury.*

1st. The general item of $75,000. This item embraces all the public surveys for which specific objects are not assigned, to wit:

For Ohio, Indiana, and Michigan peninsula, also surveys in Michigan west of the lake	$50, 000
For the Territory of Arkansas	20, 000
For the Territory of Florida	25, 000
For Louisiana	25, 000
For Illinois and Missouri	26, 000
For Mississippi, balance due on the old surveys, (exclusive of the late Indian cessions)	10, 000
For Alabama.....do.....do.....do	5, 000
Aggregate	161, 000
Deduct the unexpended balance of former appropriations	86, 000
Leaves	75, 000

In reference to the items for surveying the late *Choctaw* cession in Mississippi and Alabama	75, 000
For surveying the late *Creek* cession in Alabama	20, 000
For surveying the late *Chickasaw* cession in Mississippi and Alabama, in case the treaty should be ratified	80, 000

The committee are respectfully referred to the accompanying copies of the surveyor's estimates.

GENERAL LAND OFFICE, *January* 14, 1833.

SIR: Among the reasons urged in my communication to you on the 7th instant, in support of the estimates of the department for increased clerk hire in the offices of the surveyors general, I omitted, in the hurry to bring that communication in due time before the committee, to mention an important item of the duty of the surveyors general, which does not come properly under the denomination of arrears of current duties, but to perform which will necessarily tend greatly to divert their attention from those arrears—it is the constant demands on their time and attention to renew the township plats of the old districts.

On these plats are marked all the indications of sales, forfeitures, relinquishments, and resales of each particular tract of land. The plats are made out on paper and not on parchment, as would be desirable.

The plats of the *old credit system districts* have all become so defaced as to require renewal, and even in many of the districts which have been put in operation within the last twelve years a renewal of the plats, wholly or partially, is required. The plats are liable by law to be inspected by each land purchaser, and it may readily be conjectured that the constant handling of them by all descriptions of persons must necessarily mutilate them in a few years.

The operation of the late pre-emption law has, within three years, greatly tended to the injury of these plats by the wear and tear produced by the incessant references.

It is a fact well known to this office that, in some districts, the land officers cannot with certainty sell land in consequence of the great difficulty of discriminating between the vacant and sold lands by reason of the defacement of the plats; and although instructions have been repeatedly given to the surveyors general to remove the difficulty by renewing the plats, yet the department has been unable to accomplish the object for want of means in the surveyors' offices.

From these causes, as may readily be imagined, it frequently occurs that lands are erroneously sold, and the only effectual checks to prevent the erroneous issuing of patents are found in the tract books of this office.

The detection of such errors, and the correspondence necessary to their correction, impose much labor both on this office and that of the Secretary of the Treasury, who is authorized by law to direct the correction of errors made at the land offices.

I am, &c.,

ELIJAH HAYWARD.

Hon. G. C. VERPLANCK, *Chairman of the Committee of Ways and Means, House of Representatives.*

C.

SURVEYOR GENERAL'S OFFICE, *Cincinnati, November* 7, 1832.

SIR: Your letter of the 11th September was duly received, and, in compliance with your request, I herewith have the honor to submit the following estimates, for this surveying department, for the year 1833:

For surveying the public lands in the Michigan Territory, west of Lake Michigan, for contracts now existing	$20, 000	
For other surveys in Ohio, Indiana, and the peninsula of Michigan	5, 000	
		$25, 000

Brought forward		$25,000
For salary of surveyor general	$2,000	
For salary of three clerks, as heretofore	2,100	
For salary of additional clerks, required by the state of the office	2,000	
		6,100
For stationery and postage		500
		31,600

Prospective estimates made by this office must necessarily be uncertain, as it cannot be known what surveys the government may order to be made within the next year. If further surveys be ordered to be made within the year 1833, in the territory west of Lake Michigan, which is probable, an additional sum to cover such surveys will be required.

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

M. T. WILLIAMS.

THOMAS L. SMITH, Esq., *Register of the Treasury.*

SURVEYOR'S OFFICE, *St. Louis, November*, 1832.

SIR: Your letter of the 11th September last was received in due time, and in compliance therewith I submit the following estimate of the expenses of this office during the year 1833, viz:

Surveying 7,700 miles of public land, at $3 per mile	$23,100
Surveying the common field lots and the out boundaries of the commons of the several towns and villages in Missouri, and for surveying and resurveying confirmed private land claims, say 500 miles, at $3 per mile	1,500
Postage on letters and packages received at and sent from this office on public business	300
Stationery, including platting instruments and binding books of plats, &c	600
Office rent	180
Fuel	75
Office furniture	100
Salary of the principal surveyor	2,000
Salary of three clerks	2,000
	29,855

And if the allowance for extra clerks which has been recommended by the Commissioner of the General Land Office should receive the sanction of Congress, the following additional appropriation will be required, viz:

Extra clerks	3,900
Additional office rent	120
Additional costs of fuel	75
Additional stationery and platting instruments	800
Additional office furniture	150
Also, if this office is authorized to employ on particular occasions (as has been recommended) a deputy surveyor, at a per diem allowance for the execution of such portions of the survey as cannot be done for the present compensation, there may be required for that purpose	1,500
Total	36,400

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

E. T. LANGHAM.

T L. SMITH, Esq., *Register of the Treasury, Washington.*

SURVEYOR'S OFFICE, *Washington, Miss., October* 20, 1832.

SIR: In reply to your letter of the 11th ultimo, requesting an estimate of the expenditures which may be necessary for this office for the year 1833, I have to state that for surveying in the late Choctaw cession there was in the last session of Congress appropriated $80,000. Of this sum, I learn from General Coffee, that $13,500 may be required for that part of the late Choctaw cession within Alabama, leaving for Mississippi $66,500.

The contracts for surveying already amount to about $70,500, which contracts were made under the belief that the whole $80,000 were applicable to surveys within Mississippi, as expressed in the law.

This will show a deficit to meet contracts of	$4,000
Balance to complete the surveys of the late Choctaw cession over the $70,500 which may be required in the ensuing year	65,500
To complete a few unfinished townships of the Choctaw district, and correct erroneous surveys, and supply defects in the surveys west of Pearl river	5,000
To settle accounts for surveying in Louisiana, and recording done by one of the late principal deputies, which accounts are not yet adjusted, say	15,000
For salary of surveyor south of Tennessee	2,000
For salary of two clerks as usual	1,700
For salary of three extra clerks to keep up the recording, and gradually bring up that which is several years in arrears, at $800 each	2,400
For record books and other necessary contingent expenses	500
	96,100

If the Chickasaw country should be obtained, and the government desire it, there may be one hundred townships surveyed out of that country, which at $4 per mile, and allowing for traverse of watercourses, will require on an average three hundred dollars for each township, making $30,000; which, added to the above, will make the entire sum $126,100.

With great respect,

GIDEON FITZ, *Surveyor, &c.*

T. L. SMITH, Esq., *Register of the Treasury.*

SURVEYOR'S OFFICE, *Florence, Alabama, November* 8, 1832.

SIR: Your letter calling for the usual estimates for surveying the public lands in Alabama for the year 1833, has been received, and in answer thereto I make the following estimates, which may not be precisely correct, but are as nearly so as may be.

In the Choctaw country last ceded, and within the limits of Alabama, there are 3,447 miles of the lines of the surveys. This work has all been done in this year; but on account of some errors a small part of it has to be surveyed over again, but which will not produce a material difference in the extent of miles. Whole amount, at four dollars a mile, is $13,788.

An appropriation was last year made of $80,000, to be applied to paying for the surveying of this country; out of that appropriation I have received $8,000; the balance of $5,788 is yet due to the surveyors for that work, and probably may be paid out of the former appropriation. This can be ascertained at the proper department of the treasury.

The survey of the Creek lands is now in progress, and will be completed, in all probability, in the course of this year. The precise contents are not yet known, but it may be estimated that the survey will amount to $70,000. An appropriation was made last year, for surveying the Creek lands, of $50,000, which will leave a balance of $20,000 to be raised out of next year's appropriation.

By a treaty lately signed between the United States and the Chickasaws, which is not yet ratified, but if it shall be ratified by the President and Senate, the Chickasaw nation has ceded all their country east of the Mississippi river, estimated to contain 280 townships, equal to 6,451,200 acres, or 20,160 miles of surveying, at $4 a mile, will be $80,640. If the treaty is ratified, the land will be surveyed in the year 1833; and although the surveys are to be paid for out of the proceeds of the sale of the same lands, yet the government will advance it before the sale can take place, subject to be refunded out of the sales of the lands, as is provided for in the treaty.

Recapitulation.

For surveying the Choctaw lands	$5, 788
For surveying the Creek lands	20, 000
	25, 788

If the Chickasaw treaty is ratified, it is estimated that 20 townships of that country will lie in Alabama, and 260 townships in Mississippi; in all 280, equal to 20,160 miles, at $4 per mile, $80,640.

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

JOHN COFFEE.

T. L. SMITH, Esq., *Register of the Treasury, Washington, D. C.*

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, December*, 1832.

SIR: I have delayed until this period to transmit the estimates called for in your communication of the 11th September, under the expectation of receiving information which would enable me to judge what portion of the public unsurveyed lands in this State it will be most expedient, with a view to the interest of the United States, as well as the advantage of the settlers, to cause to be surveyed during the course of next year. I have now the honor to forward the estimate herewith enclosed.

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

H. B. TRIST, *Surveyor General.*

T. L. SMITH, Esq., *Register.*

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, December*, 1832.

Estimates of the amount of public lands in the State of Louisiana to be surveyed in the year 1833:

In the southwestern district 1,500 miles of public lands, at $4 per mile	$6, 000
In the district north of Red river 4,000 miles of public lands, at $4 per mile	16, 000
In the southeastern district 1,500 miles of public lands, at $4 per mile	6, 000
For surveying private confirmed claims in said districts	2, 000
	30, 000

H. B. TRIST, *Surveyor General.*

SURVEYOR'S OFFICE, *Little Rock, A. T., October* 20, 1832.

SIR: Your letter of the 11th ultimo, requesting estimates for the year 1833, has been received, and I have the honor, herewith, to transmit said estimates under the heads that follow, viz:

For surveying public lands	$25,000
For salary of surveyor general	1,500
For draughtsman and clerks	1,800
For furniture for surveyor's office, viz: writing desks and tables, book-cases, chairs, &c	200
For blank books and stationery	150
For postage	50
For printing	100
For house rent and fuel	200
For transporting from St. Louis to Little Rock the books, papers, documents, &c., which relate to the surveys in the Territory of Arkansas	150
For surveyor general's services, or mileage, travelling to and returning from St. Louis; in procuring and having transported to Little Rock the books, papers, documents, &c., which relate to the surveys in the Territory of Arkansas	128
Making an aggregate of	29,278

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

J. S. CONWAY.

T. L. SMITH, Esq., *Register United States Treasury, Washington City.*

D.

Circular to surveyors general.

GENERAL LAND OFFICE, *September* 13, 1832.

SIR: I have to request that you will furnish to this office, in time to be submitted to Congress at an early period of the ensuing session, a report, by land districts, detailing under specific heads, as far as practicable, the nature and amount of the different arrears of the work of your office.

1. The number of townships surveyed, the field-notes of which remain to be tested by actual protraction, and the time which will be required to protract the same with your present force.

2. The arrears in furnishing copies of township plats and descriptive notes both to this office and the district land offices, with the time required to do the work with your present force.

3. The arrears in recording plats, with the time required to perform the work with your present force.

4. The arrears in recording field-notes, with the time required to perform the work with your present force.

5. The number of clerks which would be requisite to bring up all the arrears in two years, were it practicable for so great a number to be employed at one time.

6. The number of clerks that could be most usefully employed at one time, with their respective compensations, classed according to the duties to be performed, &c.

7. The amount of house rent and fuel which would be required (in case Congress should make an appropriation for those objects) in the event of your being authorized to engage as many clerks as you could advantageously employ at one and the same time.

Intending to submit to Congress the propriety of so altering the law regulating the public surveys as to require the surveyors to furnish with the township plats to this office and to the district land offices copies of the *field-notes* instead of *descriptive notes*, and also the propriety of transcribing all the *field-notes* of the public surveys now extant, in order that authenticated copies thereof may be preserved at the seat of government, I will thank you to render a *separate estimate* of the amount of labor to be performed in order to effect that object, and of the time, number of clerks, and also the amount of expenditure that would have to be incurred in so doing.

I am, very respectfully, your obedient servant,

E. HAYWARD.

SURVEYOR GENERAL'S OFFICE, *Cincinnati, November* 13, 1832.

SIR: In compliance with the request of your circular letter of the 13th September last, I have the honor of submitting the following statements:

The nature and amount of the different arrears of work in this office, separated by land districts, being fully set forth in my communication to you of October 8, 1831, up to that date, I beg leave to refer you to that communication for an answer to that portion of your inquiries, and to add further—

1. The field-notes returned to this office are regularly tested by protraction soon after their reception. Under this head there are no arrears of work in this office, with the exception of the notes of a few townships recently received.

2. There are no arrears in furnishing *copies of township plats* either to the General Land Office or to district land offices. There are due to the General Land Office *copies of descriptive notes* of eighteen townships, (see my letter of the 3d August last,) to the land office at Detroit fourteen townships, and to that at White Pigeon sixty-four townships. These items of arrears have accrued by reason of the subdivision of fractions required by the provisions of the act of the 5th April last.

3. Referring to the amount of arrears up to the present moment, I am of opinion that *five* additional clerks for two years would be required to bring up the work of the office; but this is too great a number to be advantageously employed at the same time.

4. *Two*, or at furthest *three*, additional clerks might be advantageously employed at the same time. Their salaries should be about $700 each for two of them, and $600 for the third.

5. For office rent and fuel there should be about $150 appropriated additional.

6. Upon a careful examination of the subject, I find there are in Ohio of surveyed townships and fractional townships about..... 830
In Indiana..... 853
In Michigan Territory..... 500

Total number of surveyed townships..... 2,183

This number is exclusive of the field-notes of private claims. Estimating that to copy and compare the field-notes of one township, including the notes of the exterior lines and the meanders, will require the labor of a clerk *one and a half days*, it follows that it will require 10 years and $\frac{274}{300}$ of a year for one clerk to make copies of all the field-notes in this office, exclusive of the notes of the private claims.

A clerk competent to make fair and accurate copies of field-notes may be employed for a salary of about six hundred dollars per annum.

I am, very respectfully, your obedient servant,

M. T. WILLIAMS.

ELIJAH HAYWARD, Esq., *Commissioner of General Land Office.*

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* SURVEYOR GENERAL'S OFFICE, *Cincinnati, October* 8, 1831.

SIR: As an act of justice to the public service, as well as to myself, I deem it a duty to communicate to you, for the information of the department, the state of the records of this office at the time I assumed its responsibilities. The accompanying exhibit thereof is now submitted. It has been prepared after a careful examination of the records and files of each district of the public lands attached to this surveying department, and it is believed to present the actual state of the records as nearly as circumstances will admit.

The period when the surveys in each district were made will indicate the commencement and the progress of the arrears, some portion of which, it will be seen, is of nearly thirty years' standing.

From my limited experience with the duties of the office, I believe it to be impracticable, with the present provision for clerks, to make any progress in bringing up the records. To perform the current duties, and to make full and complete records of the work growing out of the surveys as they progress, is as much as can be performed, if not more, with only three clerks. I therefore respectfully suggest the necessity of provision for at least two additional clerks. It will probably require four years, with this additional assistance, to bring up the records and place the office in a proper condition.

For the causes which have operated to produce the present state of the records of the office, I beg leave to refer you to a communication made on the 27th of December last, by the late surveyor general; and I also beg leave to express my entire concurrence with his views in relation to the just claims of the chief clerk in this office to an increase of compensation.

An additional appropriation of fifteen hundred dollars will enable me to employ two additional clerks, and to make some addition to the salary of the chief clerk.

I am, very respectfully, your obedient servant,

M. T. WILLIAMS.

ELIJAH HAYWARD, Esq., *Commissioner General Land Office, Washington.*

State of the records of the public surveys in the surveyor general's office for the district of Ohio, Indiana, and the Territory of Michigan, on the first day of April, 1831.

IN OHIO.

1. STEUBENVILLE DISTRICT.

Recorded.	*Not recorded.*
The *plats* and *descriptions.* The field-notes of the *two mile blocks*, in the township north of the old seven ranges.	The whole of the *field-notes* in the old seven ranges, about 48 townships, (surveyed from 1800 to 1806.) The *field-notes* of the subdivisions of the *two mile blocks* north of the seven ranges, about 38 townships, (surveyed in 1805 and 1806.)

2. MARIETTA DISTRICT.†

The *plats* and *descriptions.*	The whole of the *field-notes*, 27 townships, (surveyed from 1800 to 1806.)

* This document was not copied for the Committee of Ways and Means of the House of Representatives.

† The field-notes of the exterior township lines of the *old seven ranges*, situated in the Steubenville and Marietta districts, being about 75 townships, are not recorded in this office. Copies of these notes, on the margin of the plats of the exterior lines, are in this office.

3. WOOSTER DISTRICT.

Recorded.	*Not recorded.*
The *plats* and *descriptions*, and *field-notes.*	

4. ZANESVILLE DISTRICT.

All the *plats* and *descriptions* south of the military tract, and of the townships and parts of townships in the military tract which are surveyed into sections; also the *plats* and *descriptions* of most of the reserved quarter townships surveyed into lots of 100 acres. The *field-notes* of the *two mile blocks* south of the military tract, of the township lines, and the *reserved quarter townships* in the military tract; also, of the townships south of the military tract, surveyed into *half sections*, being every alternate township.	The *plats* and *descriptions* of four reserved quarter townships surveyed into 100 acre lots, (surveyed from 1807 to 1818.) The *field-notes* of all the townships and parts of townships, subdivided into sections of 640 acres, in the military tract, being 60 townships of five miles square, (surveyed in 1803;) also the *field-notes* of the subdivisions of the *two mile blocks* south of the military tract, equal to 36 townships, (surveyed in 1805 and 1806.)

5. CHILICOTHE DISTRICT.

All the *plats* and *descriptions* south of the military tract, and of the townships and parts of townships in that tract, surveyed into sections; also of part of the *reserved quarter townships.* The *field-notes* of the *reserved quarter townships*, and the township lines in the military tract, and of the *two mile blocks* of the townships south of that tract; also of the townships surveyed into half sections, being every alternate township.	The *plats* and *descriptions* of 13 of the reserved quarter townships surveyed into 100 acre lots, (surveyed from 1807 to 1818.) The *field-notes* of all the townships and parts of townships in the military tract, surveyed into sections of 640 acres, being 7¼ townships, (surveyed in 1803.) The *field-notes* of the subdivisions of the *two mile blocks* south of the military tract, being 65 townships, (surveyed in 1805 and 1806.)

6. CINCINNATI DISTRICT.

All the *plats* and *descriptions*, and the greater part of the *field-notes.*	The *field-notes* of subdivisions of the *two mile blocks* of about 20 townships, (surveyed from 1805 to 1812.)

7. TIFFIN DISTRICT.

The *plats* and *descriptions* of the district, except of the 12-mile reserve at the rapids of the Maumee, and of the town plats of Perrysburg and Croghansville.	The *plats* and *descriptions* of the 12-mile reserve at the rapids of the Maumee, 4 townships, (surveyed in 1805, and laid off into tracts or lots on the river in 1816.) The *plats* of the towns of Perrysburg and Croghansville, (surveyed in 1816.) All the *field-notes* north of the base line, and of half the townships south of that line. The *field-notes* of the 12-mile reserve and of the towns of Perrysburg and Croghansville, equal in all to about 80 townships, (surveyed from 1819 to 1821.)

8. PIQUA DISTRICT.

All the *plats* and *descriptions.* The *field-notes* south of the base line.	The *field-notes* north of the base line, equal to 60 townships, (surveyed from 1819 to 1821.)

IN INDIANA.

1. JEFFERSONVILLE DISTRICT.

All the *plats* and *descriptions*, and the field notes.

2. VINCENNES DISTRICT.

All the *plats* and *descriptions.* The *field-notes* south of Harrison's purchase, except the townships embracing the private claims.	The *field-notes* of all the townships in "Harrison's purchase," and the *field-notes* of the townships south of Harrison's purchase, in which private claims are situated, equal in all to 94 townships, (surveyed from 1811 to 1819.) *Private claims.*—The *plats* and *field-notes* of all the private claims in this district, (surveyed from 1807 to 1820.)

3. INDIANAPOLIS DISTRICT.

All the *plats* and *descriptions.* The *field-notes*, except 40 townships.	The *field-notes* of 40 townships, (surveyed from 1819 to 1821.)

4. CRAWFORDSVILLE DISTRICT.

Recorded.	*Not recorded.*
The *plats* and *descriptions* south of township No. 23, inclusive, and southeast of the Wabash river. The *field-notes* in range No. 1 east of 2d meridian, and south of the Wabash river.	The *plats* and *descriptions* north and northwest of township No. 23, and the Wabash river, being 30 townships. The *field-notes* west of the 2d meridian, equal to 138 townships, (surveyed from 1820 to 1830.)

5. FORT WAYNE DISTRICT.

The *plats* and *descriptions* south and east of the Wabash, Little, and Maumee rivers.	The *plats* and *descriptions* north and northwest of Wabash, Little, and Maumee rivers, equal to 69 townships. The whole of the *field-notes* in the district, equal to 148 townships, (surveyed from 1822 to 1830.)

IN MICHIGAN TERRITORY.

1. DETROIT DISTRICT.

The *plats* and *descriptions* of the townships in ranges 4 to 17, inclusive, east of the meridian, excepting a few townships north of the township No. 6, and adjoining Lake Huron. The *field-notes* of all the townships south of the base line, except 36, and of all the townships from the base line to township No. 6 north, inclusive, in ranges No. 9 to 17 east.	The *plats* and *descriptions* in ranges 1, 2, and 3, and of a few townships north of township No. 6 north, and adjoining Lake Huron, equal to 77 townships. The *field-notes* of 36 townships south of the base line, and of all the townships north of the base line in ranges 1 to 8, inclusive; also a few townships adjoining Lake Huron and north of the 6th township on Saginaw river and its branches, equal to 144 townships, (surveyed from 1817 to 1830.)

2. WHITE PIGEON DISTRICT.

All the *plats* and *descriptions*, equal to 229 townships.

All the *field-notes*, equal to 229 townships, (surveyed from 1824 to April 1, 1831.)

PRIVATE CLAIMS IN MICHIGAN TERRITORY.

3. IN DETROIT DISTRICT, PROPER.

All the *plats* and *field-notes*, (surveyed from 1809 to 1828.)

AT MACKINAW AND ADJACENT SETTLEMENTS.

All the *plats and field-notes*, (surveyed from 1810 to 1828.)

AT GREEN BAY AND PRAIRIE DU CHIEN.

All the *plats* and *field-notes*, (surveyed in 1828.)

Miscellaneous records not made.

1. The *field-notes* of the *State lines* between Ohio and Michigan Territory, Ohio and Indiana, and between Indiana and Michigan Territory.
2. The *plats* and *field-notes* of the Indian reservations in Ohio, Indiana, and Michigan Territory.
3. The *field-notes* of Indian boundary lines.

Recapitulation of records yet to be made.

Districts.	Plats and descriptions.	Field-notes.	
	Townships.	*Townships.*	
Steubenville	.....	67	Being 48 entire and 38 half townships.
Marietta	.....	27	
Zanesville	4	78	Do. 60 do. 36 half townships.
Chilicothe	13	40	Do. 71/4 do. 65 half townships.
Cincinnati	.....	10	Do. do. 20 half townships.
Tiffin, equal to	10	80	
Piqua	.....	60	
Vincennes	.....	94	
Indianapolis	.....	40	
Crawfordsville	30	138	
Fort Wayne	69	148	
Detroit	77	144	
White Pigeon	229	229	
	432	1,155	

To this result is to be added the recording of the *plats* and *field-notes* of all the private claims in the Vincennes district and in the Territory of Michigan; also the several items of *miscellaneous records*, as shown in the preceding statement.

MICAJAH T. WILLIAMS, *Surveyor General.*

SURVEYOR GENERAL'S OFFICE, *Cincinnati, October* 8, 1831.

SURVEYOR'S OFFICE, *St. Louis, November* 12, 1832.

SIR: I received in due time your letter of the 13th of September of the present year, and herewith submit the following statements in answer thereto, viz:

1. There are no recent surveys in this office the field-notes of which require to be tested by actual protraction or otherwise; but circumstances, which will be developed in an after part of this communication, show that to put the affairs of the office in proper order, this will be no small item in the catalogue of duties to be performed.

2. This office has not sufficient data to answer with precision what are the arrears in furnishing the plats and descriptive notes to the General Land Office and to the registers of the several land offices, as the record evidences thereof commences only with the latter part of the year 1824. It is expected, however, that of the surveys in Illinois and Missouri the plats have mostly been furnished to the General Land Office, and that the arrears to the registers are about 400 townships and fractional townships, the plats of which on file in this office are unauthenticated, and ought, with few exceptions, to be constructed (or protracted) anew from the field-notes and examined thereby before copies are prepared for the land offices, which will require about 800 days' labor. To make and compare a copy of each for the registers will require, say 400 days' labor, and to complete and compare the descriptive notes will require about 400 days' labor, making a total of 1,600 days' labor to bring up the arrears of this branch of business.

To furnish the registers with copies of the mutilated plats of townships heretofore offered for sale will require about 1,000 days' labor.

3. There has been surveyed in Illinois and Missouri townships and fractional townships equal to about 2,204 whole townships, of which the plats of only 90 townships and 13 fractional townships have been recorded, (and which record is not authenticated,) leaving townships and fractional townships equal to about 2,108 whole townships of which the plats have not been recorded; and as but few of those on file are authenticated, it is thought advisable to recommend that an entire new set be constructed, on suitable paper, from the field-notes, and examined and properly authenticated previous to putting them on record, except those in the Kaskaskia district and some of the old surveys in the Howard and western districts, of which there are duplicates, and 60 townships in the Shawneetown district, of each of which there is one copy, that *have* lately been constructed, but not examined and authenticated; and excepting also a few others which have of late years been made in conformity with the present regulations of the department at Washington city. To construct anew from the field-notes such of the plats as it is deemed necessary and proper, exclusive of those townships not yet furnished the registers, and already estimated for, and also those which have lately been constructed, as before stated, will require about 4,000 days' labor. To examine the same and those which have already been constructed, and make the required corrections, will be about 2,000 days' labor. To record the whole of the said plats and examine the record will be about 4,000 days' labor.

4. A small portion of the field-notes in the Kaskaskia, Shawnee, and Danville districts, but none in any of the other land districts, have been recorded. It is recommended that the whole be recorded with as little delay as practicable, for many of the notes of the old surveys are in a perishable condition, being in numerous instances nearly illegible, on account of the indifference of the ink and paper, which are decaying with evident rapidity, and if much longer delayed will be a serious loss to the public. To record and examine the whole of the field-notes, except those already recorded, to examine the record, and to make proper indexes thereto, it is estimated will require 9,000 days' labor.

5. According to the foregoing estimates it will require thirty-six clerks to bring up the arrears of the office and place the documents therein in proper order in two years, allowing 300 working days to the year; and although it is practicable, yet it is not thought advisable to employ so great a number at one time.

6. In addition to the clerks allowed by law, and now engaged in this office, six others might be usefully employed at one time, viz: three draughtsmen, at $700 each per annum, and three recording clerks, at $600 each.

7. Should Congress make an appropriation for those objects, and allow six additional clerks, the office rent would then be about $300 and the fuel would cost about $150 per annum.

The latter part of your letter, requiring a *separate estimate* of the amount of labor to be performed in order to furnish the General Land Office with copies of all the field-notes of the public surveys now extant, and to furnish the district land offices and the General Land Office with copies of the field-notes instead of descriptive lists, will be the subject of another communication by this day's mail.

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

E. T. LANGHAM.

ELIJAH HAYWARD, Esq., *Commissioner of General Land Office, Washington City.*

P. S.—The press of business in conducting the ordinary operations of this office has prevented as minute an examination of the papers thereof as is desirable, and as would have been made under different circumstances. But it is confidently believed that the most scrutinizing inspection would vary the general result but little; and it may be proper to remark that, in estimating the time required to perform the different portions of labor, a liberal course was pursued, so as to be sure of not making an under calculation. Therefore, whatever errors may be found will, it is expected, invariably lessen the foregoing estimate, but not to any considerable extent.

SURVEYOR'S OFFICE, *St. Louis, November* 12, 1832.

SIR: In answer to the latter part of your letter of the 13th of September last, I have to inform you that it is estimated to transcribe all the field-notes of surveys now extant in Illinois and Missouri, to be furnished the General Land Office, would require about 8,500 days' labor, which, allowing 300 working days to the year, and an annual compensation of $600 to the clerks employed, would cost $17,000, exclusive of additional office rent, fuel, and stationery, which would perhaps be $1,000, making a total of $18,000. It is, however, recommended that this business should not be commenced until the field-notes are recorded in this office and properly indexed.

To furnish the General Land Office and the district land offices with copies of the field-notes in lieu of descriptive lists of the townships to be surveyed in future, would require an additional labor proportioned to the quantity of surveys that may be executed in any one year. And as there are but few surveys that will be returned to this office before the latter part of next year, no appropriation will be required for that purpose at the ensuing session of Congress; but if it is intended to furnish the notes of the townships the plats of which have not yet been sent to the district land offices, three additional clerks, at a compensation of $600 each per annum, will be required.

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

E. T. LANGHAM.

ELIJAH HAYWARD, Esq., *Commissioner of General Land Office, Washington City.*

SURVEYOR'S OFFICE, *Washington, Miss., October* 24, 1832.

SIR: In reply to your letter of the 13th ultimo, I have to state that there are about 400 townships in the old land districts of this State of which the field-notes are not recorded.

The clerks here estimate the recording of field-notes of three per week, for one clerk, as being sufficient, which would require the services of two clerks one year and a half nearly.

The contracts for surveying the late Choctaw cession amount to about $70,000; and allowing that each township, on an average, may require $300, the number of townships will be, say 234, which, at three per week, will require one clerk, to record the field-notes, one year and a half. These two objects will occupy three extra clerks one year and six months.

The two clerks provided for by law, with the surveyor general, then may be able to prepare the township maps, record them, and furnish copies for the General Land Office and land offices respectively.

It is proper to remark that clerks who are mere copyists would be of but little use in copying or recording the old surveys. The papers will require arranging, and notes for the government of the copyist, which will require the attention of the surveyor general frequently or a practical experienced surveyor. Under these circumstances, I am induced to recommend the employment of only three extra clerks, at $800 each. If it should be determined to have all the field-notes copied out of the record books, as well as those which have not been recorded for the General Land Office, then two or three more clerks could be employed, as they could copy from the record books without much attention.

The correspondence between this office and the General Land Office should be recorded. As yet there has not been time to spare for this object. The accounts, too, should be recorded in full, rather than put them on file. Papers on file are liable to be misplaced and lost. There has always been too much service required from this office by the government to be properly performed by the number of clerks employed.

My estimate furnished to the Register of the Treasury for the year 1833, will show you what surveying is contemplated for the ensuing year with the approbation of the government, and the expenditures to accomplish it. A copy is enclosed, dated 20th instant.

As to office rent, it may be reasonable to estimate it at $180 per annum, or more. If several clerks should be employed it will require more room than we have at present. The office I now occupy is at a lower rate, but that is because there is very little demand for house room, and it is not large enough for more clerks than are now employed.

As to fuel, I presume that eight cords of wood will be sufficient for one fire-place, and four fire-places would not be too much for the number of persons to be conveniently situated, which. at $3 per cord for wood, would amount to $96 per annum. These expenses should, in justice, be defrayed by the public, and not out of the surveyor's salary. His expenses of living are unavoidably very considerable in a southern country. His services are very laborious and responsible.

The copying of field-notes requires, say, at least double the time that copying of descriptive notes of a township would require.

With great respect,

GIDEON FITZ, *Surveyor of Public Lands, State of Tennessee*

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

SURVEYOR'S OFFICE, *Florence, Alabama, November* 29, 1832.

SIR: In answer to your circular letter of the 13th September last, I make the following estimate and report, to wit: That part of the Choctaw country lately ceded to the United States, which lies in the State of Alabama, has been surveyed and returned to this office. It contains sixty-three townships and fractional townships, thirty-nine of which lie in the St. Stephen's land district, and twenty-four in the Tuscaloosa land district, none of which have as yet been protracted or copied in this office.

That part of the Creek country lately ceded to the United States, within the limits of Alabama, has much of it been surveyed and returned to this office, and the whole survey will be completed and returns made by the last of this year. It is estimated to contain 277 townships and fractional townships, to wit: 165 in Tallapoosa district, and 112 in the Coosa land district, making in the whole, as before stated, 277 townships and fractional townships, none of which have been protracted or copied in this office.

Recapitulation.

St. Stephen's land district	39	townships and fractions.
Tuscaloosa land district	24	do
Tallapoosa land district	165	do
Coosa land district	112	do
Total	340	townships and fractional

townships; all of which have to be protracted, and two copies each of the township plats and descriptive notes to be made for the General Land Office and the registers' offices.

With the present force in this office it will require four and a half years, and perhaps five years, to perform the above work, including the various incidental duties of the office.

To bring up all the arrears of work in this office, including the above work, within two years, it will require the amount of four additional clerks, one of which must be a good draughtsman, to work under the directions of the present draughtsman, whose qualifications will enable him to direct and instruct the young draughtsman and perform his own duties also, but who ought to be compensated for such additional service and labor. In the event of thus pressing the business of this office, the labors of the present draughtsman and clerks will become laborious and increased, and therefore, in justice, their salaries should be raised to one thousand dollars each. I would propose an appropriation, as follows:

For salary of principal clerk	$1,000
For salary of principal draughtsman	1,000
For salary of four clerks, each $625	2,500
Additional office rent per year	100
Fuel per year	40
	4,640

To make a complete copy of all the field-notes of the surveys in this State, and furnish one copy thereof to the General Land Office and to the registers' offices, it is presumed, would require the labor of the foregoing force two years over and above the time to perform all the duties in the ordinary way as at present practiced.

I have no correct data from which to make a correct estimate of the time to perform the service as required in your letter first alluded to, but presume the foregoing is, as near as may be, a reasonable allowance for the labor required.

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

JOHN COFFEE.

Hon. ELIJAH HAYWARD, *Commissioner of the General Land Office.*

LAKE JACKSON, *November* 26, 1832.

SIR: In reply to your circular of the 13th September last, I beg leave to state that as far as the feeble state of my health has permitted, I have carefully examined the same.

For the ordinary business of the office the duties should be divided or classed into three parts, giving an equal portion to each, as near as may be: First, a person to make calculations exclusively of the contents of sections, fractions, and private claims, and to examine the protractions, &c. Secondly, a draughtsman to make out three fair plats of each township plat, three fair copies of each private claim, &c.; and a third clerk to attend to making out three fair copies of the field-notes, making out accounts, &c., which three are indispensable. The duties of the draughtsman at this time far exceeds the other duties.

In proportion as the surveys advance to the east, so in proportion will difficulties increase, owing to the intervention of private claims, and the consequent additional labor required in each township plat more than formerly.

In relation to the eastern land district of Florida, there remain, under the last contract, two townships to be finished, and it will take about six days to complete them. In the western land district there remain, under the last contract, three townships to be completed, and it will take about six days to complete them also.

There remain under old contracts, in said districts, twenty-three townships that have been suspended, which will take about three months to be completed.

The answers to the 2d, 3d, and 4th queries, are included in the above.

In answer to the 5th query, it will require, exclusive of the three above named, the services of two first rate calculators for fractions, sections, private claims, and to subdivide and lay down the lots in fractions; two first rate draughtsmen to make three fair copies of each township plat and private claim; and two eligible clerks to take copies of all the field-notes heretofore surveyed, to be filed in the General Land Office; making, in all, nine clerks who could thus be advantageously employed at one and the same time.

Answer to the 6th query: The clerks' salaries, agreeably to the above arrangement, should be as much if not more than any in the surveying department in the United States, because their duties are equal to, if not more arduous than those of, any other officer in the United States; but, agreeably to the present salaries, the seven first named should be allowed a compensation of $1,000 each, and the others $800 or $1,000 each.

Answer to 7th query: House rent, fuel, tables, instruments, &c., and stationery, would require from $1,000 to $1,200 for the two years.

Recapitulation.

One additional clerk to perform the ordinary business for two years from January 1, 1833	$2,000 00
Two calculators to bring up arrears on old surveys	4,000 00
Two draughtsmen ..... do ..... do	3,200 00
House rent, fuel, desks, copying, glasses, &c	1,200 00
Carried forward	10,400 00

Brought forward	$10,400 00
Two years' salary of the present two clerks	4,000 00
Do.....of the surveyor general	4,000 00
The whole expenditure for salaries, exclusive of surveying	18,400 00
Deduct for salary of the surveyor general and his two clerks, as now allowed by law	6,000 00
This amount required to bring up arrearages in said time	12,400 00

In conclusion, I would beg leave further to state that, should those additional duties be imposed on the office, the surveyor general ought consequently to be allowed an additional salary of $500 during the above two years alluded to.

I am, sir, very respectfully, yours, &c.,

ROBERT BUTLER.

ELIJAH HAYWARD, Esq., *Com'r of General Land Office, Washington, D. C.*

S.

Synopsis of the information received from the surveyors general in a reply to a circular letter from the General Land Office, dated September 13, 1832.

Objects indicated in the circular.	M. T. Williams, surveyor general of Ohio, Indiana, and Michigan.		A. T. Langham, surveyor general of Illinois and Missouri.		Gideon Fitz, surveyor general of Mississippi.		John Coffee, surveyor general of Alabama.		Robt Butler, surveyor general of Florida.	
	No. of townships.	Days' labor necessary to do the work.	No. of townships.	Days' labor necessary to do the work.	No. of townships.	Days' labor necessary to do the work.	No. of townships.	Days' labor necessary to do the work.	No. of townships.	Days' labor necessary to do the work.
1. The number of townships surveyed, the field-notes of which require to be tested by protraction	.....	.....	.....	.....	.....	.....	340	3,000		
2. Amount of arrears in furnishing copies of township plats and descriptive notes, to the general and district land offices	96 descrip's	.....	400	2,600	.....	.....	.....	.....	.....	3,000
3. Arrears in recording township plats	432	.....	2,108	10,000	234					
4. Arrears in recording field notes	1,155	.....	.....	9,000	634	1,350	.....	.....		
5. Number of clerks necessary to bring up the back work within two years	.....	5 add'l clerks.	.....	36 clerks.	.....	.....	.....	4 add'l clerks.	.....	5 add'l clerks.
6. The number of clerks which could be advantageously employed at *one time*	.....	3 add'l clerks.	.....	6 add'l clerks.	.....	3 add'l clerks.	.....	.....	.....	9 add'l clerks.
7. House rent, fuel, &c.	.....	$150	.....	$450	.....	$276	.....	$140	.....	$550
Transcribing field books for the purpose of having the same filed and preserved among the archives of the General Land Office	2,183	3,274	.....	8,500	.....	.....	.....	3,600	.....	.....

T.

A BILL in relation to the arrears of business in the offices of the surveyors general of public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall be, and hereby is, authorized to cause the various arrears in the offices of the surveyors general in the preparation of their returns of surveys for the General Land Office and district land offices, and also the arrears in the recording of the township plats, and the field notes thereof, to be brought up and completed as soon as practicable.

SEC. 2. *And be it further enacted,* That it shall be, and hereby is, made the duty of the Secretary of the Treasury to require the several surveyors general to prepare accurate transcripts of the field-notes of all the public surveys heretofore made in their respective districts; which transcripts shall be duly certified and forwarded to the General Land Office to be filed among the archives of said office.

SEC. 3. *And be it further enacted,* That, in order to effect the objects intended by this act, the following sums are hereby appropriated, to be expended out of any money in the Treasury not otherwise appropriated, under the direction of the Secretary of the Treasury:

For the office of the surveyor general of Ohio, Indiana, and Territory of Michigan.

For the office of the surveyor general of Illinois and Missouri.

For the office of the surveyor general of the State of Mississippi.

For the office of the surveyor general of the State of Louisiana, in addition to the unexpended balance of the last appropriation.

For the office of the surveyor general of the State of Alabama.

For the office of the surveyor general of the Territory of Florida.

For the office of the surveyor general of the Territory of Arkansas.

SEC. 4. *And be it further enacted,* That whenever the Secretary of the Treasury shall be satisfied that the surveyors general hold their offices in buildings that are fire-proof, he shall be, and hereby is, authorized to allow to each a sum not exceeding two hundred dollars per annum for office rent and fuel.

22D CONGRESS.] No. 1102. [2D SESSION.

RELATIVE TO THE SURVEY AND SALE OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1833.

TREASURY DEPARTMENT, *January* 22, 1833.

SIR: I have the honor to transmit a report from the Commissioner of the General Land Office, containing the information required by a resolution of the House of Representatives of the 3d instant, relating to the survey and sale of the public lands, so far as it can be furnished by the means at present in that office.

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

LOUIS McLANE, *Secretary of the Treasury.*

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

GENERAL LAND OFFICE, *January*, 1833.

SIR: In obedience to a resolution of the House of Representatives of the United States, bearing date the 3d instant, in the words following, to wit:

"*Resolved*, That the Secretary of the Treasury report to this House a statement showing the following facts:

"1st. The average amount, per annum, appropriated and expended in the survey of the public lands, since 1st January, 1823.

"2d. The average amount, per annum, of public lands offered at public sale since the 1st of January, 1823.

"3d. The quantity of public lands which have remained subject to private entry, and not sold for a period of twenty years and more.

"4th. The quantity of public lands which have been subject to private entry for fifteen and under twenty years.

"5th. The quantity of public lands which have been in market, subject to private sale, for ten years and under fifteen years, designating the State and Territory in which the lands are situated.

"The quantity of public land in each State and Territory, the amount sold, and the amount received therefor," and which you have referred to this office, I have the honor herewith to transmit the accompanying statements marked A, B, C, and D.

In reference to the statement marked C, I have to observe that it affords the information sought for by the 3d, 4th, and 5th clauses of the resolution as far as the present means in the office will admit of so doing.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. LOUIS McLANE, *Secretary of the Treasury.*

A.

Average amount per annum appropriated and expended in the survey of the public lands since January 1, 1823.

Years.	Appropriated.	Expended.
1823	$197, 000 00	$135, 996 98
1824	75, 000 00	108, 891 00
1825	114, 982 60	133, 928 83
1826	74, 131 00	46, 769 65
1827	30, 000 00	53, 718 15
1828	33, 000 00	45, 852 97
1829	95, 000 00	51, 289 08
1830	8, 000 00	73, 894 69
1831	130, 000 00	65, 269 03
1832	210, 000 00	182, 860 22
	967, 113 60	898, 470 60
Average for ten years	96, 711 36	89, 847 06

Included in the above is $18,000 appropriated and $13,000 expended, for surveys of private land claims in Florida.

MICHAEL NOURSE, *Acting Register.*

TREASURY DEPARTMENT, *Register's Office, January* 10, 1833.

B.

Statement showing the quantity of public land offered for sale in each State and Territory, and the average quantity per annum from January 1, 1823, to December 31, 1831, (under the second clause of the resolution.)

State or Territory.	No. of townships.	Remarks.
Ohio	25	Average quantity, per annum, for the nine years commencing January 1, 1823, and ending December 31, 1831—344 townships per annum.
Indiana	247	
Illinois	316	
Missouri	452	
Mississippi	328½	
Alabama	501	
Louisiana	286¾	
Michigan	346½	
Arkansas	300	
Do	290	
Total	3, 093¼	

ELIJAH HAYWARD.

JANUARY 22, 1833.

C.

Table exhibiting the aggregate quantity of public land remaining unsold and subject to private entry in the several States and Territories, December 31, 1831; showing, as nearly as practicable, the quantity remaining unsold at said date which has been in market since the operation of the cash system, and also the quantity remaining unsold at said date which was in market prior to the operation of the cash system, (intended to afford the information sought for by the third, fourth, and fifth clauses of the resolution, as far as the present means in the office will admit of so doing.)

State or Territory.	Quantity of public land subject to private entry Dec 31, 1831.	Quantity in market since the operation of the cash system in 1820.	Quantity in market prior to the operation of the cash system in 1820.	Remarks respecting the lands which were in market prior to the operation of the cash system.
Ohio	5, 631, 801	3, 457, 323	2, 174, 478	Nearly all in market for twenty years; the greater portion from twenty-five to thirty years.
Indiana	10, 471, 586	5, 924, 780	4, 546, 806	Nearly all in market from fifteen to twenty years.
Illinois	15, 302, 239	11, 101, 697	4, 200, 542	Nearly all in market for fifteen years and upwards.
Missouri	16, 126, 731	13, 148, 122	2, 978, 609	The earliest sales in 1818; heavy sales occurred, however, subsequently, under the credit system; average period about twelve years.
Mississippi	9, 778, 362	5, 242, 126	4, 536, 236	From twelve to twenty years.
Alabama	17, 992, 339	11, 820, 536	6, 171, 803	From twelve to twenty-two years; average period may be said to be fifteen years.
Louisiana	6, 107, 188	4, 925, 757	1, 181, 431	About thirteen years.
Michigan	8, 059, 428	7, 234, 763	824, 665	Do
Arkansas	9, 875, 041	9, 875, 041	.....	
Florida	5, 063, 040	5, 063, 040	.....	
	104, 407, 755	77, 793, 185	26, 614, 570	

ELIJAH HAYWARD.

JANUARY 22, 1833.

D.

Statement showing the quantity of public lands in each State and Territory, the quantity sold, and the amount received from the purchasers therefor, (in reply to the last clause of the resolution.)

State or Territory.	Quantity of land to which the Indian and foreign title has been extinguished.	Quantity of land sold by the United States to December 31, 1831.	Net amount of sales and moneys paid by purchasers to December 31, 1831.
	Acres	*Acres.*	
Ohio	24, 627, 142	8, 846, 409	*$17, 213, 868 81
Indiana	†23, 553, 920	5, 817, 038	7, 597, 791 21
Illinois	35, 188, 480	2, 178, 012	2, 758, 463 46
Missouri	39, 119, 018	1, 955, 572	2, 917, 319 45
Mississippi	‡30, 157, 440	1, 596, 288	2, 545, 810 03
Alabama	§32, 477, 680	4, 335, 471	8, 949, 995 96
Louisiana	31, 463, 040	344, 753	629, 638 49
Michigan	19, 580, 160	948, 289	1, 239, 424 12
Arkansas	34, 209, 280	78, 000	97, 644 27
Florida	31, 589, 440	424, 618	571, 868 39
Total	301, 965, 600	26, 524, 450	‖44, 521, 824 19

* This sum includes all the moneys received for land sold in that part of Cincinnati district lying in the State of Indiana.

† There is included in this quantity 3,681,000 acres, the estimated number of acres ceded to the United States by the Pottawatomie treaty not yet ratified by the Senate.

‡ Including 5,997,440 acres, the estimated quantity ceded to the United States by the treaty with the Chickasaws not yet ratified by the Senate.

§ Including 338,640 acres, the estimated quantity ceded to the United States by the treaty with the Chickasaws not yet ratified by the Senate.

‖ This sum includes the following items, viz:

Certificates of public land debt and army land warrants	$984,189 91
Forfeited land stock and military land scrip	757,778 23
Mississippi stock	2,448,789 44
United States stock	257,660 73
	4,448,418 31

ELIJAH HAYWARD.

JANUARY 22, 1833.

22D CONGRESS.] No. 1103. [2D SESSION.

APPLICATION OF VERMONT FOR A DIVISION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AMONG THE SEVERAL STATES.

COMMUNICATED TO THE SENATE JANUARY 25, 1833.

STATE OF VERMONT.

Resolved, the governor and council concurring herein, That our senators in Congress be instructed, and our representatives requested, to sustain by all proper means a division of the moneys arising from the sale of the public lands, in accordance with the principles contained in the report made by Mr. Clay to the Senate of the United States at the last session of Congress.

IN GENERAL ASSEMBLY, *November* 7, 1832.

Read and passed.

ROBERT PIERPONT, *Clerk.*

IN COUNCIL, *November* 8, 1832.

Read, and resolved to concur.

G. B. MANSER, *Secretary.*

22D CONGRESS.] No 1104. [2D SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 29, 1833.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Asher Morgan and the heirs of Philip Fitzgerald, reported:

That Asher Morgan and the heirs of Philip Fitzgerald resided on and cultivated quarter sections numbers twenty-three and twenty-four, in township twenty-one, and range thirteen east, in the district of lands north of Red river in the State of Louisiana, near Lake Providence, and that they were entitled to the right of pre-emption under the act of Congress passed May 29, 1830; that they applied in due time to purchase said tracts under the provision of said act of Congress, but were refused upon the ground of the said quarter sections having been reserved by the register and receiver for the use of schools. The committee is of opinion that the said applicants are entitled to the right of pre-emption in said quarter sections, and have reported a bill for their relief; and, also, authorizing the selection of two other quarter sections, for the use of schools in said district, by the register and receiver.

22D CONGRESS.] No. 1105. [2D SESSION.

ON CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 29, 1833.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of Isidore Moore, reported:

That on the first day of June, 1797, Don Zenon Trudeau, then lieutenant governor of the country now formed into the State of Missouri, granted Thomas Fenwick, an American emigrant, a tract of 500 arpents of land, French superficial measure, to be located between Apple creek and Cinge Homme's creek, in the present county of Perry, in said State. 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. On the 22d of May, 1813, the petitioner, who appears to be a farmer by occupation, with a large family, purchased the claim from Fenwick, and, in the following spring, by permission, settled upon the land authorized to be occupied by the grant, and has resided thereon ever since. In November, 1827, the petitioner forwarded a former petition to Congress, praying a confirmation to his claim; that in October, 1828, the land upon which said petitioner lives was brought into market by the government of the United States, and that he availed himself of the right of pre-emption, and purchased 240 acres of land named in the petition, and including his improvements; that, on the 26th day of May, 1830, (after the sale aforesaid,) his claim was confirmed by a law of Congress, and authorized the proper surveyor to survey said claim so as to include the improvements of the petitioner, as nearly in the centre of said tract as the situation of the other private claims would permit; and upon presentation of an authentic copy of the survey to the General Land Office a patent should issue to the claimant for the land so surveyed, which act provides that it shall not affect the rights of any other individual to the same grant thereby confirmed; and that if any part of such survey should fall upon the 16th section reserved for township schools, the county court of Perry county might select any other section or part of section in the same township, the sale of which is authorized by law, and enter the same with the register of the proper land office, to be reserved for the use of schools in said township instead of such sixteenth section. The petitioner further states that the land is so entered round and near his purchase that to survey it adjoining, if the law would bear that construction, he could not get more than 160 acres of land that would be worth having; the balance is so stony and full of sinkholes, and deprived of timber by intruders, that it would not sell for 25 cents an acre.

The petitioner prays that a supplement may be added to the law enabling him to locate his claim conformable to the sectional subdivisions, either by quarter sections, half quarter or quarter sections, so as to enable him to enter the whole of the claim in parcels with the register of the land office at Jackson, Missouri, and that the same be certified to the Commissioner of the General Land Office, and patents issue as in other cases.

There is no proof before the committee showing that the lands are entered round and near the purchase of the petitioner, as he has alleged. The committee are of opinion that the petitioner is entitled to the money which he paid for the two hundred and forty acres of land named in his petition, which was brought into market by the government previous to the confirmation of his claim thereto, and for that purpose report a bill.

22D CONGRESS.] No 1106. [2D SESSION.

APPLICATION OF ILLINOIS FOR A REDUCTION OF THE PRICE OF THE PUBLIC LANDS TO ACTUAL SETTLERS.

COMMUNICATED TO THE SENATE JANUARY 31, 1833.

Whereas the President of the United States, in his late message to Congress, has called the attention of that body to the subject of the future disposition of the public lands, a subject in which the people of Illinois are vitally interested: therefore—

Resolved by the general assembly of the State of Illinois, That the sentiments expressed by the President of the United States relative to the future disposition of the public lands merit, as they will doubtless receive, the decided approbation of the people of this State.

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure such a reduction of the price of public land to actual settlers as will meet the liberal and patriotic views of the President

Resolved, That a copy of the foregoing preamble and resolutions be forwarded to our senators and representatives in Congress.

ALEXANDER M. JENKINS, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

Originated in the senate.

JESSE B. THOMAS, Jr., *Secretary of the Senate.*

22D CONGRESS.] No. 1107. [2D SESSION.

APPLICATION OF ILLINOIS FOR A GRANT OF LAND FOR CONSTRUCTING A ROAD FROM DETROIT TO CHICAGO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 1, 1833.

Resolved by the general assembly of the State of Illinois, That our senators and representative in Congress be requested to use their best endeavors to have the road located and improved from Detroit to Chicago by the general government, extended and continued on from Chicago to Galena, and that the same be located and improved so soon as practicable; and, in case the general government shall decline the work, that a grant of land be made, to be selected in some land district in that section of country, of one hundred sections, to enable the State of Illinois to construct said road; also, that a grant of land of forty sections be made to this State, to be selected in the Danville district, to improve the present State road from the west bank of the Wabash river, opposite Vincennes, to Chicago.

ALEXANDER M. JENKINS, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

Originated in the senate.

JESSE B. THOMAS, Jr., *Secretary of the Senate.*

22D CONGRESS.] No. 1108. [2D SESSION.

APPLICATION OF INDIANA IN RELATION TO PRE-EMPTION RIGHTS AND THE DISPOSITION OF THE LANDS ACQUIRED FROM THE POTTAWATOMIE INDIANS.

COMMUNICATED TO THE SENATE FEBRUARY 2 AND 4, 1833.

A JOINT RESOLUTION of the general assembly of Indiana, relative to the public lands.

Whereas the liberal policy of the general government, granting pre-emption rights to settlers upon public lands, has met with the approbation of the people of Indiana and awakened the warmest feelings of gratitude in the mind of the actual settler, without in any way, as is believed, occasioning loss to the national treasury; and believing that a continuance of the same policy is alike called for both by justice and liberality towards many of our industrious but unfortunate citizens: therefore—

Resolved by the general assembly of the State of Indiana, That our senators and representatives in Congress be requested to use their exertions to revive and continue in force for two years longer the provisions of an act of Congress, entitled "An act to grant pre-emption rights to settlers upon public lands," approved July, 1832.

Resolved, That the governor be requested to cause a copy of the preceding resolution to be forwarded to each of our senators and representatives in Congress.

JOHN W. DAVIS, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved January 15, 1833.

N. NOBLE.

A JOINT RESOLUTION of the general assembly of the State of Indiana to urge the speedy survey and sale of lands recently obtained by a treaty concluded with the Pottawatomie Indians, and the establishment of a new land district and office to dispose of said lands north of the Wabash river.

The general assembly of the State of Indiana, influenced by public opinion and the anxious desire of many of their constituents, most respectfully anticipating the approval of a treaty recently concluded with the Pottawatomie Indians, do represent most earnestly that great general interests would be materially promoted by the immediate survey and sale of public lands within this State procured by said treaty; that many consequent advantages would accrue from the permanent settlement of purchasers in expectancy, who are now eagerly pressing to the northern section of our frontier; and that it seems to be evidently proper and necessary, to facilitate sales and to accommodate each quarter of the country in the same degree, to urge the establishment of a new land district, with a land office, located at some suitable point north of the Wabash river: therefore—

Resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their influence, with proper endeavors to effect a speedy survey and sale of all the public lands within this State to which the Indian claim has been extinguished, and that they reiterate the desire heretofore expressed with becoming solicitude to procure a new land district, to be designated north of the Wabash river, and the establishment of a land office at some central point thereof as soon as may be practicable.

Resolved, That the governor be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in Congress.

JOHN W. DAVIS, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved January 15, 1833.

N. NOBLE.

22D CONGRESS.] No. 1109. [2D SESSION.

STATEMENT OF THE ANNUAL AMOUNT OF EXPENDITURES ON ACCOUNT OF THE PUBLIC LANDS, AND THE QUANTITY SURVEYED IN THE LAST THREE YEARS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 5, 1833

TREASURY DEPARTMENT, *February* 5, 1833.

SIR: In compliance with a resolution of the House of Representatives of the 28th ultimo, directing "the Secretary of the Treasury to lay before the House a statement showing the annual amount of expenditures on account of the public lands, embracing surveying, selling, the General Land Office, and all other incidental charges during the last three years, and the quantity of lands surveyed during the same time," I have the honor to transmit a statement from the Register of the Treasury, (marked A,) and two statements from the Commissioner of the General Land Office, (marked B and C,) which contain the information required.

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

LOUIS McLANE, *Secretary of the Treasury.*

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

A.

Statement showing the annual amount of expenditures on account of the public lands, embracing surveyors' salaries and expenses of surveying, and salaries and contingent expenses of the General Land Office.

	Salaries of surveyors and clerks.	Am't of moneys advanced from the treasury, for surveying the public lands, including incidental expenses of offices of surveyors general.	Salaries in the General Land Office.	Extra clerk hire for the General Land Office.	Contingent expenses of the General Land Office.	Total.
For year 1830	$19,661 65	$73,894 69	$23,255 16	$280 74	$7,880 97	$124,973 21
1831	19,036 00	65,269 03	23,528 75	8,664 00	9,000 00	125,497 78
1832	25,971 73	174,860 22	23,728 00	11,936 00	9,000 00	245,495 95
	64,669 38	314,023 94	70,511 91	20,880 74	25,880 97	495,966 94

T. L. SMITH, *Register.*

TREASURY DEPARTMENT, *Register's Office, January* 30, 1833.

B.

Statement of the quantity of land surveyed in the years 1830, 1831, *and* 1832.

Year.	Number of townships.	Number of fractional township.	Miles surveyed, including exterior township lines, sectional lines, lines of private claims, and meanders of navigable streams.	Estimated quantity of acres.	Number of town or city lots.	Remarks.
1830	142	93	17,968	4,343,040	126	Exclusive of such surveys as may have been made in Indiana, Michigan, and Florida during the fourth quarter of 1832, the returns not having been received.
1831	200	33	17,792	4,988,160	304	
1832	312	179	39,057	9,250,560	30	
Aggregate	654	305	74,817	18,581,760	460	

GENERAL LAND OFFICE, *February* 4, 1833.

ELIJAH HAYWARD.

C.

Statement showing the incidental expenses of the several land offices, consisting of the salaries and commissions of the registers and receivers, the expenses of transporting public moneys to bank, and the contingent expenses of the registers' and receivers' offices.

In the year 1830	$107,583 79
1831	127,451 91
1832	*116,219 62
Aggregate	351,255 32

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *February* 4, 1833.

22D CONGRESS.] No. 1110. [2D SESSION.

APPLICATION OF ALABAMA FOR A REDUCTION OF THE PRICE OF THE PUBLIC LANDS AND THE EXTENSION OF THE RIGHT OF PRE-EMPTION TO SETTLERS.

COMMUNICATED TO THE SENATE FEBRUARY 9, 1833.

To the Senate and House of Representatives of the United States of America:

Your memorialists would respectfully represent to your honorable bodies: That there remain portions of public domain in many of the counties of this State heretofore offered for sale, and which, though subject to entry at the minimum price for many years past, are yet unsold; such has been the situation of some of these lands for the last fourteen years, although located in portions of the State little inferior in population to any others. This fact alone, it appears to your memorialists, is sufficient to establish the proposition that the price now demanded for these lands greatly exceeds their intrinsic value; for the demand for real estate produced by a dense population continually increasing in wealth and resources would necessarily occasion the entry of these lands even at a moderate amount beyond their real value. In such a situation they would be taken by those who had no other motive than that of extending their present possessions. Independent of this, much of this land is tenanted by the poorer, but not less meritorious, class of our citizens, who, after having encountered the difficulties and hardships ever attendant on the settlement of a new country, found themselves incapable of contending with their wealthier neighbors, and were, in consequence, driven from their original homes to seek subsistence on these comparatively sterile tracts. It cannot be believed that men thus situated would not readily exchange their present character of tenants for the more enviable one of freeholder, if their government would permit the change at any moderate sacrifice. In behalf of this class of our citizens, those whose only prospects of a permanent home rest on a change of the policy of the government in relation to the public lands, we appeal to you to abandon or modify the present system. Other considerations may be urged in favor of the policy we recommend. If the government would dispose of these lands at a fair price, it would realize a considerable amount of money from the sale, which can never be the case under the present

* The returns for the 4th quarter of the year 1832 have not been received from all the offices. This amount is therefore exclusive of the commissions and contingent expenses in those cases where the returns have not been received.

system, and our State and citizens would receive great benefit from the change produced in the characters of the occupants by the acquisition on their part of a permanent interest in the soil. The State government, too, would derive no inconsiderable benefit from the increased revenue arising from the taxes on these lands were they owned by our citizens. Your memorialists would respectfully inquire whether any future increase in the value of these lands could justify Congress in disregarding the important considerations they have presented, even admitting that such an increase could be reasonably anticipated. But no such future accession to their value can be rationally expected; on the contrary, it is believed that a yearly diminution in their value occurs, arising from causes easily explained. It is a fact of which all may be satisfied on the slightest inquiry, that these islands were chiefly valuable for the timber they afforded; and where they have remained without an occupant, they have been unceasingly pillaged of that portion of the timber valuable for architectural purposes. Again, where they have had an occupant, the mode of cultivation has been destructive to the productiveness. The interest of the occupant has been of too transitory and unstable nature to induce him to foster their resources, and the soil was too sterile originally to admit of slovenly cultivation without producing, in a few years, a state of almost utter exhaustion. Every consideration, then, of policy as well as justice, would seem to demand a reduction in their price.

Your memorialists have not brought to their aid in the examination of this subject the various considerations which have heretofore been urged on Congress, and which they think should have been deemed sufficient to induce the government totally to abandon the present system of disposing of the public domain. The present period (now that the public debt, for the redemption of which it was originally ceded by the States, may be considered as discharged) is so propitious that we can entertain no doubt that speedily this system must at least be greatly modified, if not wholly discarded. One of the first steps in the reformation so earnestly desired, and which seems to be enjoined by every consideration which should influence the action of a wise, just, and benignant government, is, in the opinion of your memorialists, the reduction of the price of those lands which have been offered for sale and remain unsold.

They therefore pray a reduction in the price of said lands to fifty cents per acre, and the prospective annual reduction until the whole shall have been disposed of, allowing to the occupant a pre-emption right to one-eighth of a section.

Resolved, That the governor be, and he is hereby, requested to forward the foregoing memorial to each of our senators and representatives in Congress, with a request to lay said memorial before their respective houses.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
LEVEN POWELL, *President of the Senate.*

Approved January 11, 1833.

JOHN GAYLE.

22D CONGRESS.] No. 1111. [2D SESSION

APPLICATION OF ALABAMA FOR AN EXTENSION OF THE RIGHT OF PRE-EMPTION TO SETTLERS ON THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 13, 1833.

The memorial of the senate and house of representatives of the State of Alabama respectfully represents: That, in addressing your honorable body on the subject of the present memorial, they are aware of urging the claims of a class of citizens who have on more than one occasion received the beneficial aids of the general government. The agriculturists of our country, by far the most numerous portion of our citizens, had for many years labored under the most serious disadvantages of a new country, when the politic scheme of granting pre-emptions at once relieved them. This class, the pioneers of all the prosperity and civilization of the west, are, in the settlement of new countries, subject to difficulties which cannot be appreciated by those who, in older and more improved societies, enjoy the ease and luxury of civilized life. A hardy race who plunge into the forests of a remote country, subject to the dangers of savage warfare, and deprived of all the intercourse and happiness of long-settled communities, should receive all the benefits and protection which the fostering hand of government can bestow, especially when these form so large a class, and when their exertions and their hardships all contribute to the establishment of that wealth and enterprise which have created, from dense uncultivated forests, the prosperous cities of the west. In particular reference to the subject of this memorial, we would call your attention to the large amount of Indian territory, the title to which soon will be extinguished within the chartered limits of this State. This territory, which, from the growing population of our State, is filling up rapidly with the best citizens the country can possess, an industrious yeomanry, will soon be subject to the same difficulties which in every new country keep down its best population, unless the government will interpose the benefits of pre-emption laws. When it is recollected that but a few years past a swarm of land speculators overran the country, blighting the best prospects of the honest farmer, and tearing up the humble settlements which his toil and industry had erected, it will appear just and necessary that your honorable body should take an early opportunity of preventing a like distress. One of the best established principles of natural law gives a species of prior right to the occupant of waste lands; and although your memorialists are sensible that this cannot apply to lands owned by the government, yet we would submit to your honorable body whether it does not furnish some reasons in favor of the citizens who are settled on the lands of the United States. The vast amount of money annually paid by the western people for the soil they cultivate; the few benefits they derive from the general distribution of the government funds; and the extraordinary toil and labor they have exercised in improving and thereby enhancing the value of the lands, all require the immediate security of the people by the passage of laws

granting pre-emption rights. Your memorialists would therefore request your honorable body to take into immediate consideration the just claims of our citizens now settled or who may hereafter settle on the Indian territory, and to grant them pre-emption right, with such limitations and restrictions as to your honorable body shall seem just and proper; and for the end that these laws may afford a full relief, your memorialists would suggest the propriety of granting time for the advantages of these pre-emptions up to the day of sale. Therefore—

Be it resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That our senators and representatives in the Congress of the United States be requested to urge upon that body the object contemplated by this memorial, and that the executive of this State be requested to forward a copy of the same to each of our senators and representatives.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
LEVEN POWELL, *President of the Senate.*

Approved January 12, 1833.

JOHN GAYLE.

22D CONGRESS.] No. 1112. [2D SESSION.

APPLICATION OF ILLINOIS FOR THE SURVEY AND SALE OF CERTAIN LANDS, AND PERMISSION TO EXCHANGE HER SCHOOL LANDS UNFIT FOR CULTIVATION FOR OTHER LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 18, 1833.

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

Your memorialists, the general assembly of the State of Illinois, respectfully represent: That the northern section of this State, including a portion of the mineral district on the upper Mississippi, has been settled to a considerable extent, but has never yet been surveyed or brought into market.

That interesting district of country was little known until the year 1822, and therefore not appreciated; in that year Colonel James Johnson, an enterprising gentleman of Kentucky, obtained permission from the appropriate officer of the United States government to manufacture lead in that mineral region, and he accordingly repaired to the place where Galena now stands, with the requisite number of workmen and laborers for that purpose, and prosecuted his design with various success during that and the succeeding year, during which time many enterprising adventurers were attracted thither in the hope of realizing a fortune in a country which presented such flattering and alluring prospects of enabling them to succeed in so desirable an object.

The general government having thus thrown open a new field for the gratification of industry and enterprise, the country soon became partially settled by a mining population, whose labor was more amply rewarded up to the year 1828 than it could have been in any other country; but lead, the staple commodity of that region, fell during the latter part of that and the two succeeding years to so low a price that its manufacture could not be continued with advantage, from which cause, during those years of adversity, many of the miners (having contracted a partiality for that pursuit) were constrained to relax or abandon their mining operations and betake themselves to agriculture for a livelihood until the price should rise sufficiently high to justify the resumption of their favorite pursuit. In the meantime many hundreds moved their families and all their property to the mining district for the two-fold purpose of mining and farming, until the population of that part of the mining district within this State amounts to the number of seven thousand, most of whom have built houses and made other improvements, which have cost them considerable labor and money, and which, indeed, constitutes the only home they have in the world.

Your memorialists deem it an act of duty on their part to present truly and fairly the condition of that portion of their fellow-citizens, as well as others living on unsurveyed land, to the peculiar consideration of Congress; those people having become acquainted, and cherishing strong attachments for the country from other considerations, are desirous to obtain the fee simple title to their homes, which they have rescued from the wilderness, and for which many of them have fought and bled, so that their condition may be elevated from lessees to freeholders.

Your memorialists invited the attention of Congress to this subject two years ago, but the condition of the citizens of that part of the State remains unaltered; it is hoped, therefore, that Congress will not withhold beyond the end of the present session the relief so much desired by so large a number of meritorious citizens.

Your memorialists therefore pray Congress that an appropriation may be made sufficient to defray the expense of surveying and selling the lands embraced in the section of country referred to herein.

There is also another subject of vital importance to which your memorialists would most respectfully invite your attention. It is the subject of education, than which, in the opinion of your memorialists, nothing can be more important or interesting. The perpetuity of republican governments and free institutions are peculiarly dependent on the virtue and intelligence of that community which is subject to their political action and the obligation of their laws. The mind, in order to appreciate the good and evil effect of any measure of policy, must be sufficiently enlightened to calculate with reasonable certainty the effects it will produce on the community to be affected by its operation; without which intelligence, man becomes a miserable dependent to the high pretensions of aristocracy or the degenerate slave of ambitious aspirants.

Thus deeply impressed with the paramount importance of this subject, your memorialists would earnestly call your solemn attention to the condition of the lands granted by the general government to this State for the use of common schools. By an act of Congress, on the 18th day of April, 1818, for the admission of the Territory of Illinois into the Union upon an equal footing with the original States, it

was *proposed* by Congress, the people of the Territory of Illinois in convention assembled consenting thereto, that section sixteen in every township should be granted to the inhabitants of such township for the use of schools.

The general government required on the part of the people of Illinois, in consideration thereof, that every tract of land sold by the United States after the 1st day of January, 1819, should remain exempt from taxation under any authority of the State for five years; and as a further consideration, that the bounty lands granted for military services, while held by the patentees or their heirs, should not be taxed for three years.

These stipulations have been strictly complied with on the part of the State of Illinois. The federal government having enjoyed and is now enjoying all the contemplated advantages of a more speedy sale of the public lands, by reason of this exemption from taxation operating as a powerful incentive to the purchaser; while on the part of the national government the consideration intended as equivalent to that concession by the State has failed in the proportion of four-fifths, owing to the barrenness and sterility of parts, in many instances the whole, of the said sixteenth section.

It is evident Congress intended this grant of section sixteen as an equivalent for the surrender of the right of taxation, one of the most essential attributes of sovereignty reserved by the States, and that it should be a substantial benefit, which, it was anticipated, would be realized by the inhabitants of each township as a means of educating their children. But the consequence of the contract has produced a direct loss to the State, without imparting to the inhabitants of the townships in the State more than a very small proportion of that benefit intended to be conferred and expected to be received, whereby the spirit, meaning, and intent of the contract on the part of Congress has failed to go into operation, as was originally intended, without its knowledge or intention.

Under this state of facts, would not the general government feel herself bound in good faith to repair the consideration of a contract, designed by the contracting parties for a mutual benefit to both, when it is recollected that a fair and valuable right, the right of taxation, was conceded on our part, and which in fact constitutes such ample consideration?

It cannot be supposed for a moment that the general government intended to give lands for conceded right of so valuable a character that are totally sterile, unavailable, and wholly unfit for cultivation, or that the State intended to receive such. The lands in question would have been competent to the establishment of a complete system of *common schools* had all these sections been of the quality anticipated; but as they are, they will not yield more than *one-fifth part* of the sum necessary to carry into effect that invaluable scheme as originally designed by the parties.

The general assembly of the State of Illinois, therefore, in behalf of their constituents, ask Congress to pass a law giving to the State the right to surrender such part or parts, or the whole of the said sixteenth sections, in the different townships, as are unavailable, with leave to select and locate an equivalent number of unappropriated sections elsewhere in the State, to be applied to the same object.

ALEX. M. JENKINS, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

22D CONGRESS.] No. 1113. [2D SESSION.

APPLICATION OF ILLINOIS IN RELATION TO AN EXTENSION OF THE QUINCY LAND DISTRICT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1833.

Resolved by the general assembly of the State of Illinois, That our senators and representatives in Congress be requested to endeavor to procure the passage of a law attaching all the military district of this State south of the base line to the Quincy land district.

ALEX. M. JENKINS, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

22D CONGRESS.] No. 1114. [2D SESSION.

APPLICATION OF ILLINOIS IN RELATION TO THE VANDALIA LAND DISTRICT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1833.

Resolved by the general assembly of the State of Illinois, That our senators and representatives in Congress be requested to use their best efforts in procuring the passage of a law having for its object the addition of the following territory to the Vandalia land district, viz: ranges one and two west of the third principal meridian, embracing all townships from the base line to the southern boundary of the Sangamon land district.

ALEX. M. JENKINS, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

22D CONGRESS.] No. 1115. [2D SESSION.

APPLICATION OF MISSOURI IN RELATION TO THE ADOPTION OF A NEW SYSTEM FOR THE PERMANENT DISPOSITION OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 22, 1833.

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

Your memorialists, the general assembly of the State of Missouri, would respectfully represent: That in presenting this memorial to your consideration they have been influenced by no other than a solemn regard they owe to themselves, and the lasting prosperity of the State which they have the honor to represent. The subject of the proper disposal of the public lands held by the general government within the limits of our territory is, and will continue to be, one of absorbing interest, until it shall be finally disposed of upon those principles of justice and policy which are the ultimate objects of all just governments. Situated as we are in relation to those lands, it could not be expected that we should remain silent when the question is stirred as to their proper disposal, nor subdue our apprehensions as to its final result. To us it is a subject of vital importance, nor do we magnify when we say that the future destinies, the future hopes of our State, depend in a great degree upon an equitable and satisfactory disposition of these lands. As an integral part of one common country, we have no interests separate from those of our fellow-citizens in other parts of the government. The prosperous and healthful condition of the Union, of the parts with the whole, and of the whole with the parts, is as intimately connected and as deliberately interwoven with one another as the various dependent connexions of the human organization is to the wholesome action of life. With a common government, in the enjoyment of equal laws and equal liberty, whatever contributes to the prosperity of one section of the country cannot but throw its benign influence upon the whole. Let it not be said, then, that we ask that which is partial and confined in effects. The tendency, immediate and remote, of the measures which shall be adopted in relation to the subject-matter of this memorial will contribute not only to quiet the public mind for the future, but will enhance the greatness and glory of our nation. The assumption, therefore, is erroneous, and every deduction from it incorrect, which considers a measure favorable to the views of the States in which these lands lie as beneficial only to them alone. As American citizens we entertain more liberal views than to condemn a policy as partial and unjust because it is more immediately connected with the peculiar interests and condition of a portion of our fellow-citizens. In the firm and fixed attachment which we cherish for the *Union*, we would scorn to receive a boon which would be injurious to other sections of our country or detract from their claims of justice and right. What is it that constitutes the greatness and glory and happiness of a nation? Is it an overflowing treasury? Is it a people indigent and dependent for the comforts of life, because they want homes for themselves and their families? Is it an extensive public domain, sparsely populated, and held upon such terms as, in a great measure, to prevent its cultivation, and the future rise and improvement of the country? Such an idea is not only behind the dignified march of the enlightened principles of the age, but is against the prospective development of those which are yet in store for the efforts of human genius. It is at war as well with every conception of liberal policy as with the laws of nature herself. We can readily imagine that governments of a despotic character, where the good of the whole forms no part of their system, would make it their interest to adopt such a policy; but that a dignified, a great, and a powerful nation, acting upon principles new in their practice, whose existence and welfare now and hereafter depend alone upon the virtue and lofty independence of the people, should sell at market to her citizens those lands which have been purchased by the common sacrifice of both blood and money, exhibits a strange application of the principles of the government to their practical operations. It seems peculiarly proper in our government that every facility should be afforded which is calculated to promote the comfort and prosperity of the people. Can any policy contribute more to this end than so to adjust the system of our public lands as that every citizen shall be a freeman indeed by the possession of that species of property which makes him a home, and from which spring all those endearing attachments both to country and society? In the cultivation of the soil; in the opening and improving of the wilderness; in the affording of homes to our people, that they may be independent and grow in wealth; that they may be surrounded with the means of raising their children in the paths of virtue and knowledge, consists the true policy which shall elevate us to the proud rank we aspire to, and make us in truth, what we claim to be, the freest and happiest people on the globe. In contemplating the policy of those nations whose governments were conducted upon anything like liberal principles, it is with no feelings of pride that we draw the parallel between the lofty and magnanimous considerations which they attached to the condition of their citizens by making to them voluntary distributions of their public lands, and that system of ours, whatever may have been the cause of its foundation, that seems now to be adhered to upon the cold calculation of dollars and cents, and to set a higher value upon a full treasury than upon the prosperity and comfort of the people. A more benevolent nor more important consideration could not enter the mind nor enlist the feelings of the enlightened statesman than of providing those means which shall make the people prosperous and independent. Such a course is calculated to smooth down those inequalities which are apt to grow up in society, and which are so baneful to the principles of republican government. That the price of the public lands should be raised is an argument that might be readily attributed to the cold dictates of avarice; but that the prices should be so regulated as to restrain emigration, in order that the poor, but not less worthy class of society, should be thrown into manufactories, is a doctrine that indicates a strange conception of the genius and principles of our government, and, at this enlightened period of the world, cannot redound much to the credit of either the heart that cherished or the head that conceived it. Such a doctrine is not only calculated to impede the liberal march of the age, but is wholly inconsistent with those enlarged views of the political economy which at present govern the conduct of liberal and highminded statesmen. Upon the score of revenue alone, it defeats the prospective increase that may be fairly expected to arise from the increase of population, springing from the facilities afforded for such an increase. Revenue arises from duties; duties are paid by consumers; and the more the means of the consumers, the greater will be the amount of duties. But can it be for revenue that the system is adhered to? The revenue of the government greatly exceeds the expenditures. What motive of patriotism, what claims of justice, can therefore prompt the general government

still to exact the same prices, and to hold these lands upon the same condition at this time, when the causes which gave birth to such a course no longer exist? Have not the resources of the country increased with the march of the government and kept in advance of its necessary wants? Is more than this necessary for the general welfare, and compatible with the sound maxims of republican institutions? Surely not, unless we fall back into the error of past ages, that the people are the property of the government, and bound to submit to every exaction that may be made, whether actually needed or not. What inducement, then, of either national concern or patriotism, can lead to the continued adherence to a system which has lost the force of its propriety by an entire change of circumstances that led to its adoption? The public debt, we may now say, is extinguished; we have a full and abounding treasury; the resources of the government multiplying and daily developing our strength and greatness; the public mind already disturbed, not as to what plans shall be adopted for the purpose of raising revenue, but what course is best to be adopted as to the disposal of the revenue which is more than necessary for the expenses of the government; and yet the people, at whose sovereign will this government sprang into existence, who nourish and sustain it, are grievously taxed in procuring homes for themselves and families; those homes which are the nurseries of that virtue and patriotism upon which depends the vital existence of our republic. The purposes for which these lands were held by the general government have been accomplished; the public debt is now extinguished; brighter prospects await us; the gloom that obscured the prospective of our career has disappeared; the weakness of infancy has ripened into the maturity of manhood; and the poverty of our beginning has swelled into the magnificence of abounding riches, which so far exceed the wants of the government as to raise the serious question of a proper disposition of the surplus. Why, then, continue this system? The original object has been accomplished; the pledge is redeemed by the payment of the debt; the necessity no longer exists which gave birth to the measure; it has given way to the propitious advancement, the rapid growth, and the abounding resources that have marked the character and developed the strength of our country. These views might have cheered us with the lively prospect of seeing them incorporated in the extended scope of the government, but for the fact that a course very different, indeed, has been pursued by the federal government. The policy hitherto pursued on this subject was sufficient to call forth our disapprobation, but it remained for the last session of Congress to originate a project which has excited our most serious apprehensions. We allude to the bill introduced in the Senate of the United States by the Committee on Manufactures, making a distribution of the public lands, or their proceeds, among the several States, according to their representation. In the name of the sovereignty of the State of Missouri, and of the sacred rights of her people, we solemnly protest against such a measure. We protest against it as impolitic and unjust, and not only as an invasion of the rights of the States, but as a violation of the principles of the government. It is impolitic, because, whether the object be a grant of the lands or a distribution of the proceeds, the inevitable tendency will be the future adoption of such measures as will be the means of raising the most money from the sale of the lands. It is a direct appeal to the avarice, under the plausible pretext of advancing the interest of those concerned, which we trust the magnanimity of our sister States will reject, not only for the suspicion of a *yielding virtue* which it contains to be overcome by the seductive offer, but for the oppressive character of the measure to the States in which these lands are situated. It will fasten upon them a system which will blight their fairest prospects, and cripple their onward march to future greatness, by giving to the other States, who constitute a majority, the power of acting as self-interest may dictate. The consequence of such a measure cannot fail to impede the growth of the States in which these lands lie, by checking emigration, keeping a great portion of the lands a waste, preventing, in a great measure, the future cultivation of the soil, and depriving the States of the just revenue which they have a right to expect from a tax on the land. It is unjust, because unequal in its bearings. The States in which these lands lie, while they would have to endure all the inconveniences and hardships of the plan, would receive but a very small portion of the spoils. Some States would receive from twenty to forty shares, whilst Missouri, for example, with an equal or greater extent of territory, would receive but two. Well might the inducement of a *bonus* of twelve per cent. be offered us to silence anticipated complaints against a measure fraught with such injustice and hazardous consequences. No legislation, we conceive, is more dangerous to virtue and liberty than that which invites wrong and oppression by holding out inducements to depart from the great principles of right and justice. It might seem that the portion which the old States were to get from their large representation formed the consideration of their agreeing to the project, whilst the new States were to be taken by the *bonus* of twelve per cent. over and above that which they were to get according to their representation. Is this consistent with the character and purity of a republican government? Shall the principles which have governed our country be thus subjected to improper influences? Is this the way in which objects of a great and national character are to be carried? No; we do not believe it. Our confidence in the integrity of our sister States, in the justice of their representatives, is too firmly fixed to allow even a supposition that they can be reached by such influence. To their elevated character, their magnanimity and generous bearing, we look for that sense of self-regard and duty to others which are above all other considerations, save those of right and justice. At their hands we feel assured of obtaining justice; from them we expect such measures, not adopted with a view to the present moment, but guided by the known principles of human action, and the acknowledged tendency of correct laws, as will, in the end, contribute to the glory, the prosperity, and happiness of our Union. We do not hesitate to declare it as our belief, maturely made and deliberately expressed, that the best method to be pursued with the public lands is the passing of general pre-emption laws; the granting of donations to the poor and actual settlers; the ceding of those lands which have been in market to the States in which they lie, and the reducing of the prices of those which have been exposed to sale. Was such a system adopted, time would prove the solemn truth which we have already declared, that what is of advantage to a part is for the ultimate good of the whole. The blessings which would flow from it would be co-extensive with the limits of our country and commensurate with the principles of liberal policy and enlightened consideration upon which the government is formed. Therefore—

Resolved by the general assembly of the State of Missouri, That our senators in Congress be instructed, and our representative requested, to oppose, by their votes and influence, the passage of the bill alluded to, or any others founded on similar principles.

Resolved, further, That our senators be instructed, and our representative be requested, to use their best exertions to accelerate the extinction of the federal title to the public domain in the western States by a general pre-emption law, by graduating the price to the quality of the land, by granting donations

to the poor and actual settlers, and, finally, by ceding the lands to the States in which they may be situated.

Resolved, That the governor be requested to forward a copy of these resolutions and the memorial to each of our senators and representative in Congress as soon as practicable.

TH. REYNOLDS, *Speaker of the House of Representatives.*
LILBURN W. BOGGS, *President of the Senate.*

Approved January 29, 1833.

DAN'L DUNKLIN.

22D CONGRESS.] No. 1116. [2D SESSION.

APPLICATION OF INDIANA FOR A CESSION OF THE PUBLIC LANDS WITHIN HER LIMITS FOR THE PURPOSES OF INTERNAL IMPROVEMENT AND EDUCATION.

COMMUNICATED TO THE SENATE FEBRUARY 27, 1833.

A JOINT RESOLUTION of the general assembly concerning the public lands.

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 obtain by an act of that body a cession from the United States of all the right, title, and interest of the general government to the unappropriated and unsold public lands within our boundaries, upon the most favorable terms to the State that can be obtained, subject to the ratification or rejection of the general assembly of this State, with the provision that the proceeds of such remaining public lands to be sold under the authority of this State shall be exclusively devoted to the objects of *internal improvements* and *education* by the general assembly of this State, reserving to this State a right to donate to poor persons such portions of the land as may remain undisposed of after being in market, under our direction, for a period of ten years.

Resolved, That his excellency the governor be requested to transmit copies of this resolution to each of our members in Congress.

H. P. THORNTON, *Speaker pro tem. of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved February 3, 1833.

N. NOBLE.

22D CONGRESS.] No. 1117. [2D SESSION.

APPLICATION OF PENNSYLVANIA FOR A DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AMONG THE SEVERAL STATES.

COMMUNICATED TO THE SENATE MARCH 1, 1833.

RESOLUTION relative to the distribution of the proceeds of the public lands of the United States.

Whereas the period is fast approaching when, by means of the revenue arising from bank stock, the duties on imports, and the public lands, the national debt will be extinguished, and there will be a surplus in the national treasury after defraying the ordinary expenses of government; and whereas the United States acquired their title to and jurisdiction over the public lands by the cessions of several of the States, made for the common benefit of the Union, and by purchase out of the funds of the general government, and the said lands thus acquired form a part of the national stock, and furnish an important branch of the public revenues applicable to the relief of the public burdens; and whereas on the extinguishment of the public debt of the United States the revenues drawn from the sale of the public lands will be no longer required for the purposes of the general government, and it is right and proper that they should be distributed among the several States; and whereas the distribution of the surplus proceeds arising from the sale of the public lands involves a question of national property and national policy on which it is proper for the constituted authorities of the State to express an opinion: Therefore, be it

Resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, That, in the opinion of this legislature, the proceeds of the public lands of the United States, when no longer required for the payment of the public debt, ought to be distributed among the several States of the Union in just and equitable proportions, and any proper measure calculated to effect this object will meet our cordial approbation.

And be it further resolved, That the governor be requested to transmit the foregoing to our senators and representatives in Congress.

SAMUEL ANDERSON, *Speaker of the House of Representatives.*
JESSE R. BURDEN, *Speaker of the Senate.*

Approved the twenty-sixth day of February, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

23D CONGRESS.] No. 1118. [1ST SESSION.

NUMBER OF THE CLAIMS FOR BOUNTY LAND DEPOSITED, AND NUMBER OF WARRANTS ISSUED, DURING THE YEAR ENDING SEPTEMBER 30, 1833.

COMMUNICATED TO CONGRESS DECEMBER 5, 1833.

Return of claims which have been deposited in the Bounty Land Office in the year ending September 30, 1833, *for services rendered in the revolutionary war.*

Claims received from October 1, 1832, to September 30, 1833, inclusive		628
Claims on which land warrants have issued	94	
Claims previously satisfied	125	
Claims not entitled to land	103	
Claims in which the names of the applicants are not returned on the records	221	
Claims for which regulations were sent	30	
Claims on which further evidence was required	55	
		628

Abstract of the number of warrants issued in the year ending September 30, 1833.

1 lieutenant colonel	450
1 major	400
6 captains, 300 acres each	1,800
13 lieutenants, 200 acres each	2,600
2 ensigns, 150 acres each	300
1 surgeon's mate	300
70 rank and file, 100 acres each	7,000
94 warrants. Total acres	12,850
Land warrants signed by Generals Knox and Dearborn, on file, unclaimed	48

Returns of claims which have been deposited in the Bounty Land Office for the year ending September 30, 1833, *for services rendered in the late war.*

Claims suspended, per last report		309
Claims since received		270
		579
Claims on which warrants have issued	67	
Claims previously satisfied	45	
Claims not entitled to land	36	
Claims returned for further evidence	89	
Claims for which regulations were sent	33	
Claims on file, suspended	309	
		579

Abstract of the number of warrants issued for the year ending September 30, 1833.

1st, authorized by the acts of December 24, 1811, and January 11, 1812	65
2d, authorized by the act of December 10, 1814	1
Whereof, of the first description, 65 granted of 160 acres each	10,400
Whereof, of the second description, 1 granted of 320 acres	320
One Canadian warrant, per special act of Congress, for	160
Total acres	10,880

DEPARTMENT OF WAR, *Bounty Land Office, November* 1, 1833.

The above and aforegoing is respectfully reported to the Hon. Secretary of War as the proceedings of this office for the year ending September 30, 1833.

WM. GORDON, *First Clerk.*

23D CONGRESS.] No. 1119. [1ST SESSION.

VIEWS OF THE PRESIDENT ADVERSE TO THE DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE DECEMBER 5, 1833.

To the Senate of the United States:

At the close of the last session of Congress I received from that body a bill entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States." The brief period then remaining before the rising of Congress, and the extreme pressure of official duties, unavoidable on such occasions, did not leave me sufficient time for that full consideration of the subject which was due to its great importance. Subsequent consideration and reflection have, however, confirmed the objections to the bill which presented themselves to my mind upon its first perusal, and have satisfied me that it ought not to become a law. I felt myself, therefore, constrained to withhold from it my approval, and now return it to the Senate, in which it originated, with the reasons on which my dissent is founded.

I am fully sensible of the importance, as it respects both the harmony and union of the States, of making, as soon as circumstances will allow of it, a proper and final disposition of the whole subject of the public lands; and any measure for that object, providing for the reimbursement to the United States of those expenses with which they are justly chargeable, that may be consistent with my views of the Constitution, sound policy, and the rights of the respective States, will readily receive my co-operation. This bill, however, is not of that character. The arrangement it contemplates is not permanent, but limited to five years only, and in its terms appears to anticipate alterations within that time at the discretion of Congress; and it furnishes no adequate security against those continued agitations of the subject which it should be the principal object of any measure for the disposition of the public lands to avert.

Neither the merits of the bill under consideration, nor the validity of the objections which I have felt it to be my duty to make to its passage, can be correctly appreciated without a full understanding of the manner in which the public lands upon which it is intended to operate were acquired, and the conditions upon which they are now held by the United States. I will therefore precede the statement of those objections by a brief but distinct exposition of these points.

The waste lands within the United States constituted one of the early obstacles to the organization of any government for the protection of their common interests. In October, 1777, while Congress were framing the articles of confederation, a proposition was made to amend them, to the following effect, viz:

"That the United States, in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the Mississippi or South sea, and lay out the land beyond the boundary so ascertained into separate and independent States, from time to time, as the numbers and circumstances of the people thereof may require."

It was, however, rejected, Maryland only voting for it; and so difficult did the subject appear, that the patriots of that body agreed to waive it in the articles of confederation, and leave it for future settlement.

On the submission of the articles to the several State legislatures for ratification, the most formidable objection was found to be in this subject of the waste lands. Maryland, Rhode Island, and New Jersey instructed their delegates in Congress to move amendments to them, providing that the waste or crown lands should be considered the common property of the United States, but they were rejected. All the States, except Maryland, acceded to the articles, notwithstanding some of them did so with the reservation that their claim to those lands, as common property, was not thereby abandoned.

On the sole ground that no declaration to that effect was contained in the articles, Maryland withheld her assent, and, in May, 1779, embodied her objections in the form of instructions to her delegates, which were entered upon the journals of Congress. The following extracts are from that document, viz:

"Is it possible that those States who are ambitiously grasping at territories to which, in our judgment, they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories when acquired than what they have displayed in their endeavors to acquire them?" &c., &c.

"We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct," &c., &c.

Virginia proceeded to open a land office for the sale of her western lands, which produced such excitement as to induce Congress, in October, 1779, to interpose, and earnestly recommend to "the said State, and all States similarly circumstanced, to forbear selling or issuing warrants for such unappropriated lands, or granting the same during the continuance of the present war."

In March, 1780, the legislature of New York passed an act tendering a cession to the United States of the claims of that State to the western territory, preceded by a preamble to the following effect, viz:

"Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas the articles of confederation and perpetual union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war; and the people of the State of New York being on all occasions disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance by removing, as far as it depends upon them, the before-mentioned impediment to its final accomplishment," &c.

This act of New York, the instructions of Maryland, and a remonstrance of Virginia, were referred to a committee of Congress, who reported a preamble and resolutions thereon which were adopted on the

6th of September, 1780; so much of which as is necessary to elucidate the subject is to the following effect, viz:

"That it appears advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our counsels and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the several legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal Union; that they are confirmed in these expectations by a review of the before-mentioned act of the legislature of New York, submitted to their consideration," &c.

"*Resolved*, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several States; and that it be earnestly recommended to those States who have claims to the western country to pass such laws and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles."

Following up this policy, Congress proceeded, on the 10th of October, 1780, to pass a resolution pledging the United States to the several States as to the manner in which any lands that might be ceded by them should be disposed of, the material parts of which are as follows, viz:

"*Resolved*, That the unappropriated lands which may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the federal Union, and have the same rights of sovereignty, freedom, and independence as the other States, &c. That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them."

In February, 1781, the legislature of Maryland passed an act authorizing their delegates in Congress to sign the articles of confederation. The following are extracts from the preamble and body of the act, viz:

"Whereas it hath been said that the common enemy is encouraged, by this State not acceding to the confederation, to hope that the union of the sister States may be dissolved, and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation," &c.

The act of which this is the preamble authorizes the delegates of that State to sign the articles, and proceeds to declare "that, by acceding to the said confederation, this State doth not relinquish, nor intend to relinquish, any right or interest she hath with the other united or confederated States to the back country," &c.

On the 1st of March, 1781, the delegates of Maryland signed the articles of confederation, and the federal Union under that compact was complete. The conflicting claims to the western lands, however, were not disposed of, and continued to give great trouble to Congress. Repeated and urgent calls were made by Congress upon the States claiming them, to make liberal cessions to the United States, and it was not until long after the present Constitution was formed that the grants were completed.

The deed of cession from New York was executed on the 1st of March, 1781, the day the articles of confederation were ratified, and it was accepted by Congress on the 29th of October, 1782. One of the conditions of this cession, thus tendered and accepted, was that the lands ceded to the United States "*shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever.*"

The Virginia deed of cession was executed and accepted on the 1st day of March, 1784. One of the conditions of this cession is as follows, viz:

"That all the lands within the territory, as ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, *shall be considered as 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.*"

Within the years 1785, 1786, and 1787, Massachusetts, Connecticut, and South Carolina ceded their claims upon similar conditions. The federal government went into operation, under the existing Constitution, on the 4th of March, 1789. The following is the only provision of that Constitution which has a direct bearing on the subject of the public lands, viz:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Thus the Constitution left all the compacts before made in full force, and the rights of all parties remained the same under the new government as they were under the confederation.

The deed of cession of North Carolina was executed in December, 1789, and accepted by an act of Congress, approved April 2, 1790. The third condition of this cession was in the following words, viz:

"That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, *shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.*"

The cession of Georgia was completed on the 16th of June, 1802, and in its leading condition is precisely like that of Virginia and North Carolina. This grant completed the title of the United States to all those lands generally called *public lands* lying within the original limits of the confederacy. Those which have been acquired by the purchase of Louisiana and Florida, having been paid for out of the

common treasure of the United States, are as much the property of the general government, to be disposed of for the common benefit, as those ceded by the several States.

By the facts here collected from the early history of our republic, it appears that the subject of the public lands entered into the elements of its institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands acceded to those views, and transferred their claims to the United States upon certain conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them, by ties as strong as can be invented to secure the faith of nations.

As early as May, 1785, Congress, in execution of these compacts, passed an ordinance providing for the sales of lands in the western territory, and directing the proceeds to be paid into the treasury of the United States. With the same object, other ordinances were adopted prior to the organization of the present government.

In further execution of these compacts, the Congress of the United States, under the present Constitution, as early as the 4th of August, 1790, in "An act making provision for the debt of the United States," enacted as follows, viz:

"That the proceeds of sales which shall be made of lands in the western territory now belonging, or that may hereafter belong, to the United States, shall be, and are hereby, appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use until the said debt shall be fully satisfied."

To secure to the government of the United States forever the power to execute these compacts in good faith, the Congress of the confederation, as early as July 13, 1787, in an ordinance for the government of the territory of the United States northwest of the river Ohio, prescribed to the people inhabiting the western territory certain conditions, which were declared to be "articles of compact between the original States and the people and States in the said territory," which should "forever remain unalterable unless by common consent." In one of these articles it is declared that—

"The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide purchasers*."

This condition has been exacted from the people of all the new Territories; and, to put its obligation beyond dispute, each new State carved out of the public domain has been required explicitly to recognize it as one of the conditions of admission into the Union. Some of them have declared through their conventions, in separate acts, that their people "forever disclaim all right and title to the waste and unappropriated lands lying within this State, and that the same shall be and remain at the sole and entire disposition of the United States."

With such care have the United States reserved to themselves in all their acts down to this day, in legislating for the Territories and admitting States into the Union, the unshackled power to execute in good faith the compacts of cession made with the original States. From these facts and proceedings it plainly and certainly results:

1. That one of the fundamental principles on which the confederation of the United States was originally based was, that the waste land of the west within their limits should be the common property of the United States.

2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted on the express condition that they should be disposed of for the common benefit of the States, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.

3. That, in execution of these solemn compacts, the Congress of the United States did, under the confederation, proceed to sell these lands and put the avails into the common treasury; and, under the new Constitution, did repeatedly pledge them for the payment of the public debt of the United States, by which pledge each State was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which I think cannot be contested by any one who examines the proceedings of the revolutionary Congress, the cessions of the several States, and the acts of Congress under the new Constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory upon the United States.

The debt for which these lands were pledged by Congress may be considered as paid, and they are consequently released from that lien; but that pledge formed no part of the compacts with the States, or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debt the compacts remain in full force, and the obligation of the United States to dispose of the land for the common benefit is neither destroyed nor impaired. As they cannot now be executed in that mode, the only legitimate question which can arise is, in what other way are these lands to be hereafter disposed of for the common benefit of the several States, "*according to their respective and usual proportion in the general charge and expenditure?*" The cessions of Virginia, North Carolina, and Georgia, in express terms, and all the rest impliedly, not only provide thus specifically the proportion according to which each State shall profit by the proceeds of the land sales, but they proceed to declare that they shall be "*faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*" This is the fundamental law of the land at this moment, growing out of compacts which are older than the Constitution, and formed the corner stone on which the Union itself was erected.

In the practice of the government the proceeds of the public lands have not been set apart *as a separate fund* for the payment of the public debt; but have been and are now paid into the treasury, where they constitute a part of the aggregate of revenue upon which the government draws as well for its current expenditures as for payment of the public debt. In this manner they have heretofore and do now lessen the general charge upon the people of the several States in the exact proportions stipulated in the compacts.

These general charges have been composed not only of the public debt, and the usual expenditures attending the civil and military administration of the government, but of the amounts paid to the States with which these compacts were formed; the amount paid the Indians for their right of possession; the amounts paid for the purchase of Louisiana and Florida; and the amounts paid surveyors, registers, receivers, clerks, &c., employed in preparing for market and selling the western domain. From the origin of the land system down to the 30th of September, 1832, the amount expended for all these purposes has been about $49,701,280, and the amount received from the sales, deducting payments on account of roads, &c., about $38,386,624. The revenue arising from the public lands, therefore, has not been sufficient to meet the general charges on the treasury, which have grown out of them, by about $11,314,656. Yet, in having been applied to lessen those charges, the conditions of the compacts have been thus far fulfilled, and each State has profited according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased, and the charges have diminished; so that at a reduced price those lands would now defray all current charges growing out of them, and save the treasury from further advances on their account. Their original intent and object, therefore, would be accomplished, as fully as it has hitherto been, by reducing the price, and hereafter, as heretofore, bringing the proceeds into the treasury. Indeed, as this is the only mode in which the objects of the original compact can be attained, it may be considered, for all practical purposes, that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their western domain, and treats the subject as if they never had existence, and as if the United States were the original and unconditional owners of all the public lands. The first section directs—

"That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them, respectively, upon their admission into the Union, and the United States, the sum of twelve and a half per centum upon the net amount of the sales of the public lands which, subsequent to the day aforesaid, shall be made within the several limits of the said States; which said sum of twelve and a half per centum shall be applied to some object or objects of internal improvement or education within the said States, under the direction of their several legislatures."

This twelve and a half per centum is to be taken out of the net proceeds of the land sales before any apportionment is made; and the same seven States which are first to receive this proportion are also to receive their due proportion of the residue, according to the ratio of general distribution.

Now, waiving all consideration of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character, than that it is in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made; that it abrogates the condition upon which some of the States came into the Union; and that it sets at nought the terms of cession spread upon the face of every grant under which the title to that portion of the public land is held by the federal government.

In the apportionment of the remaining seven-eighths of the proceeds, this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure provided by the compacts, it adpots that of the federal representative population. Virginia and other States which ceded their lands upon the express condition that they should receive a benefit from their sales in proportion to their part of the general charge, are, by the bill, allowed only a portion of seven-eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their federal representative population.

The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "*shall be so construed as to prejudice any claims of the United States, or of any particular State,*" it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only make all "*needful rules and regulations*" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great States which had won liberty were willing to pay for that union, without which, they plainly saw, it could not be preserved. It was not for territory or State power that our revolutionary fathers took up arms—it was for individual liberty and the right of self-government. The expulsion from the continent of British armies and British power was to them a barren conquest, if, through the collisions of the redeemed States, the individual rights for which they fought should become the prey of petty military tyrannies established at home. To avert such consequences, and throw around liberty the shield of union, States whose relative strength at the time gave them a preponderating power, magnanimously sacrified domains which would have made them the rivals of empires, only stipulating that they should be disposed of for the common benefit of themselves and the other confederated States. This enlightened policy produced union, and has secured liberty. It has made our waste lands to swarm with a busy people, and added many powerful States to our confederation. As well for the fruits which these noble works of our ancestors have produced, as for the devotedness in which they originated, we should hesitate before we demolish them.

But there are other principles asserted in the bill which would have impelled me to withhold my signature, had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of the public lands. It reasserts the principle contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, from which I was compelled to withhold my consent for reasons contained in my message of May 27, 1830, to the House of Representatives. The leading principle then asserted was that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States. That principle I cannot be mistaken in supposing has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me the more thoroughly that the interests of our people and the purity of our government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sales are a part of the public revenue. This bill proposes to raise from, and appropriate a portion of, the public revenue to certain States, providing expressly that it shall "*be applied to objects of internal improvement or education within those States,*" and then proceeds to appropriate the balance to all

the States, with the declaration that it shall be applied "*to such purposes as the legislatures of the said respective States shall deem proper.*" The former appropriation is expressly for internal improvements or education, without qualification as to the kind of improvements, and therefore in express violation of the principle maintained in my objections to the turnpike road bill above referred to. The latter appropriation is more broad, and gives the money to be applied to any local purpose whatsoever. It will not be denied that under the provisions of the bill a portion of the money might have been applied to making the very road to which the bill of 1830 had reference, and must of course come within the scope of the same principle. If the money of the United States cannot be applied to local purposes *through its own agents*, as little can it be permitted to be thus expended *through the agency of the State governments.*

It has been supposed that, with all the reductions in our revenue which could be speedily effected by Congress without injury to the substantial interests of the country, there might be for some years to come a surplus of moneys in the treasury, and that there was in principle no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object was to return to the people an unavoidable surplus of revenue which might have been paid by them under a system which could not at once be abandoned; but even this resource, which at one time seemed to be almost the only alternative to save the general government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue and sets them apart as a surplus, making it necessary to raise the moneys for supporting the government and meeting the general charges from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the government, by which they are not wanted, but compels the people to pay moneys into the treasury for the mere purpose of creating a surplus for distribution to their State governments. If this principle be once admitted, it is not difficult to see to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the States a part of those revenues. The proportion may be increased from time to time, without any departure from the principle now asserted, until the State governments shall derive all the funds necessary for their support from the treasury of the United States; or if a sufficient supply should be obtained by some States and not by others, the deficient States might complain, and to put an end to all further difficulty, Congress, without assuming any new principle, need go but one step further, and put the salaries of all the State governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that government which pays all the public officers of the States will all political power be substantially concentrated. The State governments, if governments they might be called, would lose all their independence and dignity. The economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependents of the general government, and looking to its treasury as the source of all their emoluments, the State officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would in effect be the mere stipendiaries and instruments of the central power.

I am quite sure that the intelligent people of our several States will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their State governments and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the tax-gather and paymaster of all their State governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well balanced system of government, and ultimately deprive us of all the blessings now derived from our happy union.

However willing I might be that any unavoidable surplus in the treasury should be returned to the people through their State governments, I cannot assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as in effect assuming the right not only to create a surplus for that purpose, but to divide the contents of the treasury among the States without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State government and institution, as well as for making every local improvement, however trivial, I cannot give it my assent.

It is difficult to perceive what advantages would accrue to the old States or the new from the system of distribution which this bill proposes, if it were otherwise unobjectionable. It requires no argument to prove that if three million of dollars a year, or any other sum, shall be taken out of the treasury by this bill for distribution, it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the treasury, but they will pay in a larger sum, together with the expenses of collection and distribution. It is only their proportion of *seven-eighths* of the proceeds of land sales which they are *to receive*, but they must *pay* their due proportion of the *whole*. Disguise it as we may, the bill proposes to them a dead loss in the ratio of *eight* to *seven*, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The *governments* of the States will receive *seven* dollars, for which the *people* of the States will pay *eight*. The large sums received will be palpable to the senses; the small sums paid it requires thought to identify. But a little consideration will satisfy the people that the effect is the same as if *seven hundred dollars* were given them from the public treasury, for which they were at the same time required to pay in taxes, direct or indirect, *eight hundred*.

I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system

would be to prevent that reduction. It is true the bill reserves to Congress the power to reduce the price; but the effect of its details, as now arranged, would probably be forever to prevent its exercise.

With the just men who inhabit the new States it is a sufficient reason to reject this system, that it is in violation of the fundamental laws of the republic and its Constitution; but if it were a mere question of interest or expediency they would still reject it. They would not sell their bright prospect of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries in competition with the settlement of their waste lands and the increase of their population. They would not consider a small or a large annual sum, to be paid to their governments and immediately expended, as an equivalent for that enduring wealth which is composed of flocks and herds and cultivated farms. No temptation will allure them from that object of abiding interest, the settlement of their waste lands and the increase of a hardy race of free citizens—their glory in peace and their defence in war.

On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands—their survey and sale. Although these expenses have not been met by the proceeds of sales heretofore, it is quite certain they will be hereafter, even after a considerable reduction in the price. By meeting in the treasury so much of the general charge as arises from that source, they will hereafter, as they have been heretofore, be disposed of for the common benefit of the United States, according to the compacts of cession. I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that, after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States, and the machinery of our land system entirely withdrawn. It cannot be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.

This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system. Already has the price of those lands been reduced from two dollars per acre to one dollar and a quarter, and upon the will of Congress it depends whether there shall be a further reduction. While the burdens of the cost are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the west should be lightened in an equal degree at least. It would be just to the old States and the new, conciliate every interest, disarm the subject of all its dangers, and add another guarantee to the perpetuity of our happy Union.

Sensible, however, of the difficulties which surround this important subject, I can only add to my regrets at finding myself again compelled to disagree with the legislative power, the sincere declaration that any plan which shall promise a final and satisfactory disposition of the question, and be compatible with the Constitution and public faith, shall have my hearty concurrence.

ANDREW JACKSON.

DECEMBER 4, 1833.

Statement respecting the revenue derived from the public lands, accompanying the President's message to the Senate December 4, 1833, stating his reasons for not approving the land bill:

Statement of the amount of money which has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties, the compact with Georgia, the settlement with the Yazoo claimants, the contracts with the Indian tribes, and the expenditures for compensation to commissioners, clerks, surveyors, and other officers employed by the United States for the management and sale of the western domain; the gross amount of money received into the treasury, as the proceeds of public lands, to September 30, 1832; also the net amount, after deducting five per cent., expended on account of roads within and leading to the western States, &c., and sums refunded on account of errors in the entries of public lands.

Payment on account of the purchase of Louisiana:		
Principal	$14,984,872 28	
Interest on $11,250,000	8,529,353 43	
		$23,514,225 71
Payment on account of the purchase of Florida:		
Principal	4,985,599 82	
Interest to September 30, 1832	1,489,768 66	
		6,475,368 48
Payment of compact with Georgia		1,065,484 06
Payment of the settlement with the Yazoo claimants		1,830,808 04
Payment of contracts with the several Indian tribes, (all expenses on account of Indians)		13,064,677 45
Payment of commissioners, clerks, and other officers employed by the United States for the management and sale of the western domain		3,750,716 43
		49,701,280 17
Amount of money received into the treasury as the proceeds of public lands to September 30, 1832		39,614,000 07
Deduct payments from the treasury on account of roads, &c		1,227,375 94
		38,386,624 13

T. L. SMITH, *Register.*

TREASURY DEPARTMENT, *Register's Office, March* 1, 1833.

AN ACT to appropriate for a limited time the proceeds of the sales of the public lands of the United States, and for granting land to certain States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and thirty-two, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them respectively upon their admission into the Union, and the United States, the sum of twelve and a half per centum upon the net amount of the sales of the public lands which subsequent to the day aforesaid shall be made within the several limits of the said States, which said sum of twelve and a half per centum shall be applied to some object or objects of internal improvement or education within the said States, under the direction of their respective legislatures: *Provided,* That said dividend and distribution, or the proportion of any State therein, shall be in nowise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the same shall remain, as heretofore, chargeable on the two per centum fund provided for by the compacts with the new States.

SEC. 2. *And be it further enacted,* That, after deducting the said twelve and a half per centum, and what by the compacts aforesaid has heretofore been allowed to the States aforesaid, the residue of the net proceeds of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-four States of the Union, according to their respective federal representative population, as ascertained by the last census, to be applied by the legislatures of the said States to such purposes as the legislatures of the respective States shall deem proper: *Provided,* That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands on reasonable terms to the States within which they lie, nor to impair the power of Congress to make such future disposition of the public lands, or any part thereof, as it may see fit.

SEC. 3. *And be it further enacted,* That the said several sums of money shall be paid at the treasury of the United States half yearly to such person or persons as the respective legislatures of the said States may authorize and direct.

SEC. 4. *And be it further enacted,* That this act shall continue and be in force for the term of five years from the said thirty-first day of December, unless the United States shall become involved in war with any foreign power; in which event, from the commencement of hostilities, this act shall cease and be no longer in force: *Provided, nevertheless,* That if prior to the expiration of this act any new State or States shall be admitted into the Union, the power is reserved of assigning by law to such new State or States the proportion to which such State or States may be entitled upon the principles of this act, and upon the principles of any of the compacts made as aforesaid with either of the seven States first mentioned.

SEC. 5. *And be it further enacted,* That, during the period in which the net proceeds of the sales of the public lands shall be distributed among the several States according to the provisions of this act, there shall be annually appropriated for completing the surveys of said lands a sum not less than eighty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased; and, in case the same shall be increased by law within the period aforesaid, so much of this act as provides that the net proceeds of the sales of the public lands shall be distributed among the several States shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, anything in this act to the contrary notwithstanding.

SEC. 6. *And be it further enacted,* That whenever for two successive years it shall appear to the Secretary of the Treasury that the net proceeds of the sales of the public lands within any land district now established, or which may hereafter be established by law, shall not be sufficient to discharge the salaries of the officers employed by the United States within such district, he may discontinue such officers, and the lands contained in such district remaining unsold shall in such case be annexed to the adjoining district.

SEC. 7. *And be it further enacted,* That there shall be granted to each of the States of Mississippi, Louisiana, and Missouri the quantity of five hundred thousand acres of land; to the State of Indiana one hundred and fifteen thousand two hundred and seventy-two acres; to the State of Illinois twenty thousand acres; to the State of Alabama one hundred thousand acres of land, lying within the limits of said States respectively, to be selected in such manner as the legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location on any public land subject to entry at private sale, which said locations may be made at any time within five years after the lands of the United States in said States respectively shall have been surveyed and offered at public sale, according to existing laws.

SEC. 8. *And be it further enacted,* That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre until otherwise directed by law; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid respectively, namely, roads, bridges, canals, and improvement of water-courses and draining swamps; and such roads, canals, bridges, and water-courses, when made or improved, shall be free for the transportation of the United States mail and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

A. STEVENSON, *Speaker of the House of Representatives.*
HU. L. WHITE, *President of the Senate pro tempore.*

I certify that this act did originate in the Senate.

WALTER LOWRIE, *Secretary.*

23D CONGRESS] No. 1120. [1ST SESSION.

APPLICATION OF ARKANSAS FOR A DONATION OF LAND TO ACTUAL SETTLERS ON THE WESTERN FRONTIER OF THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 11, 1833.

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, would respectfully represent to your honorable body that owing to the sparse and unconnected settlements on the western border of this Territory, the inhabitants are greatly exposed to the depredations of the numerous tribes of Indians who inhabit the country on our west.

Believing, as we do, that a dense population is the most efficient barrier against a savage foe, we will suggest the utility of making a donation of land to actual settlers who have or may remain for the term of five years within a reasonable distance of that frontier. This would be a means of drawing to our border large numbers of the hardy pioneers of the western States, whose experience in Indian warfare would put a speedy termination to all depredations. This would obviate the necessity of keeping up the military posts on our frontier, and would consequently be the means of saving to the government an annual expenditure of thousands of dollars.

The lands on our western frontier are generally poor; the good land is situated in small detached parcels, and the government can never, as your memorialists believe, realize much from the sale thereof. A dense population on our frontier that would be permanent, will greatly enhance the value of the adjacent lands, and, indeed, we believe it would add much to their value throughout the Territory.

JOHN WILSON, *Speaker of the House of Representatives.*
JOHN WILLIAMSON, *President of the Legislative Council.*

Approved November 8, 1833.

JOHN POPE.

23D CONGRESS.] No. 1121. [1ST SESSION.

APPLICATION OF ARKANSAS FOR A DONATION OF LAND TO EACH COUNTY TO AID IN THE ERECTION OF COUNTY BUILDINGS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 11, 1833.

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

The memorial of the general assembly of the Territory of Arkansas, would respectfully represent to your honorable body that the Territory being but thinly settled, and in the main by persons of but moderate circumstances as respects their property, and those settlements being in all portions of the Territory, it has become the duty of the general assembly to divide the Territory into counties for the convenience of the citizens in the administration of the laws of the country. Though this was a policy dictated by the best reasons, yet a consequence resulting therefrom is that in but few counties of the Territory are the citizens provided with court-houses or jails, or have they the means of erecting them. Your memorialists would respectfully ask an appropriation of one section of land to each county to aid in the erection of the public buildings in the several counties of this Territory. We are encouraged to make this appliction to your liberality from the fact that an appropriation has been made by Congress for the building of a court-house and jail in the county of Pulaski, in this Territory. We respectfully ask of your honorable body the passage of a law extending similar donations to each of the counties of this Territory, and to be placed under the control of the legislature of this Territory, and under such restrictions as in your wisdom you shall deem expedient; and the prayer of your memorialists being granted, they, as in duty bound, will ever pray.

JOHN WILSON, *Speaker of the House of Representatives.*
JOHN WILLIAMSON, *President of the Legislative Council.*

Approved November 11, 1833.

JOHN POPE.

23D CONGRESS.] No. 1122. [1ST SESSION.

OPERATIONS OF THE GENERAL LAND OFFICE DURING THE YEAR 1833.

COMMUNICATED TO CONGRESS, WITH THE ANNUAL REPORT OF THE SECRETARY OF THE TREASURY ON THE FINANCES, DECEMBER 17, 1833.

GENERAL LAND OFFICE, *November* 30, 1833.

SIR: I have the honor of submitting to your examination, and for the consideration of the government, a report of the operations of this office during the past year, the present condition of the same, with its arrears of business, and the necessary action of Congress to enable it to discharge its various duties with more promptness, and with that justice which is due to the parties interested and to the public service.

The annexed document, marked A, shows the periods to which the quarterly accounts of the receivers have been rendered to this office, as also the monthly abstracts of sales and receipts, and the admitted balances remaining in the hands of the receivers at the respective dates of their last returns. With few exceptions, the land officers have been very prompt in transmitting to this office their monthly and quarterly statements, as required by law and the regulations of the department.

The accompanying statement, marked B, exhibits for the year 1832, and the first three quarters of 1833, the amount of public lands sold in the respective States and Territories, the several amounts received in cash, in forfeited land stock, in military bounty land scrip, and the total amount of purchase money, with the amount paid into the treasury. From which statement it will appear, that the sales of the first three quarters of 1833 have exceeded those of the corresponding quarters of 1832, 532,838 acres, $655,080 of purchase money, and of amount paid into the treasury, the sum of $609,838. This excess can be accounted for in the increasing disposition for emigration which pervades the Atlantic States and many portions of Europe, and in the persevering industry and enterprise of our western and southwestern population. It is not improbable that the sales for the present year will amount to three million of acres, and the money paid into the public treasury exceed three million of dollars. In many of the districts the largest sales frequently occur in the last quarter of the year.

I have caused to be prepared the tabular statement, marked C, which presents at one view the sales of the public lands, under the cash system, from its commencement, on the 1st of July, 1820, to the end of the year 1832. It exhibits the quantity sold at the several land offices in each year, with the aggregate amount at each office during the whole of that period, as also the amount sold in each year in the several States and Territories, together with the total amount in each year, the total amount in each State and Territory, with the grand total. This statement also shows the progressive increase of the ordinary sales, with the exception of the year 1832, which did not equal those of 1831 by 315,514 acres, in consequence, principally, of the general prevalence of the Asiatic cholera in many of those districts to which emigration tended, and from which it usually emanates, and the Indian war which pervaded the northern frontier of Illinois and the western part of Michigan.

A schedule of forfeited land stock issued and received at the several land offices, under the provisions of the acts of Congress of May 23, 1828, March 31, 1830, and July 9, 1832, is herewith appended, marked D. It shows the amount issued and received at each office in each of the years 1828, 1829, 1830, 1831, 1832, and the first three quarters of 1833, the total amount issued and received in each year, the whole amount at each office during that period, with their respective grand totals. The small balance of less than $16,400 of the whole amount issued remained to be received and accounted for at this office on the 30th of September last.

By the act of May 30, 1830, there were appropriated 260,000 acres of land, subject to private entry, in Ohio, Indiana, and Illinois, to satisfy the unlocated military bounty land warrants of the Virginia State line and navy; 50,000 acres of the Virginia continental line, and an unlimited quantity for the United States military warrants, for services rendered in the revolutionary war; and scrip was authorized to be issued in eighty-acre tracts in lieu of said warrants. The act of July 13, 1832, made an additional appropriation of 300,000 acres for the Virginia continental line and the State line and navy; and by the act of March 2, 1833, the further quantity of 200,000 acres was appropriated for the Virginia warrants, to be located on *any* of the public lands liable to sale at private entry; making a total for Virginia warrants of 810,000 acres. Of this quantity, scrip had been issued, or prepared to be issued, by the Secretary of the Treasury, on the 15th of November instant, for 772,424 acres, leaving a balance of 37,576 acres, the warrants for which have been filed, and the scrip will be issued thereon as soon as the title papers thereof shall be completed. The schedule hereunto annexed, marked E, exhibits a summary statement of the number of warrants which have been satisfied, of each class or description; the quantity of land for which scrip has been issued; its amount in money, at $1 25 per acre, together with the total number of certificates of scrip issued. Virginia warrants have already been filed for about 10,000 acres, exceeding the amount which can be satisfied with scrip out of the appropriations which have been made. I have no means of ascertaining the amount of outstanding Virginia warrants not yet filed in this office, and it will be for the decision of Congress whether further provisions shall be made to satisfy the same.

The annexed statement, marked F, shows the amount in money of the military land scrip received in payment for public lands, at the several land offices, in the years 1830, 1831, 1832, and the first three quarters of 1833, with the total amount in each year in each State and at each office, with the grand total. It will appear from this statement, that of the whole amount of scrip issued, ($1,063,592,) there had been received at the land offices and accounted for at this office, on the 30th of September last, the sum of $754,827; and that of this sum, more than one-half had been taken at the Zanesville office, in Ohio, and at the office at Indianapolis, in Indiana. It is altogether, in my opinion, irreconcilable with the ordinary course of such business and the usual current of public sales, that so large a portion should have been received at these offices without the connivance or direct agency of the land officers and their clerks, or one or more of them, at each office, by which scrip has been taken in cases where otherwise cash would have been received. Other offices have also received and transmitted an unexpected amount; in consequence of which, measures have been taken to ascertain the facts and circumstances connected with these transactions, and explanations have been required of the officers. Before the close of the present session of Congress, the department will be able to show the causes and agencies which have contributed to throw this species of property so rapidly upon the government.

The appropriation of seven thousand dollars, made at the last session of Congress, for extra clerk hire for this office, has enabled me to progress with its current business to a very considerable extent, and to great advantage to those most interested, and to the government. Out of that appropriation there have been opened twenty-two tract books, containing the entries of the tracts of 504 townships; the posting of about 17,000 entries of lands sold, besides the writing and recording of more than 13,000 patents, and the performance of a large amount of miscellaneous business, equally pressing and important. Yet, notwithstanding the benefits which have resulted from that appropriation, the force of the office, provided by law, has been inadequate to the discharge of its current duties, and leaving, at the close of the present year, a greater aggregate amount of arrears than existed on the 1st of January last.

On the passage of the act of March 2, 1833, providing for the appointment of a secretary to sign patents in the name of the President, there were written and recorded, and prepared for signature, more than twenty thousand patents for lands sold. In consequence of the provisions of that act, it became necessary to alter the date of execution of each patent, and the record thereof, and the indorsement of the certificate on which the same was found. This service was an expense to the office of more than six

hundred dollars, requiring, on all the documents, more than sixty thousand alterations or additions, and, in effect, abstracted that sum from the appropriation for the salaries of the permanent clerks. I would, therefore, for the purpose of reimbursing that amount to the office, respectfully recommend a special appropriation of six hundred dollars, to be expended in writing and recording four thousand patents, which would diminish that branch of arrears, without interfering with current duties.

The unfortunate destruction of the Treasury building by fire admonished me of the propriety and absolute necessity of adopting every precautionary measure to secure the safety of the title papers, records, and other important documents, which constitute the archives of this office. On a particular examination, with a view to that object, it was found that about two tons of the papers, embracing a large portion which belong to the credit system of the land sales, were deposited in the attic story of the building, immediately under the roof, in the utmost confusion, in bundles arranged neither in chronological order nor in the order of consecutive numbers. On a representation of these facts to the then Secretary of the Treasury, and by his advice, I have adopted those means which would secure to the government, and to the extensive regions of the Ohio and Mississippi, the safety and security of those documents which are connected with the land titles of more than three million of white population. Portable cases for all papers and documents not of daily use, and fire-bags for each room of the office, have been contracted for, and will be delivered in the course of two or three weeks, while the assortment and arrangement of the title papers are in rapid progress by persons especially employed in that service. The plan adopted, and which, when completed, as it will be in two or three months, will enable twenty able-bodied men, in case of fire, to remove from the office every paper, document, book, and record of the same, to a place of security, in *fifteen minutes*, without the derangement of either; so that, in case the roof and second story of the building should be in flames, everything belonging to the Land Office, except its furniture, could be saved and removed by the ordinary assistance which is found in the case of fires. The whole expense of these necessary and precautionary measures will amount to about twenty-six hundred dollars, for which a special appropriation is respectfully requested.

One of the most serious causes which have produced the delays and embarrassments to the performance of the ordinary business of this office is the want of the statutes and the reports of the adjudicated decisions of the highest courts of justice in the several States. The daily necessity of a recurrence to such documents, and the difficulty of obtaining access to the same, has been the occasion of vexatious delays, in numerous instances, to the parties immediately interested, and to the prompt discharge of official duty. This can be remedied by a special appropriation for that purpose of about twenty-five hundred dollars, which is respectfully and urgently recommended. It is frequently the case that a resort to these statutes, and the reported decisions thereon, is absolutely necessary to a correct action on questions arising under the law of descent, the jurisdiction of probate matters, the settlement and distribution of intestate estates, the law of judgments and executions, and the lien created thereby, with the law of assurance or conveyances in relation to real estate. Access to these sources of information is often indispensable to the security of individual rights, and important to the pecuniary interests of the government. In many of the States some of the principles of the common law have been declared inapplicable to the peculiar circumstances of the people and the country, and inconsistent with the genius and provisions of our political institutions; and others have been substituted by legislative adoption, compatible with constitutional rights and the immunities of the citizen. Hundreds of questions are presented every year, in the administration of the powers and duties of this office, involving the examination and application of legal principles connected with the subjects above enumerated; and it is a matter of surprise to me that more complaints have not been made against the decisions of the Commissioner in cases where he has been called upon to decide, without the requisite legal information to do so understandingly. In many instances, I have no doubt, they have been submitted to, rather than incur the expense of an appeal to the administration of justice in the United States courts. These evils should no longer prevail, and the excuse for them should cease to exist by the appropriate action of Congress. The small sum necessary to be appropriated cannot come in competition with the resulting benefits to individuals and to the government. There is probably no bureau under the executive departments which requires so frequent recurrence to the statutes and judicial decisions of the several States as that of the General Land Office, and in which they are so necessary to the administration of right and justice. In truth, it has become in practice, from necessity, a court of exchequer, where its decisions are tacitly assented to, from ignorance of the law, or acquiesced in from pecuniary considerations. My duty to the government and to individual rights requires this statement from me, as an act of justice to the parties interested, and as highly proper and important for the legislative action of Congress.

Although the above statements and exhibits show that the duties of this office are annually increasing and rapidly accumulating, it is proper for me to say that they present but a small portion of the items of such increase. Exclusive of the correspondence with the Secretary of the Treasury, in relation to the issue of military bounty land scrip since the 1st of January last, which is equal to the writing and recording of 342 letters, and the letters written to the several land officers, acknowledging the receipt of their monthly and quarterly returns, amounting to 1,150 to the 15th of the present month, there have been written in the office, on other subjects, from the 1st of January last to the 15th instant, including copies of a portion of the same, 4,589 letters, occupying in the record thereof 3,047 large folio pages. During the present year there will have been issued and transmitted from the office more than *forty thousand* patents, leaving an arrear of patents for lands sold, at the close of the year, in amount exceeding SEVENTY THOUSAND. To this should be added, besides other increasing demands upon the office, the requirements of individuals for copies of title papers, records, correspondence, and other documents, to be used in the administration of justice, the settlement of intestate estates, to supply the loss or destruction of the originals, and for other lawful purposes, which will amount for the present year, at twelve and a half cents per one hundred words, to a sum exceeding three thousand dollars. This class of requisitions upon the time and duties of the office must annually increase with the progress of the sales of the national domain, the opening and clearing the forests, and the extension of the western settlements. Another source of expense to the office, and which is constantly increasing with the accumulation of its arrears, is the issuing, in ignorance of the fact, of patents to purchasers, or to their assigns, after the death of the patentees. To remedy this defect in the system of legal grants for lands sold, which has now become serious and embarrassing, it is necessary for Congress to provide by law that patents issued to persons deceased, the legal title shall inure to the heirs or devisees, to every lawful effect and extent, as if they had been executed and delivered in the lifetime of the same.

The surveys of the public lands have progressed to a very considerable extent, a large portion of which, however, are rendered immediately unavailing, in consequence of the deficiency of aid provided by law in the offices of the surveyors general. At the present time I am not able to make a particular report thereof, but it is expected that statements in detail of the progress of this work, and the condition and necessities of each office on the 1st of January next, will be returned as soon as practicable after that date, by the several surveying departments. When these statements are received they will be communicated *in extenso*, or in a condensed form, as may be required. It is known, however, that the surveys of about 800 townships have been made and paid for, the plats and descriptive notes of which should be returned to this office, and to the proper land offices, in the course of six or eight months. A large amount of surveys have been made and are in progress, which will be completed and paid for, and the returns thereof made, during the year 1834, if the necessary means should be provided by Congress. I consider it my duty to state, in connexion with this subject, that it is impossible for the public surveys to progress, and the sales and disposition of the national domain to be facilitated and extended with advantage to the government, and without injury to individuals, unless more discretionary power is vested in the Treasury Department to meet unforeseen evils and the defects of legislation, to bring up and prevent the accumulation of arrears, and to secure a prompt and efficient discharge of public duty. I would, therefore, respectfully propose that the Secretary of the Treasury, on a reported statement of facts by the Commissioner of the General Land Office, be authorized and directed by law to cause all the arrears of the surveying departments to be brought up as soon as practicable; to require an authenticated transcript of the records of the field-notes to be transmitted to the General Land Office; to cause renewed township plats to be furnished to the land offices, where the originals have become so defaced and injured, and the entries thereon obliterated by constant use, as to be no longer available in every particular as public documents; and to make reasonable allowance for the surveys of the principal and guide meridians and base lines, and particular sections of the public lands, in cases where they cannot be executed for the prices allowed by law; and that the expense thereof be paid out of the general appropriation for the surveys of the public lands.

In making this annual report I am again required, by a sense of public duty, to present a brief view of the arrears of business in this office, and the means necessary to bring up those arrears, in connexion with a proper discharge of current duty. Under the head of—

1st. *Private land claims.* The printing and publication of State papers, by Gales & Seaton, and Duff Green, supersede much of the duty previously required by this bureau. The arrears of this branch of business can now be brought up by one competent clerk in one year.

2d. *Military bounty lands.* The duties now required to be performed under this head would require the time of three clerks for one year.

3d. *Posting the entries and sales of public lands, and adjusting the quarterly accounts thereof*, would occupy the time, for one year, of six intelligent and industrious clerks.

4th. *Indexes to the records of patents*, a work of the most pressing necessity, and which is almost entirely in arrears from the commencement of the public land sales, cannot be accomplished in less than one year, by fifteen active and competent clerks.

5th. *The opening of tract books* for surveys already returned to the office, as rendered necessary by the quarter section subdivision, would require the service of two clerks for one year.

6th. *Writing, recording, and examining patents for lands sold.* The amount of arrears under this head, for lands sold to the 1st of January next, will exceed SEVENTY-TWO THOUSAND PATENTS. To write, record, and examine the same, would require the service of eighteen diligent clerks for a year.

7th. *Suspended cases under the credit system*, from the difficulty of completing the title papers, and the great labor of examination, will demand the service of two clerks one year, who are acquainted with this duty.

8th. *The draughtsman's bureau.* There are now in the office 926 township plats to be protracted on the maps of the proper land districts, besides about 800 other plats, which are expected to be returned in the course of six or eight months; information having been received that the surveys thereof have been made and returned to the respective surveyors general. To make the protractions and connexions, which should be done in the course of the ensuing year, will require the labor of one competent and industrious draughtsman at least twelve months. The lands selected by the States of Ohio, Indiana, Illinois, and Alabama, under grants for canal purposes, and those selected under grants for other purposes, with the school lands selected in lieu of section 16, have all to be entered and marked on the township plats and maps of the proper districts. To perform this service, as also that of making similar entries under the act of April, 1832, authorizing a subdivision of the fractional sections into forty-acre tracts, would occupy the time of a draughtsman more than one year. If it is contemplated by the government to complete the service as far as practicable, required by a resolution of the Senate of February 28, 1823, the labor of one draughtsman acquainted with the duty would be required for six years. The daily interruption to the proper discharge of public duty, and the expense resulting to the office in consequence of the continuance of these arrears, have become evils of the most serious character, and should be done away immediately.

9th. *Miscellaneous arrears*, other than those enumerated, would occupy the time of four clerks one year. These arrears, now amounting to the services of fifty-nine clerks for one year, have been accumulating for a long period of time, a large portion of which existed before the administration of the office was committed to my hands. They have arisen from the physical impossibility of the office to discharge all the duties required of it by law, with the force provided for that purpose; from the injudicious and unfortunate reduction of six of its clerks in 1827; from the great increase of business arising under the relief laws since 1826; from the establishment of additional land and surveying districts; from the numerous reservations made in Indian treaties; from the many grants of public lands for canal, road, literary, and other purposes; and from the great increase of miscellaneous business, within the last four or five years, not previously demanded of the office.

To bring up these arrears, I would respectfully recommend that the Secretary of the Treasury be authorized to cause the same to be done, and the expenses thereof paid out of any moneys in the treasury not otherwise appropriated, to such an extent as, in his judgment, the necessities of the government and justice to individuals may require. And to enable the office to discharge its current duties, I propose the employment therein of one chief clerk at a salary of $1,700 per annum; one clerk at $1,500; five at

$1,400; ten at $1,150; and thirteen at $1,000; making, in all, thirty clerks; and also one draughtsman at $1,500, one assistant draughtsman at $1,150, one messenger at $700, and two assistant messengers at $350. For the reasons of this additional aid, and the increase of pay to a portion of the same, I refer you to my report made to the Secretary of the Treasury on the 21st of January last, and which has been printed as number 50 of the Senate documents of last session. If, however, it should not be deemed expedient by Congress to adopt this proposition, an appropriation of $6,000 per year, for the writing and recording of patents for lands sold, and a like appropriation for six extra clerks in the office, would greatly facilitate its business, and very much lessen the embarrassments under which it now labors.

All which is respectfully submitted.

ELIJAH HAYWARD.

Hon. R. B. TANEY, *Secretary of the Treasury.*

A.

Exhibit of the periods to which the monthly accounts of the registers and receivers of the public land offices have been rendered, showing the balance of cash in the receivers' hands at the date of their last monthly accounts current, and the periods to which the receivers' quarterly accounts have been rendered.

Land offices.	Monthly returns.		Balance of cash in the hands of the receivers, per last monthly return.	Period to which receivers' quarterly accounts have been rendered.
	Period to which rendered by registers.	Period to which rendered by receivers.		
Marietta, Ohio	Oct. 31, 1833	Oct. 31, 1833	$3,026 69	Sept. 30, 1833
Zanesville, do	do	do	3,998 51	do
Steubenville, do	do	do	2,311 85	do
Chilicothe, do	do	do	783 28	do
Cincinnati, do	do	do		do
Wooster, do	do	do	4,325 00	do
Piqua and Wapaghkonetta, do	do	do	9,170 73	do
Bucyrus, do	do	do	14,458 65	do
Jeffersonville, Indiana	do	do		do
Vincennes, do	do	do	711 28	do
Indianapolis, do	do	do	129 35	do
Crawfordsville, do	do	do	11,555 25	do
Fort Wayne, do	do	do		do
Laporte, do	do	do	2,370 59	Oct. 31, 1833
Shawneetown, Illinois	do	do	4,597 01	Sept. 30, 1833
Kaskaskia, do	do	do	6,331 76	do
Edwardsville, do	do	do	106 82	do
Vandalia, do	do	do	5,731 35	do
Palestine, do	do	do	678 45	do
Springfield, do	do	do	19,256 21	do
Danville, do	Aug. 31, 1833	do	2,841 63	do
Quincy, do	Sept. 30, 1833	do	4,578 72	do
St. Louis, Missouri	Oct. 31, 1833	do		do
Fayette, do	do	do	16,514 03	do
Palmyra, do	do	do	9,161 59	do
Jackson, do	do	do	299 99	do
Lexington, do	do	do	9,144 03	do
St. Stephen's, Alabama	Sept. 30, 1833	Sept. 30, 1833	2,263 14	June 30, 1833
Cahaba, do	do	do	19,260 89	Sept. 30, 1833
Huntsville, do	do	do		do
Tuscaloosa, do	do	do	7,073 78	do
Sparta, do	Oct. 31, 1833	Oct. 31, 1833	1,120 07	do
Demopolis, do	do	do	5,337 96	do
Washington, Mississippi	Sept. 30, 1833	Aug. 31, 1833	2,224 80	June 30, 1833
Augusta, do	Oct. 31, 1833	Oct. 31, 1833	6,050 48	Sept. 30, 1833
Mount Salus, do	Aug. 31, 1833	Aug. 31, 1833	22,989 62	June 30, 1833
Columbus, do	Oct. 31, 1833	Oct. 31, 1833	17,254 80	
New Orleans, Louisiana	Oct. 30, 1832	Sept. 30, 1833	4 99	
Opelousas, do	Sept. 30, 1833	do	8,629 34	Sept. 30, 1833
Ouachita, do	do	do	9,758 10	do
St. Helena, do	do	do	203 40	do
Detroit, Michigan Territory	Oct. 31, 1833	Oct. 31, 1833		do
White Pigeon Prairie, do	do	do	12,517 75	do
Monroe, do	do	do	5,908 68	do
Batesville, Arkansas	Sept. 30, 1833	Sept. 30, 1833	3,335 89	June 30, 1833
Little Rock, do	do	Aug. 31, 1833	1,421 03	June 30, 1833
Washington, do	July 31, 1833	July 31, 1833	886 16	Sept. 30, 1833
Fayetteville, do	Sept. 30, 1833	Sept. 30, 1833	1 80	do
Tallahassee, Florida	do	do	3,148 52	March 31, 1833
St. Augustine, do	Nov. 30, 1831	Nov. 30, 1831		

TREASURY DEPARTMENT, *General Land Office, November* 30, 1833.

ELIJAH HAYWARD, *Commissioner.*

B.

Exhibit of the operations of the land offices of the United States in the several States and Territories during the year ending December 31, 1832, *the* 1st, 2d, *and* 3d *quarters of* 1833, *and of the payments made into the treasury on account of public lands during those periods.*

	Lands sold after deducting erroneous entries.		Am't received in cash.	Amount received in scrip.		Aggregate receipts.	Am't paid into the treasury.
	Acres.	Purchase money.		Forfeited land stock.	Military land scrip.		
State of Ohio.....for 1832.....	412,714 61	$541,275 05	$430,619 37	$16,115 00	$94,540 68	$541,275 05	$360,641 14
Indiana.....do.....	546,844 24	684,209 69	543,680 24	6,255 85	134,273 60	684,209 69	527,266 48
Illinois.....do.....	227,375 91	284,936 17	254,363 83	3,057 92	27,514 42	284,936 17	228,292 69
Missouri.....do.....	251,280 09	313,141 12	312,775 67	365 45	.....	313,141 12	305,624 72
Alabama.....do.....	412,682 79	522,337 64	512,990 53	9,347 11	.....	522,337 64	451,886 36
Mississippi.....do.....	261,313 67	326,578 90	322,963 91	3,614 99	.....	326,578 90	307,900 51
Louisiana.....do.....	78,453 48	98,280 29	96,848 67	1,431 62	.....	98,280 29	100,455 00
Territory of Michigan.....do.....	252,211 44	320,284 83	319,584 00	700 83	.....	320,284 83	317,635 42
Arkansas.....do.....	10,179 47	12,724 33	12,724 33	.....	.....	12,724 33	13,538 05
Florida.....do.....	9,286 46	11,608 07	11,608 07	.....	.....	11,608 07	10,040 66
Total for 1832.....	2,462,342 16	3,115,376 09	2,818,158 62	40,888 77	256,328 70	3,115,376 09	2,623,381 03
State of Ohio for 1st, 2d, and 3d quarters of 1833.	372,685 22	466,455 82	327,764 11	12,753 30	125,938 41	466,455 82	325,253 75
Indiana.....do.....	338,286 20	425,371 79	305,457 33	7,084 33	112,830 13	425,371 79	270,816 62
Illinois.....do.....	246,636 41	309,423 45	281,222 51	2,435 44	25,765 50	309,423 45	269,898 45
Missouri.....do.....	146,866 83	183,636 15	183,536 95	99 20	.....	183,636 15	208,423 75
Alabama.....do.....	219,212 69	275,722 36	260,433 51	15,288 85	.....	275,722 36	301,796 69
Mississippi.....do.....	315,725 16	394,841 41	393,040 34	1,801 07	.....	394,841 41	365,498 66
Louisiana.....do.....	61,983 35	77,487 64	77,299 77	187 87	.....	77,487 64	75,104 69
Territory of Michigan.....do.....	316,081 89	395,102 03	394,826 33	275 70	.....	395,102 03	367,602 61
Arkansas.....do.....	16,829 30	21,098 90	21,098 90	.....	.....	21,098 90	16,114 27
Florida.....do.....	8,333 33	10,416 65	10,416 65	.....	.....	10,416 65	9,447 86
Total for 1st, 2d, and 3d quarters of 1833.....	2,042,640 38	2,559,556 20	2,255,096 40	39,925 76	264,534 04	2,559,556 20	2,219,957 3

TREASURY DEPARTMENT, *General Land Office, November* 30, 1833.

ELIJAH HAYWARD, *Commissioner.*

C.—*Statement of the quantity of land sold at each of the land offices of the United States, from July 1, 1820, to December 31, 1832.*

Land offices.	Half year of 1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	Totals in each district, State, and Territory.
OHIO.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Marietta	1,413.01	1,090.34	2,868.57	1,589.48	9,698.59	12,700.97	12,111.53	7,524.51	8,525.92	7,574.23	9,656.54	15,675.66	25,180.71	115,610.06
Zanesville	7,739.37	10,439.88	14,899.37	11,012.46	24,215.84	25,790.32	29,314.21	29,810.69	37,019.56	37,619.67	33,894.91	71,064.41	88,132.33	420,953.02
Steubenville	2,860.20	15,176.88	22,821.38	17,143.56	29,063.91	21,025.44	28,894.55	25,003.98	28,013.47	28,095.91	18,318.91	26,398.56	19,149.96	281,966.71
Chillicothe	1,855.15	4,956.59	8,910.94	7,394.05	16,183.81	19,723.71	13,366.44	10,285.96	15,074.93	19,585.52	15,880.03	31,976.29	57,020.83	222,214.25
Cincinnati	3,542.49	5,911.72	6,729.28	4,389.84	27,856.91	16,359.00	10,625.12	24,389.00	28,303.82	35,477.99	26,475.96	110,650.80	49,610.92	350,322.85
Wooster	3,460.99	13,009.23	15,051.33	19,031.11	30,098.58	17,994.76	16,128.25	17,030.69	14,186.45	21,664.33	18,857.98	28,061.68	33,271.68	246,847.25
Piqua	3,679.80	3,487.05	11,042.10	4,011.90	2,415.06	5,325.79	2,383.82	2,451.54	2,323.62	2,405.57	2,872.01	7,363.21	40,126.56	89,888.03
Tiffin	20,366.74	60,874.86	102,858.42	60,162.92	27,219.31	23,012.62	20,965.10	34,506.74	32,345.60	23,793.19	30,436.36	44,202.03	101,221.62	581,965.51
	44,917.75	114,946.55	185,181.39	124,735.32	166,752.01	141,932.61	133,789.02	151,003.31	165,793.37	176,216.40	156,392.70	335,392.64	412,714.61	2,309,767.68
INDIANA.														
Jeffersonville	39,580.30	22,972.49	14,656.73	5,244.44	11,313.34	5,943.25	10,720.74	14,095.16	10,486.11	20,861.03	17,716.82	49,252.37	76,345.36	299,188.14
Vincennes	7,603.23	23,045.92	15,777.20	10,725.79	12,283.52	13,368.04	13,154.65	14,017.71	18,401.04	26,495.34	31,441.56	73,839.12	62,606.06	322,759.18
Indianapolis	96,367.88	200,913.64	149,335.26	86,619.48	60,683.23	52,644.07	71,167.35	66,024.24	67,457.84	89,861.94	112,503.89	156,815.68	163,964.33	1,374,358.83
Crawfordsville	18,939.41	17,646.33	73,213.15	58,722.40	69,203.40	86,912.17	103,106.92	113,341.85	153,354.57	203,049.48	291,387.89	222,033.47	184,700.71	1,595,611.75
Fort Wayne				3,734.58	1,075.02	3,403.18	2,041.06	2,212.25	1,113.25	6,259.72	23,301.69	52,496.14	59,227.78	154,864.67
	162,490.82	264,578 38	252,982.34	165,046.69	154,558 51	162,270 71	200,190 72	209,691.21	250,812.21	346,527.51	476,351.85	654,436.78	546,844.24	3,746,782.57
ILLINOIS.														
Shawneetown	2,392.74	3,329 61	2,050.12	1,253.63	2,278.66	1,357.63	2,086.87	3,340.57	4,512.91	8,143.78	7,720.61	20,523.12	17,624.82	76,615.07
Kaskaskia	1,658.10	1,627.50	1,661.41	793.00	1,278 28	711.22	1,901.28	2,256.54	3,415.72	6,380.57	5,000.92	11,186.33	17,417.38	55.288.25
Edwardsville	2,649.15	35,243.66	5,373.22	11,223.99	5,541.30	5,748.43	6,584.93	8,398.66	18,829.17	28,602.10	89,020.46	100,350.46	80,713.19	389,278.72
Vandalia		9,227.37	2.205.08	640.00	614.00	895.36	1,472.61	1,743.64	3,591.77	19,405.48	35,362.69	43,174.35	8,021.33	126,353.59
Palestine		954.01	16,474.01	7,903.87	11,936,63	10,323.76	12,915.63	9,466.69	20,537.22	47,221.45	86,413.93	54,872.82	23,773.26	302,793.28
Springfield				38,720.28	22,339.10	26,767.88	56,122.41	33,398.97	45,206.12	86,492.35	101,933.19	99,496.44	59,996.32	570,473.06
Danville												9,647.92	18,710.96	28,358.88
Quincy												160.00	1,118.65	1,278.65
	6,699.99	50,382.15	27,763.84	60,534.77	43,987.97	45,804.28	81,083.73	58,605.07	96,092.91	196,245.73	316,451.71	339,411.44	227,375.91	1,550,439.50
MISSOURI.														
St. Louis	15,420.19	30,026.88	11,420.64	31,337.20	18,363.45	18,519.50	14,532.78	27,040.41	23,822.56	24,499.62	33,908.15	51,059.21	42,740.14	341,690.73
Franklin and Fayette	9,401.65	36,649.10	13,621.76	45,964.20	34,400.58	28,481.65	30,968.08	62,798.02	42,943.41	40,255.76	51,494.72	68,042.05	61,729.54	526,750.52
Palmyra						18,333.90	9,701.44	26,127.07	42,078.87	54,936.56	97,128.90	118,448.37	78,947.39	445,702.50
Jackson		33,011.80	7,121.30	3,657.17	13,677.60	5,217.09	3,314.73	3,724.67	6,046.94	5,309.32	6,572.02	11,051.24	15,430.53	114,134.41
Lexington					20,343.49	15,255.85		35,380.36	33,256.34	27,544.38	25,813.65	47,867.07	52,432.49	257,893.63
	24,821.84	99,687.78	32,163.70	80,958.57	86,785.12	85,807.99	58,517.03	155,070.53	147,148.12	152,545.64	214,917.44	296,467.94	251,280.09	1,686,171.79
ALABAMA.														
St. Stephen's	2,454.71	5,417.20	5,213.81	77,298.66	23,579.92	26,749.57	17,420.08	6,257.28	19,824.24	15,877.56	18,225.96	80,311.29	44,863.34	343,503.62
Cahaba	20,245.42	32,716.16	43,183.69	15,082,55	75,531.70	52,158.62	35,373.37	48,040.38	85,391.30	66,905.05	155,227.77	425,606.36	232,540.08	1,288,102.45
Huntsville	36,600.23	29,679.65	21,636.44	10,910.26	8,019.15	20,859.79	6,665.22	4,797.04	1,804.70	1,919.02	165,507.65	115,975.79	64,317.70	488,692.64
Tuscaloosa		150,878.27	91,361.34	23,797.10	16,883.60	88,676.27	86,648.05	15,189.71	56,590.30	12,905.59	19,419.44	23,716.18	65,444.01	651,509.86
Sparta			242.76	26,414.36	7,171.59	12,473.23	1,609.28	23,694.53	4,202.10	22,593.88	14,822.91	16,222 46	5,517.66	134,964.81
	59,310.36	218,691.28	161,638.04	153,502 93	131,185.96	200,917.53	147,716.00	98,078.94	167,812.64	120,201.10	373,203.73	661,832.08	412,682.79	2,906,773.38

C.—*Statement of the quantity of land sold at each of the land offices of the United States*—Continued.

Land offices.	Half year of 1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	Totals in each district, State, and Territory.
MISSISSIPPI.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Washington	1,670.46	23,765.47	10,147.06	4,175.26	10,269.22	10,661.02	7,441.75	7,326.83	6,419.88	7,238.78	6,894.42	26,851.58	29,661.56	152,523.29
Augusta	.....	.....	.....	.....	320.00	703.80	961.07	399.85	633.20	1,608.36	74.03	760.50	3,595.87	9,056.68
Mount Salus	.....	.....	.....	26,840.98	70,612.52	75,200.48	74,019.55	53,022.83	61,647.28	89,438.17	101,471.22	133,186.06	228,056.24	913,495.33
	1,670.46	23,765.47	10,147.06	31,016 24	81,201.74	86,565.30	82,422.37	60,749.51	68,700.36	98,285.31	108,439.67	160,798.14	261,313 67	1,075,075.30
LOUISIANA.														
New Orleans	.....	.....	80,091 22	348.82	.....	400.00	597.09	.....	.....	320.00	6,438.72	11,128.02	1,242.20	100,566.07
Opelousas	632.55	640.50	8,386.07	156.71	3,627.26	.....	4,505.12	1,971.23	1,842.85	7,319.28	9,413.84	14,176.79	21,895.71	74,567.91
Ouachita	.....	516.82	2,352.47	720.14	.....	160.07	14,082.66	4,504.22	2,283.18	20,309.08	50,570.06	39,462.13	47,741.38	182,702.21
St. Helena	.....	.....	.....	.....	.....	.....	.....	.....	.....	3,072.01	8,225.08	2,617.34	7,574.19	21,488.62
	632.55	1,157.32	90,829.76	1,225,67	3,627.26	560.07	19,184.87	6,475.45	4,126.03	31,020.37	74,647.70	67,384.28	78,453.48	379,324.81
MICHIGAN.														
Detroit	2,860.32	7,444.39	17,359.38	30,173.34	61,917.15	92,333.55	47,125.13	34,805.45	17,433.73	23,329.48	70,361.21	219,021.93	177,515.27	801,679.32
Monroe	.....	.....	.....	3,844.43	16.329.53	14,420 08	12,236.83	7,604.60	9,462.07	44,530.78	76,700.34	.....	.....	185,128.66
White Pigeon Prairie	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	101,454.97	74,696.17	176,151.14
	2,860.32	7,444.39	17,359.38	34,017.77	78,246.68	106,752.63	59,361.96	42,410.05	26,895.79	67,860.26	147,061.55	320,476.90	252,211 44	1,162,959.12
ARKANSAS.														
Batesville	.....	.....	22,593.54	1,479.12	2,088.43	5,855.56	5,018.77	2,165.81	1,868.21	2,003.84	786.25	6,315.11	3,048.65	53,223.29
Little Rock	.....	560.00	567.13	802.44	889.36	1,938.94	8,333.43	1,890.17	1,167 25	677.36	1,862.70	7,062.22	4,450.82	30,201.82
Washington	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,680.00	2,680.00
	.....	560 00	23,160.67	2,281.56	2,977.79	7,794.50	13,352.20	4,055.98	3,035.46	2,681.20	2,648.95	13,377.33	10,179.47	86,105.11
FLORIDA.														
Tallahassee	.....	.....	.....	.....	.....	55,056.07	52,464.36	140,587.71	35,182.87	53,276.49	59,618.49	27,441.35	9,286.46	432,913.80
St. Augustine	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	838.00	.....	838.00
	.....	.....	.....	.....	.....	55,056.07	52,464.36	140,587.71	35,182.87	53,276.49	59,618.49	28,279.35	9,286.46	433,751.80
Grand total	303,404.09	781,213.32	801,226.18	653,319.52	749,323.04	893,461.69	848,082.26	926,727.76	965,600.36	1,244,860.01	1,929,733.79	2,777,856.88	2,462,342.16	15,337,151.06

TREASURY DEPARTMENT, *General Land Office, November* 30, 1833.

ELIJAH HAYWARD, *Commissioner.*

D.

Statement of the amount of forfeited land stock issued under the acts of May 23, 1828, March 31, 1832, and July 9, 1830, and also the amount received in payment to September 31, 1833.

Land offices.	1828.		1829.		1830.		1831.		1832.		1st, 2d, and 3d quarters of 1833.		Total in each office.	
	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.
Marietta .....Ohio.....	$2,262 10	$1,912 09	$1,812 29	$2,112 11	$706 52	$831 29	$130 34	$366 09	$220 20	$68 20	$239 48	$196 13	$5,370 93	$5,485 91
Zanesville.....do.....	6,999 55	6,125 81	7,198 76	11,523 96	6,417 80	11,032 50	1,224 09	6,135 62	273 50	3,385 69	706 82	3,120 76	22,820 52	41,324 34
Steubenville.....do.....	10,735 06	5,567 94	17,144 72	11,608 76	6,525 53	2,219 43	9,416 21	6,625 03	2,136 94	2,930 73	863 58	453 19	46,822 04	29,405 08
Chillicothe.....do	16,412 49	5,551 97	18,205 27	15,085 11	6,655 87	1,376 21	4,410 35	2,817 52	3,096 04	1,505 81	1,260 92	445 71	50,040 92	26,782 33
Cincinnati.....do.....	46,994 49	17,829 73	53,624 82	64,550 25	8,843 91	18,529 38	4,787 35	11,029 19	6,944 09	2,560 07	5,532 80	3,561 41	126,727 46	118,060 03
Wooster .....do.....	1,157 50	1,794 97	4,266 97	6,596 97	2,695 04	3,513 35	1,394 50	2,017 61	415 54	294 62	1,746 53	578 50	11,676 08	14,796 02
Piqua & Wapaghkonetta.do.....	.....	717 49	.....	1,174 72	.....	332 25	.....	444 23	.....	4,601 88	.....	964 50	.....	8,235 07
Tiffin and Bucyrus.....do.....	.....	2,564 44	.....	8,530 84	.....	4,215 53	.....	1,625 72	.....	768 00	.....	3,433 10	.....	21,137 63
Jeffersonville.....Indiana....	2,812 94	1,620 53	8,479 75	13,614 13	8,885 90	5,849 18	473 06	4,243 73	4,074 65	3,771 47	2,251 69	3,529 52	26,977 99	32,628 56
Vincennes .....do.....	7,804 97	3,586 00	13,035 95	9,010 64	8,868 21	3,882 02	826 64	3,729 60	4,609 55	2,134 18	2,543 34	3,099 74	37,688 66	25,442 18
Indianapolis.....do.....	.....	.....	.....	499 87	.....	1,873 69	.....	270 30	.....	318 20	.....	160 00	.....	3,122 06
Crawfordsville.....do.....	.....	374 41	.....	1,782 94	.....	1,556 61	.....	795 35	.....	.....	.....	79 07	.....	4,588 38
Fort Wayne.....do.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	32 00	.....	16 00	....	48 00
Laporte .....do.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	200 00	.....	200 00
Shawnectown .....Illinois....	3,730 34	1,139 12	2,265 90	3,675 30	10,085 19	2,259 04	208 00	5,478 37	4,126 03	2,021 76	2,956 05	1,761 99	23,371 51	16,335 58
Kaskaskia.....do.....	1,509 87	209 70	4,144 71	1,618 02	3,557 20	769 00	478 01	955 00	312 42	364 16	....	254 00	10,002 21	4,169 88
Edwardsville .....do.....	1,584 69	1,945 04	2,385 83	2,349 66	2,743 01	2,424 00	1,226 66	2,514 95	1,289 43	552 00	516 73	419 45	9,746 35	10,205 10
Vandalia .....do.....	.....	.....	.....	56 00	.....	1,496 21	.....	652 69	.....	40 00	.....	.....	.....	2,244 90
Palestine.....do.....	.....	.....	.....	96 00	.....	.....	.....	466 05	.....	80 00	.....	.....	.....	642 05
Springfield .....do.....	.....	449 00	.....	1,538 43	.....	279 15	.....	682 43	.....	.....	.....	.....	.....	2,949 01
Danville .....do.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Quincy.....do.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
. Louis.....Missouri...	2,021 07	1,564 63	4,001 50	2,793 38	31 52	856 29	243 32	692 46	.....	32 96	.....	.....	6,297 41	5,939 72
anklin and Fayette ..do.....	3,805 60	2,657 90	5,353 49	5,815 52	2,116 92	1,625 93	683 99	636 90	279 16	332 49	58 00	99 20	12,297 16	11,167 94
Palmyra..... ...do.....	.....	.....	.....	978 08	.....	1,456 44	.....	193 72	.....	.....	.....	.....	.....	2,628 24
Jackson.....do.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Lexington.....do.....	.....	.....	.....	124 88	.....	6 39	.....	16 00	.....	.....	.....	.....	.....	147 27
St. Stephen's .....Alabama...	2,421 52	3,164 31	7,672 65	6,370 64	30,608 29	12,207 06	931 17	6,918 60	3,261 16	2,862 12	3,339 80	1,343 58	48,234 59	32,866 31
Cahaba.....do.....	11,224 02	8,413 90	9,991 30	12,716 89	5,015 33	13,111 38	2,151 96	5,663 16	3,295 98	3,856 29	2,657 29	3,359 50	34,335 88	47,121 12
Huntsville.....do.....	14,813 14	1,757 79	12,475 67	12,089 07	11,634 43	10,273 10	3,547 25	7,357 42	2,428 34	2,461 35	11,823 24	10,320 06	56,722 07	44,258 79
Tuscaloosa..... ...do.....	.....	8,131 60	.....	623 45	.....	903 48	.....	145 16	.....	167 35	.....	.....	.....	9,971 04
Sparta .....do.....	.....	.....	.....	731 93	.....	294 27	.....	.....	.....	.....	.....	.....	....	1,026 20
Demopolis.....do.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	265 70	..... .	265 70
Washington.....Mississippi..	4,316 29	409 97	23,990 11	20,641 75	20,015 06	1,774 70	4,040 39	5,442 01	949 19	1,753 83	2,458 13	1,323 57	55,769 17	31,345 83
Augusta..... ...do.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mount Salus .....do.....	.....	1,178 93	.....	2,634 22	.....	6,318 24	.....	11,439 00	.....	1,861 16	.....	477 50	.....	23,909 05
Columbus .....do.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

D.—*Statement of the amount of forfeited land stock issued under the acts of May* 23, 1828, *March*, 31, 1830, *and July* 9, 1832, *&c.*—Continued.

Land offices.	1828.		1829.		1830.		1831.		1832.		1st, 2d, and 3d quarters of 1833.		Total in each office.	
	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.	Stock issued.	Stock received.
New Orleans.....Louisiana..														
Opelousas.....do.....			$982 50	$244 50	$1,508 41	$402 16	$160 00	$535 75	$559 87	$1,431 62		$187 87	$3,210 78	$2,801 90
Ouachita.....do.....														
St. Helena.....do.....														
Detroit.....Michigan...	$373 04	$217 77	51 20	615 20	136 06	5,333 62		2,986 91	327 95	700 83	$213 34	275 70	1,101 59	10,130 03
White Pigeon Prairie...do.....		16 00												16 00
Monroe.....do.....														
Batesville.....Arkansas...														
Little Rock.....do.....														
Washington.....do.....														
Fayetteville.....do.....														
Tallahassee.....Florida....						11,000 00		200 00						11,200 00
St. Augustine.....do.....														
Total.....	140,978 63	78,901 04	197,083 39	221,803 22	137,050 20	128,001 90	36,333 29	93,076 57	38,600 04	40,888 77	39,167 74	39,925 75	589,213 34	
Add amount of stock issued at the treasury under the 4th section of the act of May 23, 1828, for moneys forfeited on lands sold at New York in the year 1787 by Edgar & Macomb.....													29,782 75	
Aggregate..													618,996 09	602,597 25

TREASURY DEPARTMENT, *General Land Office, November* 30, 1833.

ELIJAH HAYWARD, *Commissioner.*

E.

A schedule exhibiting the number of each description of warrants which have been satisfied with scrip; the quantity of land for which scrip has been issued; the amount thereof in money at one dollar and twenty-five cents per acre, with their several totals; together with the whole number of certificates of scrip issued under the provisions of the acts of May 30, 1830, *July* 13, 1832, *and March* 2, 1833.

Description of warrant.	No. of warrants.	Acres of land.	Amount in money.	Total number of certificates of scrip issued.
Virginia State line and navy	558	521, 354	$651, 692 50	.....
Virginia continental line	308	251, 070	313, 837 50	10, 731
United States	424	78, 450	98, 062 50	.....
	1, 290	850, 874	1, 063, 592 50	10, 731

ELIJAH HAYWARD, *Commissioner.*

TREASURY DEPARTMENT, *General Land Office, November*, 1833.

F.

Statement exhibiting the amount of military bounty land scrip received in payment for public lands at the several land offices in Ohio, Indiana, and Illinois, during the years 1830, 1831, 1832, *and first three quarters of* 1833.

Land offices.	1830.	1831.	1832.	Three quarters of 1833.	Total in each office.
Marietta, Ohio	$100 00	$424 25	.....	$100 00	$624 25
Zanesville, do	3,816 67	59,737 79	$69,973 03	50,791 07	184,318 56
Steubenville, do	.....	125 00	125 00	998 75	1,248 75
Chilicothe, do	250 00	14,270 24	18,976 62	29,561 18	63,058 04
Cincinnati, do	.....	6,601 27	2,216 66	1,287 00	10,104 93
Wooster, do	.....	1,050 00	.....	550 00	1,600 00
Piqua and Wapaghkonetta, do	.....	550 00	1,025 00	31,815 83	33,390 83
Tiffin and Bucyrus, do	.....	3,748 10	2,224 37	10,834 58	16,807 05
Total in Ohio	4,166 67	86,506 65	94,540 68	125,938 41	311,152 41
Jeffersonville, Indiana	.....	11,638 75	14,558 65	11,829 60	38,027 00
Vincennes, do	.....	425 00	125 00	600 00	1,150 00
Indianapolis, do	.....	59,447 04	94,686 41	79,475 69	233,609 14
Crawfordsville, do	.....	31,995 00	22,254 99	17,728 94	71,978 93
Fort Wayne, do	.....	.....	2,648 55	3,195 90	5,844 45
Total in Indiana	.....	103,505 79	134,273 60	112,830 13	350,609 52
Shawneetown, Illinois	.....	225 00	700 00	50 00	975 00
Kaskaskia, do	.....	400 00	225 00	.....	625 00
Edwardsville, do	.....	12,309 58	13,511 11	7,100 00	32,920 69
Vandalia, do	.....	9,751 99	650 00	400 00	10,801 99
Palestine, do	.....	800 00	225 00	.....	1,025 00
Springfield, do	.....	15,799 26	10,753 31	14,502 07	41,054 64
Danville, do	.....	500 00	1,450 00	2,950 00	4,900 00
Quincy, do	.....	.....	.....	763 43	763 43
Total in Illinois	.....	39,785 83	27,514 42	25,765 50	93,065 75
Grand total	4,166 67	229,798 27	256,328 70	264,534 04	754,827 68

ELIJAH HAYWARD, *Commissioner.*

TREASURY DEPARTMENT, *General Land Office, November* 30, 1833.

23D CONGRESS.] No 1123. [1ST SESSION.

APPLICATION OF ALABAMA FOR THE SALE OF PUBLIC LANDS AT REDUCED PRICES IN LIMITED QUANTITIES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 17, 1833.

MEMORIAL to the Congress of the United States in relation to the public lands.

The general assembly of the State of Alabama would respectfully represent to the Congress of the United States that the most of the public lands now within the limits of this State are of that class which has been offered and not sold. The best lands have all been disposed of through government sales, and it is believed that the present minimum price far exceeds the intrinsic value of the lands now remaining unsold. Your memorialist would therefore respectfully suggest the propriety of reducing the price on this class of public lands, and of permitting them to be entered in subdivisions of forty acres, giving to the occupant, for a limited period, a preference in the purchase. This measure, it is believed, would be of essential benefit to our community generally, and particularly to that class of our citizens who have hitherto been unable to contend with the capitalist and the speculator in the market for the best land. We deem it unnecessary to attempt to illustrate by argument the benefits which we think would result both to our citizens and the government by the measure here proposed, and we respectfully submit these crude suggestions to the justice and liberality of the national legislature.

Your memorialists would again press upon the consideration of Congress the propriety of abandoning the present mode of disposing of the public lands at auction. This system is believed not to be beneficial to the government, and, in practice, is found to operate injuriously and oppressively upon the purchasers. We again suggest the policy of disposing of the lands by entry in tracts of from the lowest subdivision upwards to one quarter section, giving to actual settlers a preference for a reasonable time, and to reduce the price at fixed periods until sold. This system, it is believed, would encourage emigration ; hold forth additional inducements to purchase, and accelerate the settlement and cultivation of the public lands, and, by limiting the quantity to one quarter section, it would thwart the cupidity of speculating monopolies. Your memorialists again beg leave to present to your consideration the propriety of authorizing the holders of certificates of land on which one-fourth of the purchase money has been paid, and the land reverted to the government, to obtain certificates of scrip receivable in payment for other lands ; and also to authorize those purchasers of lands who have relinquished under the provisions of any of the acts of Congress for the relief of purchasers of public lands, and who, by relinquishment, have paid by certificate an amount over and above the amount for the lands so paid for, to obtain certificates of scrip to the amount of such over payment, which may be receivable in payment for other lands. Those last-mentioned purchasers, it is believed, have an equitable claim upon the justice of government.

Your memorialists respectfully submit the foregoing suggestions to the justice and liberality of the representatives of the nation with a full confidence that they will receive that consideration to which they are justly entitled, &c.

Resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That our senators and representatives in Congress be requested to use their endeavors to procure the passage of a law embracing the objects of the foregoing memorial.

Resolved, That the governor be requested to transmit a copy of the foregoing memorial and resolution to each of our senators and representatives in Congress.

Approved January 21, 1832.

SECRETARY OF STATE'S OFFICE, *Tuscaloosa, Alabama, January* 26, 1832.

I hereby certify that the foregoing memorial is a true copy taken from the original roll on file in this [L. S.] department. In testimony whereof, I hereunto set my hand and affix the seal of the State.

JAMES I. THORNTON, *Secretary of State.*

23D CONGRESS.] No. 1124. [1ST SESSION.

APPLICATION OF MISSOURI FOR THE ESTABLISHMENT OF A GENERAL SYSTEM FOR THE DISPOSITION OF THE UNSURVEYED AND REFUSE LANDS IN THE NEW STATES.

COMMUNICATED TO THE SENATE DECEMBER 19, 1833.

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

Your memorialists, the general assembly of the State of Missouri, respectfully represent: That when the public land lying within the boundary of this State was originally surveyed and brought into market, a considerable portion of said land was thought to be of but little value, on account of its being either broken, mountainous, marshy, or so entirely destitute of timber as not to admit of settlement and cultivation. Considerable portions of such land were returned by the surveyors as not worth the expense of surveying, and have never been surveyed or brought into market, but have remained unappropriated, as worthless or condemned land. Your memorialists represent, that although the principal part of the land thus returned is of an inferior quality, yet there are particular parts of it which the industry and enterprise of our citizens might render valuable. This land, being unsettled and uncultivated, is a serious

injury and inconvenience to the neighboring settlements. It is believed by your memorialists that it would promote the interest of the State and general government, and of the frontier settlements particularly, to have this land speedily disposed of on any terms, provided it fall into the hands of citizens who have and may settle and reduce it to a state of cultivation. If said land be not worth the expense of surveying, there can be no object for the general government to retain it. Your memorialists believe that many individuals would be glad to obtain grants of small portions of the land that is thus situated, for the purpose of opening farms and obtaining a home for themselves and their families. The general government may thus confer a lasting and substantial favor on many industrious citizens, and promote the public good, without drawing one dollar from the national treasury, or in the least diminishing the resources of the country. They therefore pray that Congress may pass a law authorizing any individual to acquire a title to any portion, not exceeding one quarter section, of the land thus situated: provided he will cause the same to be surveyed and marked at his own expense, and settle and cultivate the same. A copy and plat of the survey should be filed and entered with the register of the land district in which the tract is situated. If this plan should not be considered proper, your memorialists would suggest that all such land should be conveyed to the State of Missouri; or if the government should not be disposed to dispose of them gratuitously, that the same should be speedily surveyed and brought into market at prices proportionate to the quality of the land. Although your memorialists feel more particularly interested in the disposal of that portion of the public land lying within this State, yet, as there is land similarly situated in other States, they request that any law that may pass on the subject shall be general.

Approved January 2, 1833.

STATE OF MISSOURI:

The foregoing is a correct copy of the original now on file in the office of the secretary of state, State aforesaid.

In testimony whereof, I have hereunto set my hand and affixed my official seal the 15th day of November, A. D. 1833.

[L. S.]

JOHN C. EDWARDS, *Secretary of State.*

23D CONGRESS.] No. 1125. [1st SESSION.

ON CLAIM TO LAND IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1833.

Mr. KINNARD, from the Committee on Private Land Claims, to whom was referred the petition of Archibald Small, reported:

That the petitioner, on the 28th day of May, 1831, purchased at the land office at Indianapolis, in the State of Indiana, the west half of the southwest quarter of section 33, in township 13 north, of range 5 east, through a mistake; that he intended to have entered the west half of the southeast quarter of the same section; that, in consequence of his not being able to read, he did not detect his error until March last, 1833, at a period too remote for him to get relief by virtue of the acts of Congress which authorize the correction of errors of the like kind. The prayer of the petitioner is to change his entry from the west half of the southwest quarter to the west half of the southeast quarter of section 33, in township No. 13 north, of range 5 east. There is sufficient before the committee to show that the entry was made through mistake, and that the petitioner is entitled to relief; and for that purpose report a bill.

23D CONGRESS.] No. 1126. [1ST SESSION.

APPLICATION OF ALABAMA FOR RELIEF TO PURCHASERS OF LAND IN THAT STATE IN THE YEARS 1818 AND 1819.

COMMUNICATED TO THE SENATE DECEMBER 23, 1833.

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

Your memorialists would respectfully represent to your honorable bodies that many of the earliest and most worthy and valuable citizens of the State of Alabama became purchasers of lands from the United States in the years 1818 and 1819 at the extravagant prices at which they were then selling, and made settlements thereupon. It is a part of the history of this State that at that time cotton, the staple commodity of the country, was selling at a most extravagant price, thereby imparting an unreasonable and unusual value to all other property. Therefore, the purchases of land made under such circumstances, a price greatly exceeding their real value was in most if not in every instance given for them; shortly, however, cotton fell in its price, and produced a corresponding depreciation in the value of all other property. So great and destructive was this state of things that Congress, at its session in the year 1820,

passed a law for the relief of land purchasers, and allowing them the privilege of relinquishing a part, and applying the payments made thereon to other parts retained, and of paying the residue of the purchase money at a discount of thirty-seven and a half per cent., or to take a further credit of six or eight years, (without interest,) according to the instalments paid. Believing that the terms offered by this act of Congress were the best that would ever be proposed, the class of purchasers to which your memorialists allude, feeling the great importance of securing homes for their families, paid the whole price of the lands retained, either by relinquishment or in cash at the discount. Since that time, however, Congress has from time to time extended relief to those who took further credit, until the cession of 1829 and 1830, when a law passed giving to those who had paid the amount of three dollars and fifty cents per acre a patent for their lands without further payment, and to those who had paid this amount the privilege of paying one dollar and twenty-five cents, or less, in addition to what they had formerly paid, and receiving a patent for their lands. The first class of persons thus relieved was composed of those who purchased lands at the price of fourteen dollars or upwards, and the second, of those who purchased at a less price. Another class of purchasers, who had only paid one-twentieth part of the purchase money, and permitted their lands to revert, were relieved by granting them scrip to the amount they had paid. Thus it is shown to your honorable bodies that all other classes of land purchasers, except those who were most prompt in paying their money into the public treasury, have been relieved; and your memorialists are entirely unable to see any justice in making this difference to the prejudice of those who had been most prompt in payment. And nothing is more common than to see persons residing in the same neighborhood, and, in fact, adjoining each other, with only an imaginary line between them, occupying lands of equal value, which were bid off at the same price at the sales, one of whom has paid twenty dollars per acre for his land, and the other only five; and so in proportion to the various prices at which the land sold. Such inequality is diametrically opposed to those principles of equal justice which should constitute the foundation of all legislation.

Your memorialists conceive it to be the duty of all governments, and particularly our own, so to legislate that equal rights and equal privileges may be established and preserved among its citizens, and to hold out every inducement to punctuality and good faith. Your memorialists cannot believe that the inequality in the law to which they have alluded was designed by Congress, but that it was the result of inadvertence; for your honorable bodies are not unapprised that the citizens alluded to are as valuable as those who have been relieved, and according to the revenue laws of this State have been compelled for years to pay a larger amount of taxes than those who had only paid a small portion of the purchase money on their lands.

Your memorialists, therefore, pray that a law may be passed placing this class of purchasers upon an equal footing with others who have received such ample and generous relief; and that the treasury may not be burdened by having to refund this money, your memorialists will be satisfied for this class of purchasers to be placed upon the same footing with those who permitted the lands they had purchased to revert to the government, by granting them scrip, receivable in payment for other lands which may hereafter be sold by the government; and in extending the benefits asked for by your memorialists, will, as in duty bound, ever pray, &c.

Resolved, That our senators in Congress be instructed, and our representatives be requested, to use every exertion in their power to carry the foregoing measures in the memorial into effect, and that his excellency be requested to furnish each of our delegation in Congress with a copy of the same.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
JOHN ERWIN, *President of the Senate.*

Approved December 2, 1833.

JOHN GAYLE.

23D CONGRESS.] No 1127. [1ST SESSION.

APPLICATION OF MISSOURI TO EXCHANGE HER SCHOOL LANDS WHEN VALUELESS.

COMMUNICATED TO THE SENATE DECEMBER 23, 1833.

To the Congress of the United States:

The memorial of the general assemby of the State of Missouri respectfully represents to your honorable body that, agreeably to the act of March 6, 1820, Congress granted to this State section numbered 16 in every township, for the use of the inhabitants of such township, for the use of schools; and inasmuch as it frequently is the case that said section is of no value, the general assembly will represent to Congress the justice. and propriety of a law being passed granting the inhabitants of such township the privilege of selecting one section of land in quarter or half-quarter sections, as they may deem proper, out of any unappropriated land in their respective land districts, by relinquishing their right to said sixteenth section to the register of the land office of the district wherein said land may lie to said section; and your memorialists will ever pray, &c.

Approved January 16, 1823.

STATE OF MISSOURI:

The foregoing is a correct copy of the original now on file in the office of secretary of state, State aforesaid.

In testimony whereof, I have hereunto set my hand and affixed my official seal the 15th day of [L. S.] November, A. D. 1833.

JOHN C. EDWARDS, *Secretary of State.*

23D CONGRESS] No 1128. [1ST SESSION

APPLICATION OF ARKANSAS FOR THE RIGHT OF ASSIGNEES OF MILITARY BOUNTY LANDS TO FLOAT THEIR CLAIMS AND LOCATE OTHER LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 23, 1833.

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

The memorial of the general assembly of the Territory of Arkansas respectfully represents: That a large portion of the Territory of Arkansas, comprising the country between Arkansas and St. Francis rivers, has been surveyed and appropriated, for the satisfaction of military land warrants, granted for services during the late war. Within the limits above designated there is a considerable quantity of poor land unfit for cultivation, and with such a great number of the warrants were satisfied. With a view to benefit the soldier, the government has, from time to time, passed acts permitting the original patentees to relinquish their lands when found to be unfit for cultivation, and to locate others in lieu thereof. Still, the requirements of those acts were such as to render them of but little advantage to the soldier. The location of the bounty land district within the limits of Arkansas has been a serious disadvantage to the settlement and improvement of the country. The reasons are obvious why this is the case. The soldiers were mostly drawn from the eastern States, and but few of them were able to encounter a journey to the far west to examine the land for which they had so bravely fought. Those who were able were generally better situated than they would possibly be by a removal to a country about which they knew but little, and that little was sufficient to deter even the most daring and enterprising. They knew well the fact that their lands were located in a wilderness country, and to most of them, particularly those who had wives and children, the privations and hardships of forming a settlement so far remote from civilized society was truly appalling. The few who made the attempt succeeded but indifferently, and many of them found their land to be poor and entirely useless. From these circumstances this section of country has remained unsettled; and with a view to counteract these circumstances, so disadvantageous to the prosperity of the Territory, the act of Congress was passed giving to the Territory the power to levy a tax upon those lands. This act, designed, as it unquestionably was, for the benefit of the Territory, has had rather a deleterious tendency, because, under the power granted, the legislature of the Territory passed an act for the sale of such lands as were subject to taxation, and upon which the taxes were not paid. In accordance with and by authority of this act a great many of those lands have been sold for the non-payment of taxes. Tax titles in all countries are looked upon with suspicion, and it rarely or never happens that any considerable improvements are made on lands so situated. From this detail of the situation of the country it is certainly manifest that the military land district has been and still continues to be injurious to the settlement of the Territory. If a doubt existed as to the truth of this position, the fact that nearly every other portion of the Territory is rapidly advancing in population while the military land district receives scarcely any accession to its population ought to strike to the mind of even the most sceptical. Your memorialists cannot believe that it is the wish of an enlightened national legislature to continue any longer this incubus upon the Territory. In reflecting upon this subject, it appears to your memorialists that there is but one mode by which relief can be afforded. An act giving to every legal assignee or representative of the original patentee the right to relinquish land unfit for cultivation, on payment of all taxes and arrearages of taxes due on said lands, and to re-locate any other unimproved lands in said military district in lieu thereof, would immediately throw into the territorial treasury a large amount of revenue, and entirely destroy the tax title, because then it would be an object worthy the attention of the assignees and the original patentees, and they would redeem the lands which had been sold for taxes and which had been purchased by the Territory, for want of bidders. Of this class there are several thousands. It is a well-known fact that a large number of the soldiers of the late war yet own their land, and the passage of such an act would enable them to sell their lands, and thereby receive a remuneration for the dangers and the privations which they have undergone to maintain the reputation and liberty of their country. Such a law would add a new impetus to emigration, and enable Arkansas, at a period not far distant, to gain admittance into the Union, and assume a proud rank among independent States. Taking a more enlarged view of this subject, it appears to your memorialists that the public lands, since the payment of the public debt, cannot be better appropriated than by applying them to the discharge of an obligation which that government created, and which they are bound honorably to satisfy. The soldier who enlisted in the late war did not believe, upon taking the bounty, that the promise of the government would be obliterated by giving him a title to land situated in a desert, wild and incomparatively poor and sterile. It matters not, in the opinion of your memorialists, as respects the obligation of the government, whether or not the soldier has transferred his right. If, in making his transfer, he received but little for his land, it was owing to its situation and its sterility. His transfer carried with it all his right, and if he was entitled to good land, no tenable argument can be used why his assignee should not be.

With these suggestions, your memorialists submit this subject to the consideration of your honorable body, believing that their justness is sufficiently manifest to elicit its interposition.

And your memorialists, as in duty bound, will ever pray, &c.

JOHN WILSON, *Speaker of the House of Representatives.*
JOHN WILLIAMSON, *President of the Legislative Council.*

Approved November 2, 1833.

JOHN POPE.

23D CONGRESS.] No. 1129. [1ST SESSION.

APPLICATION OF THE STATE OF ARKANSAS FOR A REDUCTION OF THE PRICE OF THE PUBLIC LANDS, AND FOR A GRANT OF CERTAIN LANDS FOR THE USE OF THE GENERAL ASSEMBLY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 23, 1833.

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

We, the general assembly of the Territory of Arkansas, your memorialists, beg leave to represent to your honorable bodies that the growth and prosperity of our feeble portion of the republic is greatly and grievously retarded by the present high price of the public lands, and that many and cogent reasons induce us to ask for a reduction in their value to such price as shall be sufficient to pay the expenses of surveying the same. We would urge it upon your consideration that the people whom we represent do not, in effect, while under a territorial government, enjoy those full rights or stand upon that broad footing of equality which is the basis of our Constitution, and which equality every freeman should wear upon his breast as his motto. To present to you the vast disadvantages of our present condition is not our purpose in this memorial; but, looking upon it sorrowfully, as we do, we cannot but say that we regard with dislike and aversion everything which tends to hold us in it, or to hinder and retard the increase of our population. Besides this, we, above all other parts of the republic, are exposed to the hordes of savages upon the frontiers, and our population is thinnest where brave men are most needed. On the one side we have the unprincipled and discontented Mexican, and on the other the wild Indian of the prairie and the revengeful tribes which are every day gathering upon our border. A few troops, brave though they may be, can afford but small defence to our country, wide as it is in extent and thinly peopled. It is only by the increase of the population, by the hardy pioneer of the forest, that the savage can be overawed and our peace and safety insured. To encourage emigration, we would humbly say, is the only true policy which you can pursue; to lower the price of the public lands, the only means by which emigration can be encouraged and increased. Few, very few, men in a new country can, without distressing themselves, obtain money wherewith to purchase a tract of land at the present price, and it argues the most lamentable ignorance of our condition to say that he who cannot is not fit for a citizen. We would likewise represent that much of the good land in this Territory has been taken up by Spanish confirmations and claims of various kinds. Thus almost the only lands which we have remaining to us are those of an inferior quality and of less value, and, in a particular manner, those which are more immediately upon the frontier. This, also, at the present price of the lands, tends to prevent emigration.

We would likewise humbly say that throughout the west there is growing a feeling of dislike to the older States, founded principally upon the obstinacy displayed in keeping up the price of the public lands, and we would ask whether such feelings should be fostered or even permitted to exist without some most powerful and urgent reason. It is conceived to be unjust as well as unnecessary to hold the lands at their present price, since the public debt may now be considered as liquidated, and since we are in possession of an abundant revenue. Nay, the revenue will, in our opinion, be increased by a reduction in the price of the lands, through the increasing emigration which will follow thereupon.

We would likewise humbly represent that large tracts of country in this Territory have been returned unfit for survey, and that though they are so in truth, still they contain some detached portions of good land. We therefore pray you to place these portions of country in the hands of the general assembly of this Territory, for their disposal in such manner and at such prices as to them may seem proper, inasmuch as this will in no way injure the revenue, and will tend greatly to the advancement and growth of the Territory.

For the sake of becoming equal citizens of this great republic; for the sake of increasing a power and influence in ourselves which shall always be applied to the defence of the Union; for the sake of defending ourselves from the fury of the merciless savage; and lastly, for the sake of removing prejudice and ill-will from the minds of the whole west, and of keeping untarnished the legacy of our fathers and the star of the Constitution, we beseech you to consider and grant our petition. And we, your memorialists, as in duty bound, will ever pray, &c.

JOHN WILSON, *Speaker of the House of Representatives.*
JOHN WILLIAMSON, *President of the Legislative Council.*

Approved November 1, 1833.

JOHN POPE.

23D CONGRESS.] No. 1130. [1ST SESSION.

APPLICATION OF MISSOURI THAT THE REGISTERS OF THE LAND OFFICES BE DIRECTED TO TRANSCRIBE THE FIELD-NOTES ON THE BACK OF THE PATENTS.

COMMUNICATED TO THE SENATE DECEMBER 24, 1833.

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

Your memorialists, the general assembly of the State of Missouri, would most respectfully represent: That, under the present regulation of the Land Office department of the United States, patents issue to the purchasers of lands, and it devolves on those purchasers to procure, at their own expense, from the register

of the particular land district, the field-notes appertaining to such parcel of land so by him purchased of the government of the United States. Your memorialists will further represent that they cannot discriminate between the duty devolving on a government upon a sale of its property and of an individual in making a sale of his. In the latter the individual affords, at his own expense, a complete description of the land by him sold. Your memorialists would, therefore, most respectfully request (if in your wisdom it shall seem meet) the passage of a law making it the duty of the register of the particular land districts where land may be entered to furnish to the patentee or purchaser of land a copy of the field-notes, to be by said register indorsed in a fair hand on the back of each patent, free of expense to such purchaser; and, as in duty bound, your petitioners will pray, &c.

Resolved by the general assembly of the State of Missouri, That the secretary of state is hereby required to forward to each of our senators and representative in Congress a copy of the above memorial.

Approved February 11, 1833.

STATE OF MISSOURI:

The within memorial is a correct copy of the original now on file in the office of the secretary of state State aforesaid.

In testimony whereof, I have hereunto set my hand and affixed my official seal the 15th day of November, A. D. 1833.

[L. S.] JOHN C. EDWARDS, *Secretary of State.*

23D CONGRESS.] No. 1131. [1ST SESSION.

ON THE APPLICATION OF MISSOURI FOR A GRANT OF CERTAIN LANDS TO THAT STATE.

COMMUNICATED TO THE SENATE DECEMBER 24, 1833.

POINDEXTER, from the Committee on Public Lands, to whom was referred the memorial of the legislature of the State of Missouri, praying Congress to grant the said State certain portions of the public land within the same, which the memorialists state have not yet been surveyed and brought into market for reasons set forth in their memorial, reported:

That the policy of ceding to the several States within which the public lands are situated such portion of said lands as may have been offered at private sale, and remained unsold for a number of years, has been often heretofore brought under the consideration of both houses of Congress. The same proposition has, in substance, been recommended in the message of the President of the United States, delivered at the commencement of the present session, and will doubtless be acted on finally before its close.

Your committee, without offering any opinion upon the expediency of such cessions of the unsold public lands to the new States, deem it premature and improper to make any partial provision in favor of any one State on this subject until the general question shall be taken up and decided by Congress. Your committee therefore recommend the adoption of the following resolution:

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

23D CONGRESS.] No. 1132. [1ST SESSION.

ON CLAIM TO LAND IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 24, 1833.

Mr. CASEY, from the Committee on Private Land Claims, to whom was referred the petition of Richard Nance, reported:

That the petitioner, in June, 1833, purchased of the United States, at private sale, the northwest quarter of section 5, township 18 north, of range 4 east, containing fifty-seven acres and ninety-two hundredths of the lands offered for sale at Indianapolis; and, in consequence of a mistake of the register at said office, the patent has issued to Richard Vance instead of the petitioner. The facts set forth in the petition are fully sustained by the certificate of the register at Indianapolis. Therefore, your committee report a bill authorizing the mistake to be corrected.

23D CONGRESS.] No. 1133 [1ST SESSION.

ON A FURTHER GRANT OF SCHOOL LANDS IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 24, 1833.

Mr. CLAY, 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 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.

23D CONGRESS.] No. 1134. [1ST SESSION.

ON THE APPLICATION OF CERTAIN STATES FOR A REDUCTION AND GRADUATION OF THE PRICE OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1833.

Mr. CLAY, of Alabama, from the Committee on Public Lands, to whom were referred memorials from the legislatures of the States of Indiana, Illinois, Missouri, and Alabama, asking a reduction and graduation of the price of that portion of the public lands which has been offered at public sale and remains unsold, and also sundry resolutions of the House instructing them to inquire into the expediency of such a measure, reported:

That they have given to the subject the attention and deliberation which seemed to be demanded by its nature and importance. Whether considered in reference to the interest of the general government, the harmony of the Union, or the welfare and prosperity of the new States which embrace the public lands, the question involved is one of more than ordinary magnitude. The committee have felt it their duty to look into the origin of the claim of the United States to the public domain, the better to comprehend the motives and inducements to the various cessions which were made by the States having claims to western lands, and the obligations incurred by the general government under those compacts. It is from this source that the title of the United States to much the larger portion of the public lands is derived.

The inducements to cessions held out by Congress to those States having western territory, were to aid in supplying the means of extinguishing the national debt created by the war of the revolution, and "to promote the harmony of the Union" and "the stability of the general confederacy." On the one hand it seems to have been considered not only desirable to obtain the means of payment, but to gain the confidence of the public creditors by appearing to possess them. On the other, it was no less important to the harmony of the Union to suppress controversies as to territorial claims among the States, to prevent too great inequality of size of the different States, and to keep down the jealousy which would have been inseparable from such disparity.

The public debt no longer presents any obstacle to the exercise of such policy as may, in other respects, be compatible with the terms of the compacts. Before any measure producing an important change can be carried into operation, it will have been entirely extinguished.

It appears, by the terms and conditions on which the several States owning western lands ceded the same, that one if not the chief consideration was the formation and establishment of new States, to be admitted into the Union with equal rights and sovereignty. In the act of the general assembly of Virginia, authorizing the transfer and conveyance of her extensive domain northwest of the river Ohio, the *first*, and doubtless the *leading*, inducement is expressed to be "upon condition that the territory so ceded shall be laid out and formed into States containing a suitable extent," &c., "and that the States so formed shall be distinct republican States, and admitted members of the federal Union, *having the same rights of sovereignty, freedom*, and *independence, as the other States.*"

In like manner, North Carolina expressly stipulated in her act of cession "that the territory so ceded shall be laid out and formed into a State or States, containing a suitable extent of territory," &c.

Georgia, in her articles of agreement and cession, is not less careful in exacting, as a condition of

her grant, "that the territory thus ceded shall form a State, and be admitted as such into the Union *as soon as it shall contain sixty thousand inhabitants*," &c.

And in the third article of the treaty by which Louisiana was acquired is to be found a stipulation on the part of the United States, substantially to the same effect. It is, that "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," &c.

Pursuant to the terms of the several compacts to which reference has been made, the government of the United States has at different periods admitted into the Union seven States, comprising portions of the territory thus acquired. In every instance, it is believed, very small portions of the public lands had been previously sold; and the acts authorizing the admission of new States into the Union have uniformly imposed certain conditions to which the agreement of the people inhabiting said States was indispensable to entitle them to such admission. Among other conditions, the conventions of the respective States have been required to "provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the waste and unappropriated lands lying within said territory; and that the same shall be and remain at the sole and entire disposition of the United States; and moreover, that each and every tract of land sold by the United States (after the formation of a constitution by the particular State) shall be and remain exempt from any tax laid by the order or under the authority of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof," &c. "And that no tax shall be imposed on lands the property of the United States," &c.

The committee do not propose a discussion of the question whether, in the language of some of the acts of cession referred to, the new States have been admitted into the Union with "the same rights of *sovereignty*, freedom, and independence, as the other States;" nor whether there is strict propriety in the declaration to be found in all the acts and resolutions of Congress for the admission of new States, that they are "admitted into the Union *on an equal footing with the original States, in all respects whatever*." It is not now, and we hope it never may be, necessary to inquire how far the want of eminent domain—the power to dispose of or tax soil within her limits is compatible with the "sovereignty" of a State; nor to show that the original States from the time of their independence and at the date of the several compacts had that right. The new States having, as a condition precedent to their admission into the Union, disclaimed all right and title to the waste and unappropriated lands lying within their limits, and also the right to tax them while owned by the United States and for the term of five years after the sale thereof, if not absolutely foreclosed, would doubtless be reluctant to raise the question. But it is in some instances the *language*, in all the *spirit* of the compacts under which the public domain was acquired, that new States should be formed and admitted *as soon as possible*. States cannot be formed without inhabitants. It would not then have been a compliance either with the letter or spirit of those compacts to have fixed so high a minimum on the public lands as to have prevented their sale, and, consequently, their legal settlement; for if it had, it would have been in the power of *one* of the parties to have defeated the main object which induced the *other* to enter into them. It seems fair to conclude that the United States were bound to pursue such a policy as would result in the speedy settlement of the public domain, fixing prices bearing some relation to the value of lands in the same quarter of the Union, at which alone they could have been expected to sell.

Nor did the obligations of the United States, as regards the sale of the public lands, cease with the admission of the several States into the Union. Conceding, on this occasion, the right of the general government to exact of the people of the new States a disclaimer of the right of the soil, and the right of taxation, as the price of their admission into the Union, it cannot be maintained that further sales of the public lands could rightfully be arrested altogether; or (which would be equivalent) that they could be held at prices so far above their relative value as not to sell. What would be the difference, in effect, between a law suspending further sales entirely and one requiring four or five times the value to be paid? In either case no land would be sold; no settlements could be made in conformity with law; and the growth and maturity of the State would be most injuriously retarded. Such a policy would not only contravene the spirit of the several acts of cession which have been adverted to, but would be inconsistent with the several compacts between the general government and the new States on their admission. While those compacts in their terms restrain the new States from interfering with the primary disposal of soil, or taxing lands of the United States for the term of five years after their sale, they do not release the United States from the duties imposed by the terms of cession, and, at least, imply an obligation on the part of the general government *to sell in a reasonable time*. That cannot be done except *on reasonable terms*. Suppose, on the admission of any one of the new States, the general government had addressed her in this language: "You shall not extend your settlements beyond their present limits; if your population increase, it must be crowded on lands which we have already sold." Would it not have been pronounced on all hands a violation of the compact, and a most revolting breach of good faith on the part of the United States?

If, however, the subject be considered in reference to the *financial interest* of the general government alone, it is believed that the price of the public lands should be reduced, after having been first offered at public sale, and then remaining a reasonable time subject to private entry at the present minimum. The government of the United States is probably the only vendor, either of land or any other property, that holds the most inferior quality of any article at the same price with the best. If an individual were to maintain that all domestic animals of a given species were of the same value, how inconsistent would he appear! If a merchant were to refuse to sell *kerseys* at any lower price than he could obtain for *superfine broadcloths*, his conduct would certainly be deemed utterly absurd. Yet there is not greater absurdity in either of these positions than there is in maintaining that *land of every quality* is worth, or should command, the *same price*.

The experience of the last ten years has demonstrated that lands of the greatest fertility, when sold at auction, will only command a very small fraction above $1 25 per acre. To prove this it is only necessary to refer to official documents now on the files of the House. It is not probable that more than *one-tenth* of the public domain is of the first quality; yet we refuse to let the remaining *nine-tenths* go at any lower price.

By a report (which is hereto annexed) made by the Secretary of the Treasury on the 22d of January last, in answer to a resolution of the House,* it appears that the quantity of land to which the Indian and

* See January 24, 1833, in this volume, vi.

foreign titles had then been extinguished was 301,965,600 acres. Of that quantity there had, on the 31st of December, 1831, been offered for sale 130,932,205 acres; and only 26,524,450 acres had then been sold. By the same report the quantity of land subject to private entry, on the same day, (and which, of course, had been offered at public auction and refused at $1 25 per acre,) was 104,407,755 acres. As evidence of the great inferiority of this large quantity of land, it is shown by the same report that the quantity which had been offered and refused at public sale in the several States had been in market and subject to private entry the following periods: that in Ohio had nearly all been in market 20 years, the greater portion from 25 to 30 years; that in Indiana had nearly all been in market from 15 to 20 years; that in Illinois had nearly all been in market for 15 years, and upwards; that in Missouri, an average of about 12 years; that in Alabama from 12 to 22 years, the average period may be said to be 15 years; that in Mississippi from 12 to 20 years; that in Louisiana about 13 years; and that in Michigan about 13 years.

In December, 1828, a statement, compiled from official documents and printed by order of the Senate, showed that 74,358,881 acres were then subject to private entry, having been offered at public sale, and refused, at $1 25 per acre; and that of this quantity 28,247,000 acres (more than one-third) were *unfit for cultivation.* Taking the same relative proportions of the quantity now subject to private entry as the basis of calculation, and it follows that we now have about 40,000,000 acres, *not only inferior,* but *unfit for cultivation.* Yet our system is based on the hypothesis that there is no difference in the quality or value of the public lands.

As an additional proof of the inferior quality of those *hundred and odd millions of refuse lands,* the fact may be stated, that it is dispersed through the oldest as well as the more recently settled parts of the States and Territories. It is not in such detached bodies and so far removed from the improved and cultivated lands as to impede its settlement and cultivation; on the contrary, were the soil good, its locality would afford unusual facilities in both respects. It is wholly unreasonable to suppose that such land will sell for the same price at which land of the best quality can be purchased. But, if reduced to its fair relative value, much might be sold. Inferior lands lying adjacent to those which are improved and cultivated would be valuable appendages to them, and would be purchased by present land proprietors. Other portions would be purchased by poor men who have been driven from the more fertile tracts by men of large capital, and by speculators. As we have seen, much of this land has already been in market, unsold, for twenty years and upwards; for a period how much longer it may remain on hand it is impossible to determine; but is it not perfectly obvious that it would have been to the interest of the government, regarding money alone, to have sold it at half the price in the first instance? Add interest for twenty years, at six per cent. per annum, on the value of a given quantity of land estimated at *fifty cents* per acre, and it will be about equal to the price demanded by the government. Yet we have this land still on hand, with its relative value diminished, not only in the ratio in which all other real estate has declined, but by being shorn of much of its valuable timber by those residing in its neighborhood, or by settlers who have no permanent interest in the soil. Besides, we have sustained the expense of keeping up a number of land offices, amounting to thousands of dollars every year, which would have been rendered unnecessary by a speedy sale, if the price had been suitably reduced. The proposed policy would result in the sale of many thousands, if not millions of acres, which otherwise will not be sold, but be deprived of timber, exhausted, and worn out, by those who have no inducement to preserve the soil longer than for merely temporary use; which is not only detrimental to the interest of the United States, but highly injurious to the particular State in which they may happen to lie.

But the amount of money to be realized from the public domain is not the sole, nor even the chief consideration which should influence and determine the policy of a wise and paternal government. In the language of the President, in his annual message of December, 1832, "The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society and true friends of liberty." These sentiments it is hoped will find a cordial response in every bosom. Their truth and justness are attested by all history. It may be asked triumphantly, when did the cultivators of the soil willingly abandon the principles, or knowingly become the enemies of free government? The soundness of the principle laid down is sustained by the most approved doctrines of political economy and sanctioned by practical experience.

The committee also concur in the sentiment expressed in the same message, that it is "our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that *they should be sold to settlers, in limited parcels, at a price barely sufficient to reimburse the United States* the expense of the present system and the cost arising under our Indian compacts." The new States have, as they manifestly feel, a deep interest in this subject. By their memorials they have urged upon Congress repeatedly within the last ten or twelve years the policy, justice, and necessity of reducing the price of *refuse* lands. They have represented, and truly represented, as the committee believe, that the existing law in regard to price operates materially and wrongfully to their injury. The high price of land inevitably retards the population of a country, and, taken in connexion with the want of power to tax it, must postpone the maturity of its resources.

In the opinion of the committee it is due to the people of the new States that the existing state of things should be terminated as soon as practicable. It is certainly desirable that every acre of land should, if possible, be rendered productive, and this can never be done till it is in the hands of individual proprietors. Population is emphatically the strength of a State, and to render a people free, prosperous, and happy, they should be the owners of the soil they cultivate.

After a full consideration of the compacts between the general government and the original States which surrendered territory and those with the new States upon their admission into the Union; regarding that good faith with which engagements so grave and important ought to be fulfilled; looking to the interest of the government either as to the amount of money to be realized, or the harmony, strength, and resources of the Union at large; and considering what is due to the tranquillity and resources of the younger members of the confederacy, the committee cannot resist the conclusion that a law should be passed reducing and graduating the price of that portion of the public lands which has been offered at public sale and remains unsold in proportion to the time it may have been in market; and they accordingly report a bill for that purpose.

23D CONGRESS.] No. 1135. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1833.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Antoine Cruzat, reported:

That petitioner claims about three acres of land by virtue of a settlement right; that the land is situated in the parish of East Baton Rouge, in the State of Louisiana. The proof shows that the petitioner actually inhabited and cultivated the said tract of land from the year 1805 until the year 1812, since which time the said land has not been in the possession of the petitioner. The committee called upon the Commissioner of the United States General Land Office to state whether the petitioner's claim, as made out by the evidence, brought his claim within the provisions of the acts of Congress passed, granting donations to actual settlers in the State of Louisiana on or before the 15th April, 1813, and received for answer that, agreeably to the construction of the law in question at that department, his claim was embraced by the laws alluded to. The committee therefore report a bill.

23D CONGRESS.] No. 1136. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1833.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Abram Wrinkle, reported:

That said petitioner alleges that prior to the year 1819 one John Willey occupied and cultivated a farm on the right bank of the Sabine, near the mouth of the Kisatcha, and within the limits of that portion of Louisiana called the Neutral Territory; and that in the autumn of 1819 he purchased the improvement from said Willey, and moved immediately on it, and has resided on it ever since, and that he has no other land nor claims any other.

These facts are proved to the satisfaction of the House, and they therefore report a bill authorizing the petitioner to have 640 acres as a settler on the Spanish domain at the time of the cession by Spain of that portion of Louisiana to the United States.

23D CONGRESS.] No. 1137. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1833.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of Paul Poissot, reported:

That, from the evidence before the committee, he purchased from François Missippe his pre-emption right to a quarter section of land in the sixteenth section, on the southwest bank of Red river, in the parish of Natchitoches, in the Opelousas land district, in the State of Louisiana, about twenty-three miles above the town of Natchitoches, bounded above by the lands occupied by Jean Eloi Rachal and below by lands occupied by Baptiste Landreaux.

There is satisfactory proof before the committee to show that said François Missippe gave notice to the register and receiver of the land office at Opelousas, in the State aforesaid, that he claimed the right of pre-emption to a quarter of said section, as above described, by virtue of the act of Congress approved the 29th of May, 1830. It is proven that he was in possession of the land, and actually cultivated six or seven arpents in corn thereon in the year 1829, and resided on said land on the 29th of May, 1830. There is also before the committee a statement of the register and receiver of the land office aforesaid, allowing to said François Missippe the privilege of the right of pre-emption. There is also proof before the committee that the said François Missippe has made a legal conveyance of his right of pre-emption to the petitioner. The committee therefore are of opinion that the petitioner is entitled to relief, and for that purpose report a bill.

23D CONGRESS.] No. 1138. [1ST SESSION.

ON CLAIM FOR BOUNTY LAND ON ACCOUNT OF THE MILITARY SERVICES OF A SLAVE BY HIS OWNER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1833.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the claim of Benjamin Oden, as the representative of William Williams, who is represented to have been a slave, and who served in the late war, reported:

That it appears from the certificate of John B. Martin, formerly a lieutenant in the thirty-eighth regiment of United States infantry, that he enlisted William Williams on the 5th day of April, 1814, who afterwards acknowledged himself to be the slave of Benjamin Oden, of Prince George's county, Maryland, and who is represented to have died in the service.

In this case the representative of William Williams claims a warrant for bounty land from the government for the services rendered by William Williams. The committee cannot grant it.

There is no positive proof before the committee to show that William Williams was the slave of Benjamin Oden; and if there were sufficient proof before the committee to show conclusively that he was the slave and property of said Benjamin Oden, the committee cannot think for a moment that the government has any right to grant to the representative of William Williams bounty land. If he were the slave and property of Benjamin Oden, the owner had a lawful right at any time to release him from his enlistment; the act in itself was illegal, therefore not binding on the slave nor the master. By the law of the land slaves are not permitted to hold title to real estate. Therefore, inasmuch as a slave cannot possess or acquire title to real estate by the laws of the land, in his his own right, no right can be set up by the master as his representative. The committee ask to be discharged, &c.

23D CONGRESS.] No. 1139. [1ST SESSION.

ON CLAIM FOR LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 2, 1834.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the memorial of Terence Le Blanc, reported:

That in November, 1830, a public sale of lands was held at the land office in New Orleans, under a proclamation of the President of the United States, dated June 5, 1830.

At that sale John R. Grymes became the purchaser of a tract of land, lot No. 43, in township No. 12, range 19 east, containing an area of $80\frac{46}{100}$ acres, for the price of $249 43. The said tract was sold through inadvertence, inasmuch as it was not the property of the United States, but the property of the petitioner, under a Spanish title, confirmed by Congress on the 28th February, 1823. The petitioner has since paid to John R. Grymes the sum which the latter had advanced for the tract, and now asks to have the same reimbursed by government.

The facts are shown by authentic documents, and the committee deem the equity of the case too plain to admit a doubt; they therefore report a bill for the relief of the petitioner.

23D CONGRESS.] No. 1140. [1ST SESSION.

ON THE MODE OF DISPOSING OF CERTAIN PUBLIC LANDS IN TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 2, 1834.

Mr. CROCKETT, from the Select Committee to whom was referred the subject of inquiring into and reporting the most equitable and advantageous mode of disposing of that portion of the lands belonging to the United States, situated south and west of the congressional reservation line, within the State of Tennessee, reported:

That, by a reference to a report made at the second session of the twenty-first Congress by the Commissioner of the General Land Office, accompanied by an official communication from the secretary of State of Tennessee, it appears that the whole quantity of land in the State of Tennessee, lying west and south of the line commonly called the congressional reservation, is six million eight hundred and sixty-four thousand acres, of which there have been appropriated, for the satisfaction of North Carolina military warrants, and of warrants issued by that State to defray the expenses of the revolutionary war, three million five hundred and ten thousand one hundred and seventy-six acres, leaving the quantity of three

million three hundred and fifty-three thousand eight hundred and twenty-four acres of unappropriated lands subject to the disposition of the government.

It appears to the committee that the lands which have been thus appropriated for the satisfaction of warrants in this district of country have been entered by selection at the option of the claimants; and the Commissioner of the General Land Office in his report says: "There can be no doubt that very nearly all the lands of the best quality have been appropriated, and that a very small portion of the residue could be sold at the minimum price of the United States until further progress shall have been made in the settlement and improvement of the country, and a greater demand thereby created for the inferior lands."

By an inspection of the general plan or map of this district, and the letter of the secretary of state of Tennessee, accompanying this report, it will appear that the lands yet vacant are *refuse lands;* that they lie in small bodies and detached parcels; and the secretary of state of Tennessee states that it is probable that one-twentieth part of the vacant land would be entered at 12½ cents per acre, and one-fifth of the residue at one cent.

The committee would refer the House to a report made by a committee of the House of Representatives at the first session of the twentieth Congress, containing a minute statement of the situation and real value of the vacant lands in the country in question, and to various laws of North Carolina and Tennessee, by which the North Carolina land warrants have been entered and granted.

By an act of Congress passed April 18, 1806, Tennessee was authorized to satisfy the North Carolina claims. In it is this provision:

"And the State of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square, in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children forever."

It appears that the existing claims of North Carolina turned out to be so numerous that they exhausted all the valuable lands north and east of the line established in said act, so that very few school tracts were laid off.

South and west of the line no school tracts have been laid off; and upon this latter point the Commissioner of the General Land Office, in his report already referred to, says: "By the act of Congress, approved April 18, 1806, provision was made for the reservation of lands for the use of schools from that portion of lands thereby ceded to the State of Tennessee; and whatever disposition may be made of the unappropriated lands south and west of the congressional boundary line, the uniform practice of the government would require that a quantity of land, equal to one thirty-sixth part of the whole district, should be appropriated for the use of schools."

It appears to the committee that there are now settled upon these vacant spots of land, where they are of any value, a number of poor persons with their families, who, in the opinion of the committee, should be entitled to a right of pre-emption, at a small price, to the places they occupy. In considering of the proper disposition to be made of these lands, the committee are of opinion that a number of acres ought to be granted to the State equal in quantity to the number of acres which the State would have had if one section in each township, or one thirty-sixth part, had been laid off for the use of common schools agreeably to the requirements of the act of 1806; and that it should be a condition of the grant that the State, in disposing of the same, shall give a right of pre-emption to the settlers upon it at a reduced price. The committee are aware that this may fall short in value of what the State would have had if the school tracts had been laid off on the good lands before they were taken by warrants, a privilege secured by the act of 1806, and which also had been granted to all the other new States. The legislature of the State of Tennessee have prayed in their memorials for a relinquishment of all the remaining vacant lands south and west of the line, and alleged that the whole land would not be sufficient in value to make up the deficiency in the school lands, and the committee cannot say positively that this opinion is erroneous, but are induced not to recommend this, because of the objections made by some that a cession might operate injuriously as a precedent in other quarters of the Union.

The main objects proposed to be effected by the bill which the committee report are—

1st. That the occupant settlers may be secured in their homes at a low rate, and thereby become freeholders in the country.

2d. That the lands granted may be subject to taxation; and lastly, that justice may, to some extent, in regard to common schools, be done to Tennessee, although not, perhaps, as great as that which has been extended to the other new States where the government has owned lands.

The committee therefore report a bill in accordance with the principle herein set forth.

23D CONGRESS.] No. 1141. [1ST SESSION.

APPLICATION OF ILLINOIS FOR A DONATION OF LAND TO AID IN THE CONSTRUCTION OF CERTAIN ROADS.

COMMUNICATED TO THE SENATE JANUARY 3, 1834.

Resolved by the general assembly of the State of Illinois, That our senators and representative in Congress be requested to use their best endeavors to have the road located and improved from Detroit to Chicago, by the general government; extended and continued on from Chicago to Galena, and that the same be located and improved as soon as practicable; and in case the general government shall decline the work, that a grant of land be made, to be selected in some land district in that section of the State, of one hundred sections, to enable the State of Illinois to construct said road; also that a grant of land of forty sections be made to the State, to be selected in the Danville district, to improve the present State road from the west bank of the Wabash river opposite Vincennes to Chicago.

ALEXANDER M. JENKINS, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

Originated in the senate.

JESSE B. THOMAS, *Secretary of the Senate.*

23D CONGRESS.] No. 1142. [1ST SESSION.

ON CLAIM TO LANDS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of James S. Douglass, Stephen Douglass, William House, Alfred Douglass, Samuel House, and James Tant, reported:

That the petitioners set forth that they were in possession of certain lots of land, in township number thirteen, of range number thirteen east, within the district of lands offered for sale at Ouachita, in the State of Louisiana, in the year 1829, and cultivated the same in the year aforesaid, and were in the actual possession thereof on the 29th day of May, 1830. Proof, establishing these facts, appears to have been taken at the land office at Ouachita, in the presence of the register thereof, on the 11th day of October, 1830. The petitioners aver that, at the time the proof was made, the money to purchase the lots of land they claimed was tendered to the receiver of public moneys, at the land office aforesaid, but was refused by the officer, alleging that the plats of said land had not been received in the office, and that he did not wish to act definitively in regard to said land claims until the plats were returned to the office. The petitioners state that, by reason of bad roads and high waters, they were prevented making further application until the month of August following: that they then appointed James S. Douglass (one of the petitioners) their agent, who proceeded to the land office, and tendered the money for the payment of the lands claimed, to the receiver aforesaid, who refused to receive it. The receiver states that the township plat number thirteen, of range number thirteen east, was not received until a short time before the 29th of May, 1831, several months after the proof was made. That one or two, or probably three months before the township was offered for sale, James S. Douglass, one of the claimants, and agent for the others, claimed the privilege of paying for the lots claimed, &c., and offered so to do; that his application was refused by the register, and consequently his money by him, because they considered the rights forfeited by not being applied for and the money tendered, prior to the 29th of May, 1831. The receiver certifies that lot No. 24, claimed by one of the petitioners, was sold on the 13th of November, 1831, and that lots Nos. 28, 29, 31, and 32, in township number thirteen, of range number thirteen east, were sold on the 17th day of November, 1831, at the public sale, and that No. 33, same township and range, was proven under the act of 1814, and that the testimony produced by the petitioners is such as had been considered sufficient to procure a right of pre-emption under the act of Congress approved May 29, 1830. A majority of the committee are of opinion that the petitioners are entitled to relief, and for that purpose report a bill.

23D CONGRESS.] No. 1143. [1ST SESSION.

ON CLAIM TO LANDS IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of George K. Jackson, reported:

That the petitioner sets forth that on the 15th day of June, in the year 1830, he entered at the land office at Crawfordsville, in the State of Indiana, the north fraction of the northwest quarter of section four, in township twenty-three north, of range seven west, containing seventy-two and seven-hundredths acres. Petitioner states that the entry was made *through* mistake; that he designed to enter the north fraction of the northeast quarter of the same section, but was deceived by incorrect information from others. Petitioner states that he is poor, and has to labor for the support of himself and a helpless family; that the land he did enter is entirely worthless, and that which he intended to have entered is valuable. The facts set forth in the petition of the petitioner are satisfactorily proven. The committee therefore report a bill for his relief.

23D CONGRESS.] No. 1144. [1ST SESSION.

ON CLAIM TO LANDS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition and papers of Marguerite Baron, the widow of Jean Pierre Ledoux, reported:

That the petitioner claims title to two tracts of land situate in the parish of West Feliciana, in the State of Louisiana, on the left bank of the Mississippi, at a place called "Isle aux Chats," or Cats' island, one of which tracts contains twenty arpents in front upon the Mississippi by forty arpents in depth, and

which appears to have been granted by the Spanish government to Jean Pierre Ledoux, the husband of the petitioner, on the first day of July, 1788. The petitioner avers that, after the death of her husband, in the year 1793, she purchased said tract of land at a sale of the property depending on his estate, and has produced testimony establishing that fact.

The other tract to which she claims is situated at the same place, immediately adjoining the tract above described, and which appears to have been granted by the Spanish government to Pierre or Lasty Ledoux, the son of the petitioner, on the 18th day of December, in the year 1788, and contains twenty arpents in front on the Mississippi, and five arpents in depth. This is all the Spanish grant contains, though the petitioner claims forty arpents in depth.

She states that her son, Pierre or Lasty Ledoux, died without issue, leaving his father, Jean Pierre Ledoux, and the petitioner, his only heirs; and that after the death of her husband, in 1793, she purchased the share of her husband. Proof of the death of the son prior to the death of the father is also before the committee, and that he died without issue; and, further, that she has had peaceable possession of the said tracts of land from the time she acquired them, and from the time they were granted by the Spanish government up to the present time.

The petitioner states that she was ignorant of the law of Congress making it necessary to record land titles, and only learned that it was necessary at the last time that the office for the district in which the lands lie was opened. That thereupon she immediately employed an agent to take her land titles to the office and cause them to be registered; that the agent did so proceed, and arrived at the office just after it had been closed by the expiration of the law. Jean Baptiste Vignes states, under oath, that he was employed by the petitioner, about thirteen years ago, to proceed to the land office above referred to with her titles to the land before described, for the purpose of having them registered; that he did so proceed immediately, and upon his arrival there the office was closed, the term fixed by law for registering land titles having expired. The committee are of opinion that the petitioner is entitled to relief, and for that purpose report a bill.

23D CONGRESS.] No. 1145. [1ST SESSION.

ON CLAIM TO LAND IN TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1834.

Mr. CAVE JOHNSON, of Tennessee, from the Committee on Private Land Claims, to whom was referred the petition of James Hunter and C. P. Halley, reported:

That the said applicants claim to be the owners of two military land warrants issued by the State of North Carolina to the heirs of her deceased soldiers, each for six hundred and forty acres, and alleges that there is no land fit for cultivation in the district heretofore assigned for the satisfaction of such claims upon which said warrants can be at this time located, and asks permission to locate said warrants upon that tract of country between the thirty-fifth degree of north latitude, the true southern line of the State of Tennessee, and Winchester's line, which has been heretofore recognized as the southern line of said State, and north of which the land warrants for the services of the soldiers of North Carolina have been located and perhaps confirmed by the legislature of Tennessee.

Winchester's line has been for years supposed the true southern line of Tennessee, and if so, the southern boundary of the tract of country which has been heretofore assigned by Congress for the satisfaction of the military land warrants of North Carolina. The committee has been informed that lately, by some arrangement between the States of Tennessee and Mississippi, the thirty-fifth degree of north latitude has been discovered to be some four or five miles further south than Winchester's line, which was run by General Winchester as the boundary line between the State of Tennessee and the Chickasaw nation of Indians under the treaty of 1818. The committee does not consider it necessary at present to investigate or decide whether that strip between the two lines, and upon which said warrants are sought to be located, belongs to the United States or the Chickasaw Indians, or whether the same lies within the State of Tennessee or the State of Mississippi. Heretofore Congress has not interfered with the location or surveys of the military warrants of North Carolina, but has left the same under the control and management of the legislature of Tennessee; and as the State of Tennessee has heretofore acted upon the subject, and recognized Winchester's line as the true line by limiting her counties and her surveyor's district to that line, the present applicants should not have an advantage given them by Congress over other individuals holding similar claims. When the question is settled as to the true boundary line, should said strip of land fall within the limits of the State of Tennessee, provision will no doubt be made for the location of all claims of that character upon the land in dispute, and all claimants of that character will be placed upon a footing of equality.

The committee therefore recommends the rejection of the application of said petitioners.

23D CONGRESS.] No. 1146. [1ST SESSION.

ON CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 8, 1834.

Mr. CAGE, from the Committee on Private Land Claims, to whom was referred the petitions of Jean Baptiste Lemain, Jean Baptiste Julian Rachal, Jean Baptiste Louis Metoyer, Pierre S. Compere, François Roubieu, Bartholemy Rachal, Etienne Lacasse, Julian Rachal, and Antoine Bartholemy Rachal, reported:

That these claims, or a majority of them at least, appear, from the petitions and the testimony adduced in support of the claims, to be entitled to the equity of Congress. The committee, however, are not satisfied that the testimony in support of the claims is such as ought to be fully relied upon, there being no evidence before the committee in relation to the character of the witnesses for truth and veracity. There is, indeed, in the opinion of the committee, some suspicion thrown over the evidence sustaining the petitioners' claims from the fact that these petitioners seem to have sworn generally for each other. The evidence would seem to convey the idea "if you will swear for me I will swear for you." It is the intention of the committee to prepare and submit a bill authorizing the register and receiver of the land office in the section of country where these lands lie to collect the testimony in these and cases similarly situated and report their opinions with the evidence to Congress. The committee ask to be discharged from the further consideration of these petitions.

23D CONGRESS.] No. 1147. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 8, 1834.

Mr. MANN, from the Committee on Private Land Claims, to whom was referred the petition of William S. Cockerille, reported:

That the petitioner claims a tract of land of six hundred and forty acres, as the assignee by several mesne conveyances of one Pierre Carle, in that part of the parish of Natchitoches, in the State of Louisiana, called "The Neutral Territory."

The evidence accompanying the petition shows that previous to the treaty of limits between the United States and Spain the grantor, from whom the petitioner claims, inhabited, occupied, and cultivated a tract of land on the southwestern side of Red river, about twenty-one miles above the town of Natchitoches, within the limits of the Neutral Territory, as designated by the act of Congress of March 3, 1823, relative to the land titles in that part of Louisiana, and the act supplementary thereto, and that such land has been ever since continued to be cultivated.

The committee are satisfied that the evidence produced before them is entitled to credit by the information they have derived from Judge Bullard, a member of this Congress from the State of Louisiana, and are of opinion that had such evidence been produced before the commissioners under the beforementioned acts of Congress, this claim would have been admitted and confirmed. They therefore report a bill.

23D CONGRESS.] No. 1148. [1ST SESSION.

ON CLAIM FOR FIVE YEARS' HALF-PAY IN LIEU OF BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 8, 1834.

Mr. CASEY, from the Committee on Private Land Claims, to whom was referred the petition of Lois Robinson, reported:

That the petitioner sets forth that Zadock Robinson, now deceased, enlisted in the service of the United States, as an artificer in a corps of engineers, on the 1st of March, 1813, for during the war, and that he died in the service of the United States on the 22d day of December, 1814. The petitioner prays that Congress may pass an act authorizing her to receive five years' half-pay, in lieu of bounty lands, which the petitioner considers her husband was justly entitled to. By referring to the act of Congress approved December 12, 1812, it will be seen that the act does not entitle the description of corps to which

the husband of the petitioner belonged to bounty lands, nor yet five years' half pay; they were provided for otherwise. The monthly pay of an artificer was thirteen dollars per month, while the private soldier who belonged to the regular line, subject to all the rules and regulations of the articles of war, liable to encounter all the difficulties and dangers of a warfaring life, only received eight dollars per month. The committee are of opinion that to grant the prayer of the petitioner would be establishing a precedent well calculated to derange the enactments of Congress heretofore made for the benefit of those who were engaged in the service of their country during the late war with Great Britain.

23D CONGRESS.] No. 1149. [1ST SESSION.

ON THE SUBJECT OF PRE-EMPTION RIGHTS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 9, 1834.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom were referred the documents from the General Land Office relative to certain pre-emption rights, reported:

That under the pre-emption law of April 5, 1832, and the act of June 15, 1832, granting to proprietors of front lands in Louisiana the right to enter their back lands, a number of persons in the southeastern district of Louisiana entered their claims, made the requisite proofs, and paid the purchase money in the office of the register and receiver at New Orleans, and a report of the same was duly made to the Secretary of the Treasury; that among the persons claiming the benefit of the pre-emption law of April 5, 1832, were divers individuals resident on the Bayou St. Vincent, in sections 110 and 143, in township 13, range 14 east, whose tracts were resurveyed, under the authority of the surveyor general, so as to embrace their several improvements, and a corrected plat thereof transmitted to the General Land Office.

In the opinion of the committee the aforesaid pre-emptions were in accordance with the intentions of the acts of Congress, and the ends of justice require they should be approved, and they accordingly report a bill.

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, January* 1, 1833.

SIR: I herewith transmit my quarterly accounts for the last quarter of 1832. The disbursement account contains the amount paid T. J. Collins for the survey of private claims in township 1 and 3 east in the St. Helena district. The notes have been examined and approved, the plats protracted, and triplicate separate plats prepared. Before transmitting them, however, I wished to procure the decision of the register and receiver in a case of confliction, which has not yet been obtained. I am bold to say that if the same time and attention which the examination of these surveys has cost had been expended, in proportion, on the examination of all the work in that district, something might have been lost in despatch, but much would have been gained in accuracy.

There is a small balance in my favor in the account for disbursements. The postmaster being absent, I am unable to procure the necessary certificate for the postage account, which is, accordingly, not included in the accounts now transmitted. I have also procured from New Orleans some stationery, &c., for the use of the office, which will be charged in the next account.

I will have the connected map, exhibiting all the surveys which have been returned to this office, made out immediately. I am very sorry not to have been sufficiently aware of the importance of your being furnished with such a map, or it would certainly have been ready before this. You cannot well form an idea of the continual interruptions we have been subjected to for the last six months from visitors and correspondents, and the trouble and loss of time consequent on their inquiries. It is possible that the business of the office might advance with more celerity. I can only say that I do, to the full measure of my faculties, all I can to accelerate its advancement. The best clerical assistance that could be had has been procured; and that I am a good economist of time, will appear from the fact that the office is always open from morning till night, and that the clerks are employed during that time without intermission, except that which is required for their dinner.

I transmit a resurvey of part of township 13, range 14 east, (southeastern district,) which was made for the accommodation of a number of settlers on Bayou St. Vincent, at the earnest request of Mr. White, the representative in Congress from this district. The conditions on which I consented to order the resurvey were, that the expense of making it should be defrayed by the settlers, and that it should be submitted to you for approval. The settlers are honest, hard-working, *bona fide* cultivators of the soil, and have cleared the land and made the improvements thereon with the labor of their own hands. Upon their securing a full and legal right to the land thus improved depends the moderate share of comfort and independence enjoyed by these worthy people; and if the sectional divisions be adhered to, they will be debarred from purchasing. As the mode of laying out lots on bayous is authorized by law, I presume the resurvey will be approved by you.

The transmission of copies of contracts entered into recently with deputy surveyors has been delayed by discovering an important omission in one of them which rendered it defective. The defect has since been corrected, and they will be forwarded immediately.

A certificate of purchase in favor of the register at Ouachita, accompanied by the duplicate receipt of the receiver, is herewith enclosed. The accounts of Rightor and others are being examined, and the subjects of your recent communications will be attended to as soon as possible.

I am, &c.,

H. B. TRIST, *Surveyor General.*

JOHN M. MOORE, Esq., *Acting Commissioner of the General Land Office.*

GENERAL LAND OFFICE, *March* 7, 1833.

SIR: The act of Congress approved July 4, 1832, entitled "An act for the final adjustment of the claims to lands in the southeastern district of Louisiana," section 4, declares that "the sales of land in the said southeastern district, by public auction or private entry, shall be suspended until after the 1st day of July, 1833."

The act of April 5, 1832, entitled "An act supplementary to the several laws for the sale of public lands," provides that "all actual settlers, being housekeepers, upon the public lands shall have the right of pre-emption to enter, within six months after the passage of this act, not exceeding the quantity of one-half quarter section, under the provisions of this act, to include his or their improvements, under such regulations as have been or may be prescribed by the Secretary of the Treasury," &c.

The act of Congress approved June 15, 1832, entitled "An act to authorize the inhabitants of the State of Louisiana to enter the back lands," grants to the owners of private confirmed claims bordering on any river, creek, bayou, or watercourse, and not exceeeding in depth forty arpents, French measure, the right to a preference in becoming the purchaser of any vacant tract of land adjacent to and back of his own tract, not exceeding forty arpents, French measure, in depth, nor in quantity of land that which is contained in his own tract.

The act of April 5, 1832, ceased to confer the pre-emption privilege on the 6th October following.

The act of July 4, 1832, stayed all public sales and private entries in the southeastern district until after July 1, 1833. Hence all pre-emptions, whether of back tracts or other lands, granted at New Orleans after July 4, 1832, and prior to July 1, 1833, cannot be recegnized under the existing provisions of law.

The following are the cases which have been reported to this office by the register at New Orleans, which cannot be recognized:

Name.	Date of sale.	Tracts.
Pre-emption under act of April 5, 1832.		
Joseph Barbier	July 9, 1832	E.½ NE.¼, sec. 55, township 12, range 13 E.
Manuel Acosta	July 17, 1832	W.½ NW.¼, sec. 36, town. 12, range 15 E.
Auguste Roger	Sept. 21, 1832	Lot No. 6, sec. 32, town. 12, range 13 E.
Jno. Chas. Navarre	Sept. 28, 1832	Lots 7 and 8, sec. 110, town. 14, range 16 E.
Francis Barillaud, jr	Oct. 5, 1832	E.½ SE.¼, sec. 12, township 13, range 13 E.
Back pre-emptions.		
St. Julian de Tournillon	Oct. 24, 1832	Section 49, township 12, range 14 E.
Henry Johnson	Dec. 1, 1832	Sections 81 & 82, township 14, range 16 E.

In relation to the anomalous survey of the ten tracts on the Bayou St. Vincent, designated on the accompanying plat copied by Mr. Cenas from one furnished to him by the surveyor general, I have to inform you that there is no law under which the department can sanction such survey.

As the situation of those settlers who claim the benefits of the pre-emption law of April 5, 1832, is deemed peculiarly hard, I would have been happy to relieve them had the existing provisions of law vested any discretionary power in such cases.

Under these circumstances I would recommend an application to Congress, at its next session, for the sanction of the anomalous survey, after which sanction the parties can complete their payments and procure their certificates from the register at New Orleans. I would also recommend an application to Congress for the sanction of the pre-emption rights designated in this letter.

Very respectfully, your obedient servant,

ELIJAH HAYWARD.

Hon. E. D. WHITE.

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, October* 3, 1833.

DEAR SIR: I herewith forward you a plat of an anomalous survey of a part of township 13, range 14, made at the urgent request of Mr. E. D. White, who undertakes to have it approved by the Commissioner, or, should the Commissioner object, by the fiat of Congress.

The survey was made in the benevolent view of enabling a number of poor settlers to obtain the land settled, cultivated, and improved by them, but which the necessity of conforming to the sectional divisions prevents them from now entering. The poor people's salvation in this world is at stake, as the loss of their land would bring ruin upon them.

The affidavits made out in conformity with the subdivisions and numbers of the new survey are, I believe, to be left with you; perhaps the money deposited. The sale to be consummated when the survey shall be approved. Mr. Cobb, the bearer of this, is the agent of the settlers in this business.

Very respectfully, your friend and obedient servant,

H. B. TRIST.

H. B. CENAS, Esq., *Register, &c., New Orleans.*

Extract of a letter from H. B. Cenas, register of the land office at New Orleans, to the Commissioner of the General Land Office, dated November 15, 1832.

"On the 5th of last month, the day upon which the pre-emption privilege accorded by the act of 5th April last expired by limitation, I received a letter from H. B. Trist, esq., surveyor general of this State, transmitting 'a plat of an anomalous survey,' made at the request of Mr. E. D. White, for certain purposes so fully stated by Mr. Trist that I have deemed it best to transmit you a copy of his letter in full, which I herewith accordingly do. The applications of the individuals mentioned, (ten in number,) accompanied by the necessary affidavits, I have filed away, and hold subject to your decision."

TREASURY DEPARTMENT, *January* 28, 1833.

SIR: Your letter of the 23d instant, submitting for the approbation of the department the case of a resurvey of part of township 13, range 14, by H. B. Trist, esq., transmitted to the register at New Orleans, is received.

The act of the 11th February, 1805, directs the public lands to be divided into sections, half sections, quarter sections, and fractional sections, and prescribes rules for the establishment of corners and dividing lines thereof. For such of the public lands in Louisiana as are adjacent to rivers, lakes, creeks, bayous, or watercourses, a different rule of survey is authorized by the act of March 7, 1811. Although boundary lines are made by that act to depend on the nature of the country, yet it is directed that the quantity contained in each tract shall be regulated by given dimensions, so far as may be practicable and convenient. By a subsequent act, approved May 24, 1824, another rule is authorized to be observed in the survey of lands thus situated, when, in the opinion of the President, a departure from the ordinary mode would subserve the interests of the public. In this, however, as in the other acts referred to, a due regard is enjoined as to quantity and uniformity in the surveys, and it will be seen that in none of them is there any discretion given to deviate from the subdivision therein authorized. So also in the supplementary act approved April 5, 1832, directing the sale of the public lands in minor subdivisions than were before authorized. It is therein directed that the lines of such subdivision shall run east and west; that the corners and contents thereof shall be ascertained in the manner and on the principles directed by the act of February 11, 1805, and that fractional sections, in like manner, as nearly as may be practicable, be subdivided into quarter sections under regulations to be prescribed by this department.

Viewing the survey transmitted for the approbation of the department as repugnant to the act last referred to, and anomalous in every particular, inasmuch as from the plat thereof, enclosed with your letter, it embraces no more than the half of an entire section and the whole of a fractional section, while it cuts the former into six and the latter into ten subdivisions, varying from three to eighty-three acres in quantity; and moreover, as its confirmation would disturb surveys already made and returned, it cannot, consistently with these views, be approved. The papers received with your letter are returned.

I am, respectfully, sir, your obedient servant,

LOUIS McLANE, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

GENERAL LAND OFFICE, *January* 4, 1834.

SIR: Herewith is transmitted a copy of the map of resurvey, and copies of the correspondence to which you referred, respecting certain lands claimed by pre-emption right in the southeastern district of Louisiana.

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

JNO. M. MOORE.

Hon. E. D. WHITE.

Township 13, *range* 13 *east.* *Township* 13, *range* 14 *east.*

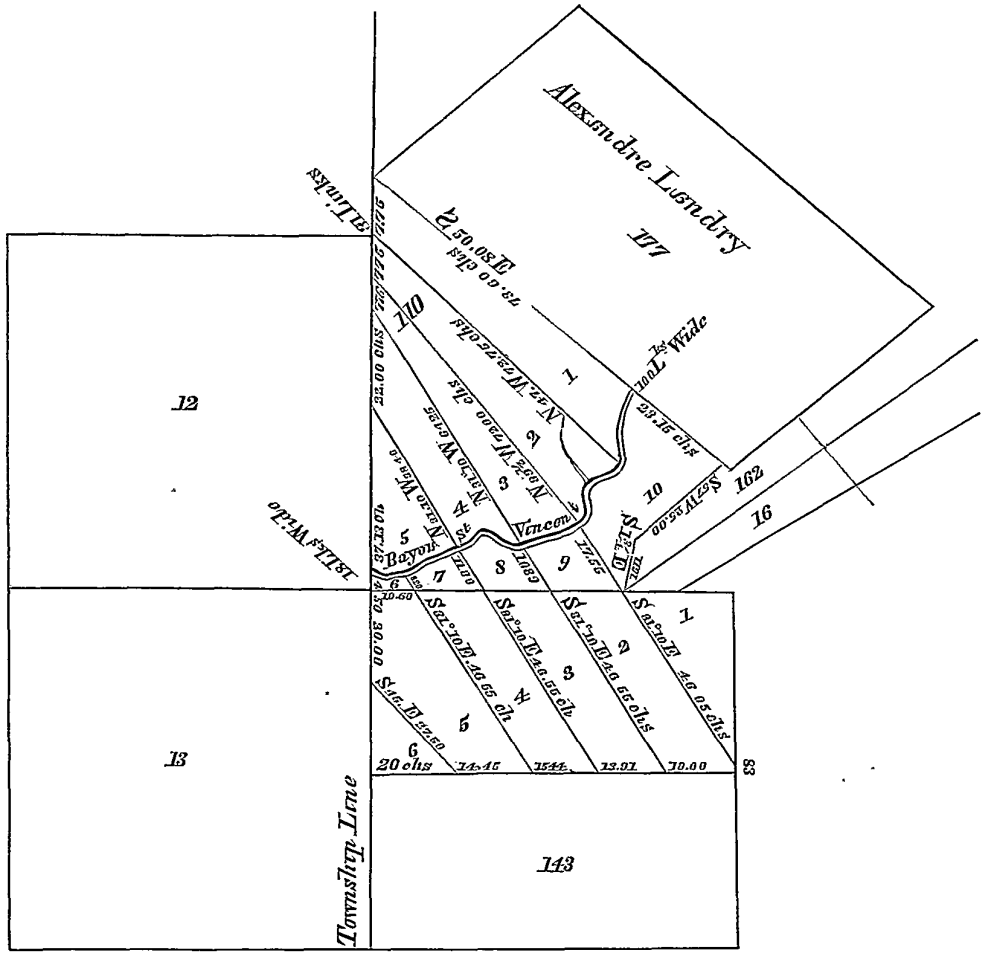

Table of contents.

Lots.	Section.	Range.	Township.	Area.
1	110	14	13	75.70
2	110	14	13	83.50
3	110	14	13	65.79
4	110	14	13	67.34
5	110	14	13	32.70
6	110	14	13	3.36
7	110	14	13	10.35
8	110	14	13	14.79
9	110	14	13	20.60
10	110	14	13	46.65
1	143	14	13	47.01
2	143	14	13	74.08
3	143	14	13	64.75
4	143	14	13	72.87
5	143	14	13	76.14
6	143	14	13	20.00

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, October* 3, 1832.

The preceding map of part of township No. 13 of range No. 14 east, in the southeastern district, is strictly conformable to the field-notes of the resurvey thereof, on file in this office, which have been examined and approved. The resurvey was made by William H. Cobb, deputy surveyor, September 29, 1832.

H. B. TRIST, *Surveyor General.*

23D CONGRESS.] No. 1150. [1ST SESSION.

ON CLAIM TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 9, 1834.

Mr. CLAY, from the Committee on Public Lands, to whom was referred the petition of William Enos, reported:

The petitioner was a soldier in the late war. As such there was granted to him the northeast quarter section thirty-six, of township three north, in range two east, in the tracts appropriated for military bounties in the Territory of Arkansas.

The petitioner states in his affidavit that he is still the rightful owner of the said quarter section of land, and that he removed to Arkansas with the intention of settling upon the same; and he furnishes evidence (the certificate of Mr. Strong, the sheriff and collector of taxes, St. Francis county) that in the years 1828 and 1829 he paid the territorial tax on the same. James Standle and John L. McCrery swear that they have been upon the land and found it unfit for cultivation; a very small portion of the same, and that in small detached parcels of from one to two and three acres, and sometimes four, might be cultivated.

The petitioner asks to surrender this quarter section of land to the United States, and tenders a deed relinquishing the same, and to be permitted to enter in lieu thereof, within the military district, a quarter section fit for cultivation.

If the proof is to be credited, (and there is nothing presented to the committee which would authorize them to doubt the evidence,) this is not such land as the government promised to give this soldier when he enlisted in the service of his country. Cases of this description have heretofore been presented to Congress, and in every instance where the applicant was himself the soldier to whom the bounty land was granted, and furnished evidence of his intention to settle in the country where the land lies, (such as asked in this case,) relief has been granted. This land seems to have been sold for taxes, but subsequently redeemed. The committee therefore report a bill for his relief.

23D CONGRESS.] No. 1151. [1ST SESSION.

ON THE SUBJECT OF MAKING A GRANT OF LAND TO LOUISIANA IN AID OF INTERNAL IMPROVEMENTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 9, 1834.

Mr. LEAVITT, from the committee to whom was referred the resolution of the House adopted on the 23d of December, instructing them to inquire "into the expediency and justice of granting to the State of Louisiana, in aid of internal improvements, the same extent of land which has heretofore been granted by Congress to other western States, and particularly to the State of Alabama," reported:

That in the investigation of the subject committed to them by the foregoing resolution they deemed it proper, in the first place, to inquire what grants of land have been made to any of the western States for purposes of internal improvements, and upon what principles, and upon what conditions, such grants have heretofore received the sanction of Congress. This examination has proved that in no instance has Congress authorized a donation of land to a State for the purpose above stated, without a designation of the specific object to which it was to be applied. It is true that liberal grants have been made to the States of Illinois, Indiana, Alabama, and Ohio, but in all of them the principle here indicated has been strictly adhered to, and restrictions and conditions have been imposed to secure the prompt and faithful application of the grants to the specified objects.

By an act of March 2, 1827, a quantity of land equal to one-half of five sections in width on each side of the land, reserving each alternate section to the United States, was granted to the State of Illinois to aid in the construction of a canal to connect the waters of the Illinois river with those of Lake Michigan. This act contains a provision that the canal, when completed, shall forever remain a public highway for the government, without any charge of toll; and, moreover, that the canal shall be commenced within five and be completed within twenty years from the passage of the act.

Simultaneously with the enactment of the foregoing law, another, containing similar provisions and restrictions, was passed, making a grant to the State of Indiana to aid in the construction of a canal to connect the waters of the Wabash with those of Lake Erie.

By an act of May 23, 1828, four hundred thousand acres of the relinquished lands in certain counties in the State of Alabama were granted to that State, to be applied to the improvement of the navigation of the Muscle shoals and Colbert's shoals, in the Tennessee river, and such other parts of said river as the legislature should direct, with a condition that the State should commence said improvements within two years, and complete them within ten years from the passage of the act.

By an act of May 24, 1828, a grant similar to those made to Illinois and Indiana, and with similar conditions and restrictions, was made to the State of Ohio to aid in extending the Miami canal from Dayton to the Miami river. By the fifth section of the same act a further grant of five hundred thousand acres of land was made to the State of Ohio to aid in paying the debts contracted by the State, or which should thereafter be contracted in the construction of her canals *then authorized by law*, with a proviso that such canals should be completed within seven years from the approval of the act.

In all the instances referred to it is most obvious that Congress had in contemplation the precise object of the grants, and that this had a controlling influence upon their action. In determining upon the expediency of a grant, they rightfully adjudged that its specific object should be presented, to enable them to decide upon the nature and character of the work in the construction of which they were called upon to aid. They have also deemed it judicious and proper to impose conditions having for their object the completion of the works within some reasonable and specified time. And in those cases in which they have granted the alternate sections along the route of a canal, one object of the grant has been obviously to promote the sales and enhance the value of the public lands which did not pass under the grant.

From this review of the past legislation of Congress on this subject it will be apparent that to authorize the grant contemplated by the resolution under consideration, for the general and undefined purpose of internal improvement within the State of Louisiana, would not only be in violation of the principles heretofore sanctioned by Congress, but, in the opinion of the committee, would be unwise and impolitic. The committee, therefore, recommend the adoption of the following resolution:

Resolved, That it is not expedient to authorize the grant contemplated by the foregoing resolution, and that the committee be discharged from the further consideration thereof.

23D CONGRESS.] No. 1152. [1ST SESSION.

ON CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1834.

Mr. CLAY, from the Committee on Public Lands, to whom was referred the petition of William K. Paulling, of Alabama, reported:

The petitioner sets forth that he was entitled to the right of pre-emption of a quarter section of land, to wit, the northeast quarter of section twenty-eight, township eighteen, of range four west, in the Huntsville land district; that some of his neighbors having applied at the Huntsville land office to enter their land and failed, because the register and receiver did not consider them within said district, the

petitioner applied to enter said quarter section at the Tuscaloosa land office; that the register of that office being in doubt whether it belonged to the Tuscaloosa district, said he would first write to the Commissioner of the General Land Office for information, and notify petitioner when it was obtained; that the register of said office afterwards wrote to the petitioner that he would receive his application, the time allowed for such entries being about to expire, but when petitioner arrived at Tuscaloosa, he found instructions had just been received from the General Land Office that application must be made to enter said quarter section at the Huntsville land office. The time was then too short to enable him to go to Huntsville, and he lost the benefit of his pre-emption. The said quarter section is yet unsold.

John H. Vincent, esq., register of the land office at Tuscaloosa, certifies "that the facts set forth in the petition are true."

The committee believe the petitioner entitled to relief, and therefore report a bill for that purpose.

23D CONGRESS.] No. 1153. [1ST SESSION.

RESOLUTIONS OF OHIO ADVERSE TO THE DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AMONG THE SEVERAL STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 13, 1834.

PREAMBLE AND RESOLUTIONS of the legislature of Ohio relating to the Bank of the United States and the distribution of the public domain.

Whereas there is reason to apprehend that the Bank of the United States will attempt to obtain a renewal of its charter at the present session of Congress; and whereas it is abundantly evident that said bank has exercised powers derogatory to the spirit of our free institutions, and dangerous to the liberties of these United States; and whereas there is just reason to doubt the constitutional power of Congress to grant acts of incorporation for banking purposes out of the District of Columbia; and whereas we believe the proper disposal of the public lands to be of the utmost importance to the people of these United States, and that honor and good faith require their equitable distribution: Therefore—

Resolved by the general assembly of the State of Ohio, That we consider the removal of the public deposits from the Bank of the United States as required by the best interests of our country, and that a proper sense of public duty imperiously demands that that institution should be no longer used as a depository of the public funds.

Resolved, also, That we view with decided disapprobation the renewed attempts in Congress to secure the passage of the bill providing for the disposal of the public domain upon the principles proposed by Mr. Clay, inasmuch as we believe that such a law would be unequal in its operations and unjust in its results.

Resolved, also, That we heartily approve of the principles set forth in the late veto message upon that subject; and,

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their influence to prevent the rechartering of the Bank of the United States; to sustain the administration in its removal of the public deposits; and to oppose the passage of a land bill containing the principles adopted in the act upon that subject passed at the last session of Congress.

Resolved, That the governor be requested to transmit copies of the foregoing preample and resolutions to each of our senators and representatives in Congress.

JOHN H. KEITH, *Speaker of the House of Representatives.*
DAVID T. DISNEY, *Speaker of the Senate.*

JANUARY 2, 1834.

23D CONGRESS.] No. 1154. [1ST SESSION.

APPLICATION OF ARKANSAS FOR THE ESTABLISHMENT OF A NEW LAND OFFICE AT HELENA, IN THAT TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 13, 1834.

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

We, the general assembly of the Territory of Arkansas, your memorialists, would represent unto your honorable bodies that we labor under great inconvenience and many disadvantages for the want of a land office in the eastern part of the Territory; that the settlement of this fertile section of the country is greatly retarded for the want of the same, and the great inconvenience in going to and from the land offices at Little Rock and Batesville, where all the lands in this section of the Territory are subject to entry or location. A great portion of the lands lie on the Mississippi river, and are of the first quality. Thousands of persons pass up and down this great stream who would become owners of land, provided a land office was located on the bank of the Mississippi, but who are prevented from doing so in conse-

quence of the difficulties that would have to be surmounted, in consequence of the wilderness state of the country, and the scarcity of roads leading to the land offices at Little Rock and Batesville. The extent of country (embracing five counties) that borders the Mississippi is about four hundred miles in length.

Your memorialists would therefore pray your honorable bodies to form and establish a new land district in the eastern part of the Territory, to embrace the counties of St. Francis and Monroe, (which lie immediately in the rear of Phillips and Crittenden counties,) the counties of Mississippi, Crittenden, Phillips, Chicot, and all that portion of Arkansas county which fronts the Mississippi river, and as far back as to White river; thence with said river to the cut-off; thence through the same to the Arkansas river; thence with said river to the line between ranges two and three; and thence with said line to the Louisiana State line. Your memorialists would designate Helena, on the bank of the Mississippi river, as being the most eligible point for the location of the land office for said district, it being equidistant from the extreme points of said land district, and the facilities of approaching the same being greater than at any other point.

And your memorialists, as in duty bound, will ever pray, &c.

JOHN WILSON, *Speaker of the House of Representatives.*
JOHN WILLIAMSON, *President of the Legislative Council.*

Approved November 8, 1833.

JOHN POPE.

GENERAL LAND OFFICE, *January* 24, 1834.

SIR: I have the honor to return the memorial of the general assembly of the Territory of Arkansas, enclosed in your letter of the 16th instant, requesting the establishment of another land district in that Territory, to embrace the whole of the Mississippi front of the Territory.

The act of June, 1832, established two additional land districts in that Territory, and altered the boundaries of the two districts previously existing. Under the present organization, all the lands on and in the rear of the Mississippi, situated north of the mouth of the river St. Francis, are subject to sale at Batesville, and the lands between the mouth of the St. Francis and the northern boundary of Louisiana are subject to sale at Little Rock. The two great means of intercourse between the interior of that Territory and the banks of the Mississippi are the Arkansas river and the road opened by the general government westward from a point opposite to Memphis. The mouth of the Arkansas is about half way between the northeastern and southeastern corners of the district, embracing the lands sold at Little Rock, and that river forms an easy mode of access to that land office; and the road from Memphis to the interior leaves the Mississippi at a point nearly equidistant from the northeast and southeast corners of the district of lands subject to sale at Batesville, and is the course which persons going to the interior from the banks of the Mississippi, above the mouth of the St. Francis, would naturally pursue.

The establishment of the new districts and the alterations in the boundaries of the old districts, as made by the act of 1832, involved a large amount of labor in transcribing and transferring the records and papers of the old offices. That labor has been performed, and all the districts are now in operation; and should the two eastern districts be now altered again, and another district be formed out of the eastern portions of those districts, it will be again necessary to transcribe or transfer such of the books and papers as may relate to the lands within such new district.

The land district proposed in the memorial is stated therein to have a front of about *four hundred miles*, with a very narrow average width, and for about *one-third* of this front that width will not exceed *ten* or *twelve* miles. The proposed position of the new land office is Helena, a town a few miles below the mouth of the St. Francis, and having, it is believed, no direct intercourse with the other parts of the Territory except by the Mississippi and Arkansas rivers and the Memphis road.

The division of the Territory into the existing districts was made after much deliberation on the subject, and I do not perceive such strong representations in the memorial as would induce me to recommend any present change in their organization. In the course of a year or two it can be satisfactorily ascertained whether the public convenience and the interests of government will be benefited by the establishment of another district, embracing the lands described in the memorial, or whether the desired results could not be obtained by the removal of the land offices now at Batesville and Little Rock to points nearer the Mississippi, and I would therefore think that the establishment of another district at this time would at least be premature.

Very respectfully, your obedient servant,

ELIJAH HAYWARD.

Hon. JOSEPH DUNCAN, *Committee on Public Lands, House of Representatives.*

All the lands situate east of the following boundaries, viz: Commencing on the line between Louisiana and Arkansas, where it is intersected by the line between ranges two and three west; thence with said range line to the northwest corner of township *four* south, range *two* west; thence *east* with the dividing line between townships three and four south to the meridian; thence with the meridian line to the northwest corner of township two north, range one east; thence with the dividing line between townships two and three north to the St. Francis river; thence with the St. Francis river to the north boundary of the Territory of Arkansas.

23D CONGRESS.] No. 1155. [1ST SESSION.

ADVERSE TO A GRANT OF LAND TO THE TOWN OF PERRYSBURG, IN THE STATE OF OHIO, FOR PURPOSES OF EDUCATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 14, 1834.

Mr. LEAVITT, from the Committee on Public Lands, to whom was referred the petition of the town council of the town of Perrysburg, in the State of Ohio, praying "Congress to grant them, for purposes of education, all the lots in said town belonging to the government, and also those lots lying below said town on the river that were reserved at the original sale for military purposes," reported:

That the town of Perrysburg was laid out on land owned by the government, under the authority of an act of Congress passed on the 27th of April, 1816; that after the town was laid out, and in accordance with the provisions of said act, the lots in said town were offered at public sale; that many of said lots were then sold, and those remaining unsold were subject to sale at private entry, as were other lands belonging to the government; that on the 7th of May, 1822, an act of Congress was passed vesting in the commissioners of Wood county the right of the government "to all the *unsold* town lots and out lots" in said town, on the condition that the county seat for said Wood county should be permanently established at said town of Perrysburg. It also appears that at the date of the act of May 7, 1822, a part of the lots in said town which had been previously sold had been relinquished by the purchasers or forfeited to the United States, and that those lots were again offered for sale by the government, and a part or the whole sold; that after this sale these relinquished and forfeited lots were claimed by the commissioners of Wood county as having passed to the county, under the said act of May 7, 1822; and that the *then* Commissioner of the General Land Office decided that said lots did vest in the county of Wood in virtue of said act, and that the sales thereof by the government were invalid; and in conformity with that decision, on the 24th of July, 1827, he directed that the moneys arising from such sales should be refunded to the purchasers. It moreover appears that the present Commissioner of the General Land Office has given a construction to the act of May, 1822, opposed to that given to it by his predecessor. The present Commissioner maintains that town lots which at the date of said act had been sold, but had been relinquished by the purchasers, or had been forfeited to the United States, cannot be considered as "unsold" lots within the meaning of said act, and did not therefore pass to the commissioners of Wood county. He has therefore directed the purchasers of said lots to be notified that the sales to them were valid, and that they now have a priority of right to purchase them.

It appears, therefore, that there is an existing controversy between the commissioners of Wood county and the purchasers of the relinquished and forfeited lots, involving the right thereto, which may require for its settlement a judicial adjudication. And, in the opinion of the committee, it is inexpedient for Congress further to interfere in the disposal of said lots until the legal right thereto shall be definitely decided.

Resolved, therefore, That it is inexpedient to grant the prayer of said petitioners, and that the committee be discharged from the further consideration thereof.

23D CONGRESS.] No. 1156. [1ST SESSION.

ON GRANTING A DUPLICATE LAND WARRANT TO THE REPRESENTATIVES OF AN OFFICER OF THE REVOLUTION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 15, 1834.

Mr. BAYLIES, from the Committee on Revolutionary Claims, to whom was referred the petition of Rebecca Sampson and Harriet Fish, reported:

That the petitioners represent that Crocker Sampson, late of Kingston, Massachusetts, deceased, was a lieutenant in the Massachusetts line of the revolutionary army, and that during his life he was the holder and owner of a military bounty land warrant, No. 1915, for two hundred acres of land, and that the said warrant has been lost by accident; that the petitioners, together with Lucy Sampson and Rebecca Crocker, (wife of Zenas Crocker,) are the legal heirs of said Crocker Sampson. The petitioners pray that a duplicate warrant may issue for said two hundred acres of land.

It appears that a warrant, as described in the petition, did issue to said Crocker Sampson; and the committee are satisfied from the evidence in the case, viz: the affidavit of the said Rebecca Sampson, and the certificate of T. P. Beal, esq., that the same warrant has been lost or destroyed by accident.

The committee therefore report a bill in conformity to the prayer of the petitioner.

23D CONGRESS.] No. 1157. [1ST SESSION.

APPLICATION OF ALABAMA FOR A REDUCTION OF THE PRICE OF THE PUBLIC LANDS AND PRE-EMPTION RIGHTS TO SETTLERS.

COMMUNICATED TO THE SENATE JANUARY 16, 1834.

JOINT MEMORIAL 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 Alabama respectfully represents: That the policy heretofore commenced, and for a time acted upon by the general government, of granting pre-emption rights to settlers upon the public lands in the purchase of one hundred and sixty acres at the minimum price of the government, has been attended with most beneficial consequences to the settlers, and has not materially diminished the public revenue. The liberal provision heretofore made by Congress for the benefit of *actual settlers* upon the public lands has enabled a meritorious class of the community to purchase and pay for their homes, and has greatly promoted the improvement of the country and the increase of its wealth and population. The preference granted to the actual occupants and cultivators of the soil had the effect to protect the weak against the strong—to prevent an unequal and ruinous competition between the settler of limited means, who wished to purchase for purpose of cultivation, and the speculator, whose object was not for settlement and cultivation, but with a view to a resale at a high profit. Experience has shown that, at most of the public sales of lands under the auction system, the government has not received the benefit which might be supposed to result from the usual competition among bidders; but, in many instances, extensive tracts of most valuable lands have been purchased, at the minimum price of the government, by combination of wealthy speculators too powerful to be successfully resisted by the settlers, and resold to the cultivators of the soil at high profit. The system of disposing of the public lands at auction would be less objectionable if the common fund of the whole people of the United States, who own the soil, could receive the benefit of the competition which such sales are supposed to induce; but many years' experience has shown the fact that such sales result in a compromise between a few extensive money-holders and the great mass of the settlers, by which the government is not benefited, the settlers are injured, and the speculator receives the benefit. This is the inevitable tendency of the present system of disposing of the public lands, and no laws, however severe their penalties, will have the effect to prevent it.

Your memorialists do not object to any fair and equitable mode of disposing of the public lands which will secure to the government the repayment of their cost and the reasonable expense of surveying and selling, but they feel assured that, in providing for the attainment of this object, your honorable bodies will have a due regard to the interest of those who encountered the hardships and privations incident to the settlement and improvement of a new country. The enterprising and industrious citizen, whose object is to subdue and cultivate the soil, is entitled to a preference over him whose purpose in buying is to speculate; and, as the prosperity of the country and the increase of its wealth and population would be greatly promoted and most effectually secured by an enlarged and extensive cultivation of the soil, your memorialists respectfully ask the passage of a law granting pre-emption rights to actual settlers upon the public lands, in the purchase of one quarter section at the minimum price, to include their improvements.

Your memorialists would also respectfully represent to your honorable bodies that there remain, in different parts of this State, many portions of public domain heretofore offered for sale, and which, though subject to entry at the minimum price for years past, still remain unsold. Much of this sterile and refuse land lies in the most fertile, populous, and wealthy parts of the State, and would doubtless be entered at more than its intrinsic value; other portions are held by the more indigent, though not less meritorious class of citizens, who, in connexion with this refuse, may also be tenants of a small spot of more valuable land which escaped the eye of the avaricious speculator. The minimum price being much too great, is the sole and obvious reason of these barren lands remaining unsold. Your memorialists do believe that if the price were reduced to a reasonable quantum the lands would then be immediately disposed of, and the government treasury, instead of sustaining a loss, would receive greater accession to her funds than otherwise; but even admitting that a reduction of the price would diminish our national revenue, still your memorialists are strongly convinced that there are overwhelming reasons appealing to the wisdom of Congress for a change of policy in the distribution of refuse lands more favorable to the yeomanry of our country. Let such lands be disposed of at their real value, then will it be in the power of every citizen to become a freeholder, our population will become more dense, our strength greater, and the places that are now sterile and barren wastes would soon be the homes of the poor but industrious farmers.

Your memorialists deem it unnecessary to urge any other reasons in favor of the policy which they recommend, as every consideration, both of policy and justice, seem to demand the reduction asked for. They therefore pray a reduction in said lands to fifty cents per acre, and the prospective annual reduction, until the whole shall have been disposed of, allowing the occupant a pre-emption right to one-eighth of a section; and, as in duty bound, &c.

Resolved, That our senators in Congress be instructed, and our representatives be requested, to use their best exertions to secure the object embraced in the foregoing memorial.

Resolved, further, That the governor be requested to cause a copy of said memorial to be forwarded to each of our senators and representatives in the Congress of the United States.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
JOHN ERWIN, *President of the Senate.*

Approved December 27, 1833.

JOHN GAYLE.

23D CONGRESS.] No. 1158. [1ST SESSION.

QUANTITY OF LANDS GRANTED TO THE STATE OF INDIANA FOR THE CONSTRUCTION OF THE WABASH AND ERIE CANAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 16, 1834.

TREASURY DEPARTMENT, *January* 14, 1834.

SIR: In obedience to the resolution of the House of Representatives, dated the 24th ultimo, directing the Secretary of the Treasury to communicate "a statement of the quantity of lands included in the grant made to the State of Indiana, to enable her to construct the Wabash and Erie canal, which have been sold under the proclamation of the President, dated September 3, 1833, or any previous proclamation ordering sales of land at Bucyrus and Wapaghkonetta, in the State of Ohio," and also to accompany said report with "a statement of the amount of money arising from the sale of said canal lands, together with a map of the same, distinctly marking their contiguity to the canal line, and communicating such other information of said lands in his possession as will enable the House to form an estimate of their intrinsic value," I have the honor to transmit a report from the Commissioner of the General Land Office upon the subjects embraced in the resolution.

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

R. B. TANEY, *Secretary of the Treasury.*

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

GENERAL LAND OFFICE, *January* 8, 1834.

SIR: I have the honor to acknowledge the receipt of the copy of the resolution of the House of Representatives of the 24th ultimo, referred by you to this office, which is in the following words:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to this House a statement of the quantity of lands included in the grant made to the State of Indiana to enable her to construct the Wabash and Erie canal, which have been sold under the proclamation of the President dated September 3, 1833, or any previous proclamation, ordering sales of land at Bucyrus and Wapaghkonetta, in the State of Ohio."

"2d. That the Secretary of the Treasury be directed to accompany said report with a statement of the amount of money arising from the sale of said canal lands, together with a map of the same, distinctly marking their contiguity to the canal line, and communicate such other information of said lands in his possession as will enable this House to form an estimate of their intrinsic value."

And I beg leave to report that this office is not in possession of any map or survey of the canal line referred to in those resolutions, nor has the office any official information showing that that line has ever been connected with the lines of the public surveys; and that in consequence of the want of such a map the *alternate sections* which where granted for the purpose of aiding in the construction of that canal have never been designated. It is therefore impracticable for this office to furnish a statement of the quantity of land included in the grant to the State of Indiana which has been sold by the United States, or the amount of moneys arising from the said sales. The same cause renders it impracticable for me to furnish a map distinctly marking the contiguity of the sold lands to the canal line, nor is there any information in the possession of this office which would enable the House of Representatives "to form an estimate of their intrinsic value."

It is proper to state that in November last the land officers at Wapaghkonetta and Bucyrus were instructed to withhold from the public sales directed by the President's proclamation of the 3d of September last all the lands which they supposed to be within five miles of the canal line.

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

ELIJAH HAYWARD.

Hon. R. B. TANEY, *Secretary of the Treasury.*

23D CONGRESS.] No 1159. [1ST SESSION.

APPLICATION OF ARKANSAS FOR PRE-EMPTION RIGHTS TO SETTLERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 20, 1834.

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

The memorial of the general assembly of the Territory of Arkansas respectfully represents: That within the last four years this Territory has nearly doubled its population; that the emigrants are generally poor, and have expended their all in reaching their new homes; that within that period large portions of country have been by them opened and thickly populated, which were previously but an unexplored wilderness; that by their enterprise those lands are now esteemed valuable, and are attracting the speculator and man of wealth; and that some portions of this country having been rapidly surveyed, are expected shortly to be offered for sale before it has been possible for the hardy enterprise of the pioneer to acquire the

means of securing his home Your memorialists are fully sensible that a postponement of the land sales would neither conduce to their own interest nor that of the government, but they do indulge a hope that a medium may be found to reconcile those conflicting interests, by the passage of a law which shall secure the actual settler and cultivator in the possession of his improvement for a limited time, say two years after the land shall be offered for sale, provided there be no bidder at the land sale, thus stimulating their enterprise by offering, as a reward to their industry, a home for their families. Should the settler fail in making his entry within the time asked for, the lands of the government will still be increased in value by his industry, and be entered with avidity by those who are daily emigrating or by the speculator; or if the Congress of the United States should decline the passage of a law so humane and just in its provisions, your memorialists would ask for a law securing the settler a just compensation, for two years after the land sale, for his labor, should his home be entered by another without his consent. Your memorialists forbear to enter into a full discussion of this, to them, all-important subject, because they have seen with pleasure enlightened members of Congress, who have from year to year discussed the subject with views liberal and, in the opinion of your memorialists, conclusive, and much more elaborately than could properly be compressed within the limits of a memorial. Your memorialists are pleading the cause of half their constituents, who have sacrificed present comforts to a prospect of future independence, whose brightest hopes must be blasted without some melioration of the present laws. The granting our prayer would fix upon our soil a hardy, enterprising, and industrious population.

We earnestly present our petition, and, as in duty bound, will ever pray, &c.,

JOHN WILSON, *Speaker of the House of Representatives.*
JOHN WILLIAMSON, *President of the Legislative Council.*

Approved November 15, 1833.

JOHN POPE.

23D CONGRESS.] No. 1160. [1ST SESSION.

ON CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 21, 1834.

Mr. CARR, from the Committee to whom was referred the petition of Eloy Segura and others, reported:

That the petitioners are the surviving descendants of a colony of Spaniards who, at a very early period, were brought from Spain and settled in Louisiana. They were placed on tracts of land which were assigned them by the King of Spain, at a place called New Aberia, and their lands fronted on Lake Peigniers, since called the Spanish lake. The King of Spain furnished them some aid in leaving Malaga. There is proof before the committee that these persons were put into the possession of their respective lots or tracts of land by the King's surveyor, where they yet live; but as those lands which were given them by the Spanish government were destitute of timber, the Spanish government gave them collectively the privilege of cutting timber and fire-wood in a cypress swamp, and on a tract of woodland in the neighborhood called the *Trois Isles.* They continued in the undisturbed enjoyment of that privilege until long since the change of government by the cession of Louisiana to the United States, which privilege continued for near fifty years. About the year 1821 the woodlands within which that privilege had so long been exercised were sold by the United States, and the Spanish families left destitute of timber. With this they were not content, and continued in the practice of supplying themselves from the same source, and were prosecuted at law for a trespass on the purchasers from the United States, and condemned to pay damages. The petitioners ask remuneration for the losses by them sustained (equal to $15,000) by reason of the sale of the woodlands aforesaid. The committee cannot conceive that the petitioners are entitled to remuneration; they are in the peaceable possession of all the lands which were actually granted by the government of Spain; they enjoyed the privilege of using timber of other lands for near half a century, and until they were purchased by the government of the United States, and until these lands were sold and purchased by other individuals.

23D CONGRESS.] No. 1161. [1ST SESSION.

ON CLAIM FOR THE RENEWAL OF A BOUNTY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 23, 1834.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred a resolution of the House on the 20th of January, directing them to inquire "into the expediency of renewing a warrant of four hundred acres of land which was granted to Evan Edwards in 1827, and which has been lost, and still remains unsatisfied," reported:

That upon application to the Land Office, it appears that a warrant, No 1205, issued on the 9th day of February, 1827, to "Charles Lee Edwards, the only son (and other heirs, if any there be) of Major Evan Edwards, of the Pennsylvania line, for 400 acres of land," and that the same remains unsatisfied, nor has the same ever been presented to the office for satisfaction; the owner of the warrant alleges that it has been lost. The committee therefore report a bill authorizing the issuance of a duplicate.

GENERAL LAND OFFICE, *January* 20, 1834.

I hereby certify that warrant No. 1205, granted by the United States on the 9th of February, 1827, to Charles Lee Edwards, the only son (and other heirs, if any there be) of Major Evan Edwards, of the Pennsylvania line, for four hundred acres, remains unsatisfied, nor has the same ever been presented to this office.

ELIJAH HAYWARD, *Commissioner.*

23D CONGRESS.] No. 1162. [1ST SESSION.

ON CLAIM FOR LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 23, 1834.

Mr. CAGE, from the Committee on Private Land Claims, to whom was referred the petition of Francis W. Graham and others, heirs and legal representatives of Wm. Graham, deceased, reported:

That the evidence is satisfactory, conclusively so, that the legal representative and administrator of the succession of William Graham, the ancestor, did, in the year 1830, pay to the receiver of public moneys for the district of lands north of Red river the full amount for a certain lot or quarter section of land, situate on Lake Providence, in the State of Louisiana, being lot No. 16, in township 21, of range 12 east. The petitioners allege the fact, and of which there is satisfactory proof, that this ancestor, and the heirs since his death, occupied and cultivated the land in question from 1814 until the payment was made for it under the pre-emption law of 1830. The lot of land thus occupied, cultivated, and paid for, being lot No. 16, is by law reserved for the use of schools. The petitioners state, and so the committee believe the fact to be, that the receiver of public moneys in the land district north of Red river received the money in payment of lot No. 16, knowing at the time that it was land reserved by law for the use of schools, and, from the peculiar hardship of the case, permitted it to be thus sold, alleging, as the petitioners state, that he would appropriate other lands for the use of schools in lieu of the 16th section. The committee are of opinion that the petitioners are entitled to relief, and report a bill.

23D CONGRESS.] No. 1163. [1ST SESSION.

ON CLAIM FOR LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1834.

Mr. GALBRAITH, from the Committee on Private Land Claims, to whom was referred the memorial of Samuel Vail, of Louisiana, reported:

That it appears, by the documents accompanying the memorial, that a grant was made by Don Manuel Gayoso de Lemos, governor of the provinces of Florida and Louisiana, dated February 14, 1799, to Jesse Ratcliff, for 240 superficial arpents of land in the district (now parish) of East Baton Rouge, the land mentioned in the memorial; in pursuance of which, a survey and plat was made by Don Vincente Sebastian Pintado on the 11th day of December, 1804. That this title, by sundry mesne conveyances, became vested in the said Samuel Vail, and that the said tract of land was settled by him in 1819, and improved, and resided on by him ever since. Your committee therefore report a bill.

23D CONGRESS.] No. 1164. [1ST SESSION.

APPLICATION OF MISSISSIPPI FOR LANDS FOR THE SUPPORT OF PRIMARY SCHOOLS.

COMMUNICATED TO THE SENATE JANUARY 27, 1834.

A RESOLUTION in relation to the refuse lands in the various counties in the State of Mississippi.

Believing that every true patriot who wishes the prosperity of our common country and perpetuation of enlightened republican institutions feels a deep interest in spreading light and knowledge over our whole population; (this we conceive can be best promoted by the establishment of primary schools in each county in this State, and in each and every State of the Union; being, however, specially concerned as to the importance of educating the youth of this State in elementary principles;) and believing with our sister States that education is the only means of perpetuating a true knowledge of our government

and its principles; and believing that the attainment of such desirable ends cannot be a matter of indifference to the general government, and that they will be disposed to harmonize with us in producing results so desirable with little if any sacrifice of the general weal: we therefore pray that the refuse lands in the several counties of our State which have been or will have been offered for sale three years, shall thereafter belong to the respective counties within which they may be situated, and be subject to be disposed of by the county police of each county for the sole and only purpose of establishing and maintaining primary schools in the respective counties. These lands, so long in market and unbought, can never be of much use to the Union; yet, under the prudent management of the police of each county, guarding against trespass and depredation, they may be rendered subservient to the great purposes of education.

Be it therefore resolved, That our senators be instructed, and our representatives requested, to use their best exertions to procure the passage of an act of the federal government for the attainment of the above objects without interfering with such concessions of land to the State as have been granted to our sister States.

Be it further resolved, That the governor of this State be requested to forward a copy of the above preamble and resolution to our senators and representatives in Congress.

A. L. BINGAMAN, *Speaker of the House of Representatives.*
P. BRISCOE, *President of the Senate.*

Approved December 23, 1833.

H. G. RUNNELS.

A true copy from the original on file in my office.

DAVID DICKSON, *Secretary of State.*

23D CONGRESS.] No. 1165. [1ST SESSION.

APPLICATION OF MISSISSIPPI TO EXCHANGE THE SIXTEENTH SECTIONS OF LAND, WHEN VALUELESS, FOR OTHER LANDS, AND THAT TOWNSHIPS IN THE CHICKASAW PURCHASE MAY BE PROVIDED WITH SCHOOL LANDS.

COMMUNICATED TO THE SENATE JANUARY 27, 1834.

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

The memorial of the legislature of the State of Mississippi respectfully represents: That a large proportion of the sixteenth sections of land, which by the act of Congress passed the 3d of March, A. D. 1803, were appropriated to the "*support of schools within the*" several townships of the Mississippi Territory, from sterility or other deficiency in soil have wholly failed to answer the benevolent purpose which we are bound to presume induced their donation. It would certainly be doing injustice to the generous and humane motive which must have actuated your predecessors in the enactment of the law above cited to attribute a design to bestow the benefits therein conferred with a partiality which should give to some townships a profitable school fund and to others nothing. Yet such is the operation of the act referred to. It would be doing equal injustice to suppose the bounty of Congress was conferred with no specific design, but cast upon our citizens with such accidental advantages as result from chances in a lottery of more blanks than prizes. Yet such is the operation of the law referred to. It is a fact which requires but to be stated to command credence with all, that the benefits of this donation are actually received in an inverse ratio to the real necessities of the donees. Where the lands are rich and valuable, there resides the independent planter, who has no concern for the product of the sixteenth section, but where the soil is less productive and of little value, though frequently containing as many white inhabitants as lands of better quality, yet those inhabitants are usually the least wealthy of our population, to whom a valuable school section would be of great utility. But in such regions of country the school land now appointed in the sixteenth section most frequently contributes nothing in promoting the object of its appropriation.

These disadvantages are peculiarly felt in those counties of this State east of Pearl river, and those counties generally which are designated pine woods counties. In many of those the benefits manifestly intended by the sixteenth section system are utterly unavailable, and must ever remain so, unless your honorable bodies shall afford relief.

We would likewise represent that, by the late treaty with the Chickasaw tribe of Indians, the United States have stipulated to sell all the lands obtained from said tribe, and situated in this State, and to pay over the proceeds to the Indians. In this stipulation no reservation is made of the sixteenth section, notwithstanding the several laws of Congress heretofore passed on this subject have been generally relied on as warranting the expectation to the people of this State that the sixteenth section system would be extended throughout our Territory. To remedy these unmerited inequalities, and to promote the avowed object heretofore so favorably considered of by Congress, the legislature would suggest to your honorable bodies the justice and propriety of permitting the heads of families in the townships comprised within the limits of our counties to relinquish all claims to the sixteenth section, and be entitled in lieu thereof to enter in the name of such township another section from any lands subject to entry in the late Choctaw purchase, and that your honorable bodies would likewise provide that some suitable agent be appointed to enter from the like class of lands in the Choctaw or Chickasaw purchase a section for each township now surveyed in the Chickasaw territory where the reserve of the sixteenth section has not been made, which section shall belong to such township, for the same object of education as by the act of 1803 was appointed in reference to the sixteenth section.

Resolved by the legislature of the State of Mississippi, That our senators in Congress be instructed, and our representatives be requested, to use their best endeavors to procure the passage of a law to carry into effect the object of the foregoing memorial.

Resolved, That his excellency the governor be requested to transmit a copy of this memorial and resolution to our senators and representatives in Congress.

A. L. BINGAMAN, *Speaker of the House of Representatives.*
P. BRISCOE, *President of the Senate.*

Approved December 25, 1833.

H. G. RUNNELS.

23D CONGRESS.] No. 1166. [1ST SESSION.

APPLICATION OF MISSISSIPPI FOR A CHANGE OF THE LOCATION OF THE LAND OFFICE FROM CLINTON TO JACKSON, IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1834.

A MEMORIAL to Congress to remove the land office from Clinton to the town of Jackson, in Hinds county.

The memorial of the legislature of the State of Mississippi respectfully represents that the land office of the United States at the town of Clinton, in the county of Hinds, is situated ten miles west of the town of Jackson, the seat of government of the State of Mississippi. Therefore be it.

Resolved by the legislature of the State of Mississippi, That our senators in Congress be instructed, and our representatives requested, to use every exertion in their power to procure the location of said land office at the town of Jackson, in the county of Hinds, and that his excellency the governor be requested to transmit a copy of the foregoing resolution and memorial to our senators and representatives in the Congress of the United States.

A. L. BINGAMAN, *Speaker of the House of Representatives.*
P. BRISCOE, *President of the Senate.*

Approved December 25, 1833.

H. G. RUNNELS.

A true copy from the original on file in my office.

DAVID DICKSON, *Secretary of State.*

23D CONGRESS.] No. 1167. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 29, 1834.

Mr. CASEY, from the Committee on Private Land Claims, to whom was referred the petition of Job Bass, reported:

That the petitioner, as he sets forth, did, on the 2d day of November, 1831, purchase at the land office in the district north of Red river, in the State of Louisiana, lots of land Nos. 19, 20, and 21, in township No. 20, range No. 13 east, containing 488.60 acres, for which he paid the sum of $610 75; that immediately after the purchase he went to improving said land, and has made valuable improvements thereon; that, on application to the Commissioner of the General Land Office for a patent, he learned that the lots so purchased had been previously selected as school lands. He now prays the passage of a law authorizing the proper officer to select other school lands in lieu of said lots, and that a patent issue to him for said lots so purchased by him. The facts, as stated by the petitioner, being satisfactorily proved, and the case, in the opinion of the committee, requiring relief, they accordingly report a bill.

23D CONGRESS.] No. 1168. [1ST SESSION.

AMOUNT OF LANDS SOLD AND THE NET PROCEEDS THEREFOR; AMOUNT SURVEYED AND UNSOLD; AMOUNT GRANTED TO STATES AND TERRITORIES, AND FOR WHAT PURPOSES; AND AMOUNT GRANTED IN BOUNTIES AND DONATIONS AND FOR SCHOOLS.

COMMUNICATED TO THE SENATE JANUARY 30, 1834.

TREASURY DEPARTMENT, *January* 30, 1834.

SIR: In obedience to a resolution of the Senate of the 19th ultimo, directing the Secretary of the Treasury "to communicate to the Senate—

"1st. The whole amount of public lands belonging to the United States sold since they were ceded to the United States, exhibiting the net proceeds, and distinguishing between those which have been sold

within the limits of Louisiana, Florida, and other parts of the United States, respectively, and including the latest returns.

"2d. The whole amount of public lands which have been surveyed and exposed to sale in the several States and Territories, and showing the amount sold, and the amount remaining to be sold, according to the last returns.

"3d. The amount which has been actually patented in bounties to the army during the late war.

"4th. The amount granted to each of the several States and Territories, and for what purposes.

"5th. The amount set apart, or reserved for schools in the several States and Territories.

"6th. The amount granted in donations for the cultivation of the vine and olive, to La Fayette, and for other purposes"—

I have the honor to transmit herewith the report of the Commissioner of the General Land Office, to which officer the subjects of these resolutions were referred.

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

R. B. TANEY, *Secretary of the Treasury.*

Hon. MARTIN VAN BUREN, *Vice-President of the United States and President of the Senate.*

GENERAL LAND OFFICE *January* 28, 1834.

SIR: in obedience to a resolution of the Senate of the United States passed on the 19th ultimo in the words following to wit:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate—

"1st. The whole amount of public lands belonging to the United States sold since they were ceded to the United States, exhibiting the net proceeds, and distinguishing between those which have been sold within the limits of Louisiana, Florida, and other parts of the United States, respectively, and including the latest returns.

"2d. The whole amount of public lands which have been surveyed and exposed to sale in the several States and Territories, and showing the amount remaining to be sold according to the last returns.

"3d. The amount which have been actually patented in bounties to the army during the late war.

"4th. The amount granted to each of the several States and Territories, and for what purposes.

"5th. The amount set apart or reserved for schools in the several States and Territories.

"6th. The amount granted in donations for the cultivation of the vine and olive, to La Fayette, and for other purposes"—

And which you have referred to this office, I have the honor to submit the two accompanying documents, marked A and B, which afford the information desired.

The document A purports to contain the information required by the first, second, third, fourth, and fifth clauses, arranged in columns in the order called for by the resolution; that marked B purports to contain the information sought for by the sixth clause of the resolution; in reference to which, I have to remark that the lands originally set apart "for the cultivation of the vine and olive," comprising four townships situated in the State of Alabama, were not in the nature of a *donation*, as implied in the resolution. Those lands were originally required to be paid for at the minimum price of two dollars per acre by the act of March 3, 1817, on an extended term of payment. Subsequent acts, further extending the term of payment, have made those lands subject to the present minimum price of the public lands.

The period of the "latest returns" has been assumed to be September 30, 1833, that being the date to which the last quarterly returns have been rendered, corresponding with the period to which the latest official statements have been completed.

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

ELIJAH HAYWARD, *Commissioner.*

Hon. R. B. TANEY *Secretary of the Treasury.*

TABLE A.

States and Territories.	The whole amount of public lands belonging to the United States sold since they were ceded to the United States, to September 30, 1833.	Net proceeds, after deducting all charges for incidental expenses admitted in the adjustment of the accounts of the receivers of public moneys, to Sept. 30, 1833.	The whole amount of public lands which have been surveyed and exposed to sale, showing the am'nt remaining to be sold, Sept. 30, 1833.		The quantity of land which has been actually patented for services rendered during the late war.	The whole amount granted to each of the several States and Territories, and for what purposes.				The amount set apart or reserved for schools, being the 1-36th part of all the public lands ceded to the United States by estimate.
			Surveyed and exposed to sale.	Remaining unsold.		Colleges, academies, and universities.	Roads and canals.	Seats of government and public buildings.	Saline reservations.	
	Acres.	*Dollars.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio	9,592,137.51	17,570,759 12	14,654,381.68	5,062,244.17	.....	69,120	*830,137	.....	†23,680.00	684,743
Indiana	6,741,839.93	8,393,943 56	17,258,284.49	10,516,444.56	‡67,960	46,080	§580,800	2,560	23,040.00	626,868
Illinois	2,652,024.77	3,135,549 27	18,789,515.45	16,137,490.68	2,878,720	46,080	480,000	2,560	121,629.68	1,034,897
Missouri	2,353,719.90	3,269,126 27	18,346,734.98	15,993,015.08	468,960	46,080	.....	2,449	46,080.00	1,230,639
Mississippi	2,173,327.40	3,126,648 07	11,374,650.57	9,201,323.17	.....	46,080	.....	1,280	.....	834,364
Alabama	4,967,366.67	9,630,080 16	22,327,810.19	17,360,443.52	.....	46,560	400,000	1,620	23,040.00	889,030
Louisiana	484,190.88	734,725 86	6,450,942.05	5,966,751.17	.....	46,080	.....	.....	.....	873,973
Michigan peninsula	1,516,582.48	1,872,737 94	10,592,240.15	9,075,657.67	.....	46,080	.....	10,000	.....	543,893
Arkansas	105,009.16	100,342 90	9,953,041.39	9,848,032.23	1,037,120	46,080	.....	7,400	.....	950,258
Florida	442,238.17	564,658 19	5,487,658.38	5,045,420.21	.....	46,080	.....	1,120	.....	877,484
Total	31,028,436.87	48,398,571 34	135,235,259.33	104,206,822.46	4,452,760	484,320	2,290,937	28,989	237,469.68	8,546,149

* Of this quantity it is estimated that the canal grants will cover 749,600 acres, of which quantity only 224,108.29 acres have as yet been selected by the State.

† Amount of salt spring reservations authorized to be sold by the State, and the proceeds applied to literary purposes.

‡ Quantity of land granted to Canadian volunteers.

§ This amount includes 225,600 acres, situate in Ohio, granted to Indiana to aid in constructing the Wabash and Erie canal, viz: the alternate sections situate within the distance of five miles on each side of the canal, (along the Miami river,) estimating the distance from the western boundary of Ohio to Perrysburg. The selections not yet made.

GENERAL LAND OFFICE, *January* 28, 1833.

ELIJAH HAYWARD, *Commissioner.*

TABLE B.

	Acres.
Grant to the Ohio Company	100,000
Grant to A. H. Dohrman, for services rendered American prisoners during the revolutionary war	20,480
Grant to the French inhabitants of Galliopolis	25,200
Grant to the deaf and dumb asylum in Connecticut, a township in Alabama	23,040
Grant to the deaf and dumb asylum in Kentucky, a township in Florida	23,040
Grant to General Lafayette, a township in Florida	23,028
Lands appropriated for religious purposes in the purchases made by John Cleves Symmes and the Ohio Company	43,525
Total	258,313

ELIJAH HAYWARD, *Commissioner.*

GENERAL LAND OFFICE, *January* 28, 1834.

23D CONGRESS.] No. 1169. [1ST SESSION.

ON CLAIM FOR BOUNTY LAND BY THE REPRESENTATIVES OF A DECEASED SOLDIER OF THE WAR OF 1812-'15.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 31, 1834.

Mr. C. JOHNSON, from the Committee on Private Land Claims, to whom was referred a resolution of the House instructing them "to inquire into the expediency of paying Leonard Holly, a soldier of the late war, the bounty in land and money, and any other sum that may be due for his services," reported:

That the facts applicable to this case are, that Leonard Holly enlisted as a soldier for five years, on June 22, 1812, in the 10th regiment of United States infantry, and was continued on the rolls of his regiment until April, 1815, after which no further notice of him was taken upon the muster or pay rolls. From this statement, it satisfactorily appears that Leonard Holly served in the army of the United States during the whole of the late war, and that he would be entitled to his military bounty land, and any pay which might be due to him, were he alive, unless he had deserted, or been deprived of any part of his right by the sentence of a court-martial, of which no evidence exists; but as it appears that he has never been heard of, either by his family or by any person, since April, 1815, the presumption obviously arises that he is dead. The committee, therefore, report a bill for the relief of his legal representatives, the War Department not considering itself authorized to settle with them unless it be furnished with positive proof of the death of the individual through whom they derive their claim.

23D CONGRESS.] No 1170. [1ST SESSION.

ON CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 31, 1834.

Mr. CAGE, from the Committee on Private Land Claims, to whom was referred the resolution, with the accompanying documents, in the case of David Kincaid, reported:

That by a reference to the accompanying documents it appears that David Kincaid did produce to the board of commissioners for confirmation a special permission to settle a concession from Charles Dehault Delassus, lieutenant governor, &c., dated January 14, 1803, for five hundred arpents of land, situate on the forks of the river Chorette, district of St. Charles, and certified to have been surveyed on the 27th of February, 1806. It appears by the testimony taken before the commissioners on the 2d day of April, 1806, that the claimant purchased the right of settlement and concession from one Francis Wood, who had then a cabin on the same; that the claimant did, in the year 1803, proceed to build a house upon the same; that he had then a family, consisting of himself, his wife, and eight children; and that early in the spring of 1804 he moved on said land, and actually inhabited and cultivated it up to the time of testifying. It appears from the opinion of the board of commissioners, given on the 20th November, 1809, that this claim was rejected, and upon the grounds, as the committee suppose, of want of more strict proof of habitation and cultivation under the provisions of the act of the 2d March, 1805. It appears from a document accompanying the resolution from the office of the recorder of land titles at St. Louis, dated December 16, 1817, that a subsequent board of commissioners have recognized the

legality of this claim, but that it was omitted to be placed upon the list of granted settlement rights for the county of St. Charles, and the recorder so states in an application to the United States surveyor for Illinois and Missouri in an application to be permitted then to enter it upon the list of granted settlement rights. The recorder's report upon these settlement claims is dated July 2, 1816, and is confirmed by the act of 29th April, 1816, periods anterior to that at which this claim was discovered to be omitted and sought to be placed upon the list of settlement grants. The committee are of opinion that the claimant is within the equity of the statute of the 2d of March, 1805, and if that were doubted the subsequent proceedings in relation to his claim entitled him to relief, and they therefore report a bill.

23D CONGRESS.] No. 1171. [1ST SESSION.

ON CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 31, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of Robert Abbott for himself, and in behalf of the other heirs of James Abbott, deceased, for 640 acres of land, reported:

That the petitioner states that about the year 1796 James Abbott, now deceased, was in possession of a certain tract of land situated on the border of the river Detroit, and that Abbott made many improvements thereon in buildings, fencing, setting out an orchard, &c. It appears from the transcript record of the Detroit land office that the claim of Robert Abbot for himself and the other heirs of James Abbott, deceased, was filed in said office as early as the year 1805, and that it was finally acted upon by the board of land commissioners, acting under the provision of the law of the 11th of May, 1820, which provision is as follows:

"And the said commissioners shall also have power to examine and decide according to the laws respecting the same claims which have been filed with the register of the land office, and not heretofore acted on."

It further appears from the decision of the commissioners that they deemed the claim equitable and just, but that they were prevented from confirming it from the circumstance of the land, or at least the greater part of it, having been already sold. The petitioners now ask for a grant of land containing 640 acres, being the amount they would have been entitled to had not the land embraced by the claim been sold. The committee are of opinion that the petitioners are entitled to relief, and for that purpose report a bill.

23D CONGRESS.] No. 1172. [1ST SESSION.

LAND CLAIMS IN THE SOUTHEASTERN LAND DISTRICT OF LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 31, 1834.

TREASURY DEPARTMENT, *January* 29, 1834.

SIR: I have the honor herewith to transmit the original report of the register and receiver of the land office at New Orleans, made pursuant to the act of Congress approved July 4, 1832, entitled "An act for the final adjustment of the claims to lands in the southeastern land district of the State of Louisiana."

The second section of the act directs that "the register and receiver shall, at or before the beginning of the next session of Congress thereafter, make to the Secretary of the Treasury a report of the claims which may have been preferred before them, *together with the testimony*, their opinion of the validity of the claims, and such other information respecting them as may be in their possession; which report shall, by the Secretary of the Treasury, be laid before Congress as soon as practicable, with his opinion touching the validity of the respective claims."

The evidence in support of the several claims not having been forwarded to the department *as required* by the act, I have not therefore the testimony which would enable me to form an opinion of the validity of the respective claims; moreover, it would require more time to examine them with proper care

than could be given to the subject consistently with the other duties of this department during the present session of Congress.

Under these circumstances, as delay may be injurious to the interests of the public as well as the individuals, I have deemed it my duty to communicate to Congress the report of the register and receiver, and to submit to their judgment whether, upon the facts stated in the report, further legislation is now necessary.

I have the honor also to transmit the remarks of the Commissioner of the General Land Office on several of the claims mentioned in the report of the register and receiver.

All which is respectfully submitted.

R. B. TANEY, *Secretary of the Treasury.*

The SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *January* 9, 1834.

SIR: I have the honor to return herewith the reports of the register and receiver of the land office at New Orleans on private land claims, filed with them for examination under the provisions of the act of Congress approved on the 4th of July, 1832, entitled "An act for the final adjustment of the claims to lands in the southeastern land district of the State of Louisiana," which you referred to this office on the 30th ultimo for examination; and having given to the subject all the attention which the other pressing demands upon my time would admit of, I beg leave to submit the following as the results of such examination, premising, however, that no objection is made, upon any account, to the claims included in that report which are not specially designated in the under mentioned remarks, as they are considered entitled to confirmation under the provisions of the existing laws, and the principles heretofore acted upon in relation to such claims.

Class A is described as "including claims founded upon grants or concessions made and completed in due form by the French or Spanish governments."

Claims Nos. 3, 10, 25, 32, and 38, having no specific depth in arpents mentioned, nor any extent in superfices, has rendered it impracticable for me to ascertain the quantity or the depth in each case, which would be granted by the unqualified confirmation of them by Congress.

Claim No. 45, for 2,669 arpents, is stated to be founded on a *complete grant* made by the Spanish government on the *9th of August*, 1802. The power of the former authorities in Louisianna to make *complete* titles or grants has ever been considered by the United States as having ceased on the 1st of October, 1800, and no complete grant dated subsequent to that time has been recognized by the United States in consequence of such title alone; and from the report itself, it appears that a former board of commissioners *refused* to confirm this claim upon that ground. The land officers now include it in their report upon complete grants, because they consider it as duly confirmed by the first section of the act of the 12th of April, 1814.—(Land Laws, page 651.) But by reference to that section of the law it will be seen that it embraces *incomplete* titles alone, and has no bearing whatever upon the claim in question.

Claim No. 46, of Sosthene Roman, is for about 2,100 arpents, as being all the land embraced in the extension of the lateral lines of a tract owned by him, of eight arpents front, "from the extremity of the first forty arpents, or ordinary depth thereof, back to the Bayou Chevreuil, the first water-course in the rear." The land officers state that they know not of any French or Spanish law or regulation applicable to such cases, and that nearly all the French or Spanish concessions that they have seen are particular in designating and specifying the *depth granted.* I know of no regulation upon the subject; but as it is believed that this mode of granting lands is a departure from the general principles respecting grants of second or back concessions, which were almost uniformly confined by these governments, as they now are by the United States, to an additional depth of *forty* arpents, or such other number as would with the *front* tract make an entire depth of eighty arpents, I think that the words of the grant, under which this extra depth is claimed, might with as much propriety be construed to mean all the depth within the usual limits of forty arpents additional as could be found vacant and unappropriated, as to suppose that they were intended to grant all the land between the front tract and the first water-course in the rear of it, wherever it could be found. Under these circumstances, and not knowing how far the unlimited confirmation of this claim might be considered as recognizing the principle that grants with undefined lines are to be recognized in accordance with the views of the claimants, and thus establish a precedent not to be resisted in other cases, I would respectfully suggest the expediency of assigning in the confirmation some definite depth to the claim, not exceeding eighty arpents, which is believed to be the greatest depth ever granted as an additional concession to the front tract.

The class B includes "claims founded upon *incomplete titles*, such as orders or warrants of survey, authentic surveys," &c., &c.

In cases No. 26, 28, and 29, the quantity claimed in each case is not stated, nor does the report enable me to ascertain it.

Claim No. 19 is for a tract of land more than fifteen miles long, with a width of less than one-ninth of a mile.

Claim No. 23 is for two tracts of land, one more than fifteen miles, and the other of rather more than three miles in length, with a depth in each case of fifty-eight and one-third chains, or nearly three-fourths of a mile, making the claim embrace about 10,080 superficial arpents.

No. 47 is for a tract nearly eleven miles long, with a width of less than one-ninth of a mile.

Heretofore no claim, whether founded on a complete or incomplete title, has been confirmed to more than a *league* square, or 7,056 arpents; but in one at least of the above cases this quantity is greatly exceeded, although the act of Congress under which this report is made expressly provides "that no claim shall be therein recommended for confirmation for more than the quantity contained in a league square."

The usual practice of the French and Spanish governments in granting lands was, so far as it is known to this office, to give a narrow front on a water-course in proportion to the depth of the tract; very rarely, indeed, giving a front equal to the side lines in length. By reference, however, to some of

these cases, it will be seen that there has been a very wide departure from this general principle; and I should think that the genuineness of the papers under which these lands are claimed, as well as the boundaries of the claims, should be strictly scrutinized and satisfactorily established before they are confirmed to the extent claimed.

Class C includes "claims founded upon possession and cultivation for at least ten consecutive years prior to the 20th day of December, 1803." Claims of this description being recognized by the 2d section of the act of March 3, 1807, (Land Laws, p. 548,) to the extent contained in the ascertained and acknowledged boundaries of the tract claimed, provided it does not exceed *two thousand acres.*

The first claim in this report, the unqualified confirmation of which cannot be recommended, is that designated as No. 6, being for a front of more than four miles and a half by a depth of less than one-fourth of a mile. The remarks previously made in relation to claims having such extensive fronts in comparison to their depths apply with additional force to this claim, in which the limits claimed are not pretended to have been assigned by any former government, it being generally the practice of this government to make the settlement claim embrace as compact a body of land as practicable, with the improvements in the centre of the tract surveyed, whenever the circumstances will admit of it.

Claims Nos. 40, 176, 177, 178, 179, and 191, do not specify the depth of each claim, or its superficial contents, and I have no means of ascertaining either of these points.

With respect to the claims Nos. 84 and 85 I have to remark that the fact of consecutive possession of ten years prior to December 20, 1803, *is not stated* in either case, although, in the other cases in this class, the land officers have so worded their statement of facts as to establish that point in each case.

Claim No. 86 is for 3,300 arpents, and No. 186 is for 2,400 arpents, and therefore each case calls for a greater quantity of land than is allowed by the previous laws respecting this description of claim.

No. 251 is a claim set up by the police jury of Point Coupée, in behalf of the inhabitants of that parish, to a tract of 920 arpents, in consequence of their having erected a levee on it, after it was abandoned by the pretended owners many years ago.

There is no law authorizing the insertion of a claim of this character in the report, inasmuch as it is not founded upon any grant or foreign title, nor is it based upon inhabitation and cultivation by the present claimants or any other persons.

So far as is known to this office, no claim of this description has ever been recognized, and I am decidedly of opinion that it ought not to be confirmed. The fact that the inhabitants of this parish found it necessary or expedient to make a levee on the land in question, for their general benefit, does not, in my opinion, give them any stronger claim to the land above mentioned than the other counties and parishes in the different States would have to such vacant lands in their limits as they might see proper to use or improve in any manner for their common benefit. Another important objection arises from the fact that the confirmation of this tract would be justly considered as authorizing all the other parishes in Louisiana, in which the inhabitants have made levees in front of the public lands binding on the rivers and bayous, to claim the same in consequence of their having made such levees, and thus most probably strip the government of every foot of public land upon such bayous and water-courses. The number of claims in which this case, if now confirmed, would be hereafter referred to as a precedent, cannot be known to this office, nor can the injurious effects which its confirmation would have upon the future interests of the government be now estimated.

Class D includes the claims described in the 4th section of the act of July 4, 1832, under which this report is made. If the claims in this class are confirmed, and I perceive no objection to them, provision must be made for refunding to the purchasers of those lands the amounts heretofore paid by them to the United States.

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

ELIJAH HAYWARD.

Hon. R. B. TANEY, *Secretary of the Treasury.*

P. S.—The public interest requiring that the *originals* of all the reports upon private land claims should be in possession of this office for future action thereon, I would respectfully request that in case this original should be submitted to Congress provisions should be made for its return to this office.

Reports of the register of the land office and receiver of public moneys in and for the southeastern district of the State of Louisiana, on the claims to land filed in the register's office, in pursuance of an act of Congress approved on the 4th day of July, 1832, *and entitled "An act for the final adjustment of the claims to lands in the southeastern land district of the State of Louisiana."*

It was thought advisable, for the sake of greater order and convenience, to divide the following reports into four distinct and separate classes, as follows, to wit:

Class A, including claims founded upon *grants or concessions* made and completed in due form by the French or Spanish governments.

Class B, including claims founded upon *incomplete titles,* such as orders or warrants of survey, authentic surveys, &c., &c.

Class C, including claims founded upon *possession and cultivation* for at least ten consecutive years prior to the 20th day of December, 1803, &c.

Class D, including the claims embraced within the provisions of the *fourth section* of the above mentioned act of July 4, 1832, &c.

CLASS A.

Including claims founded upon complete French and Spanish grants, or patented concessions.

No. 1.—E. B. Dufouchar De Gruy claims a tract of land situate in the parish of Plaquemines, on the west or right bank of the river Mississippi, and about thirty miles below the city of New Orleans, containing ten arpents and four feet front by the ordinary depth of forty arpents, bounded above by land of Bonaventure Bailly, and below by other land of the claimant.

The said tract of land originally formed part of a larger tract, regularly granted by the French government to Charles Carel, on the 25th day of February, 1765, and is now held by claimant in virtue of regular conveyances under said grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 2.—Jeanne Livet, widow of Joseph Guenard, claims a tract of land situate in the parish of Plaquemines, on the east or left bank of the river Mississippi, and about twenty-six miles below the city of New Orleans, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land originally granted to Jacques Livet.

The said tract of land originally formed part of a larger tract, regularly granted by the French government to François Livet, the ancestor of claimant, on the 19th day of February, 1765, under which said grantee claimant holds by virtue of inheritance. We are therefore of opinion that this claim ought to be confirmed.

No. 3.—Simon Cucullu, senior, claims a tract of land situate in the parish of St. Bernard, about eight miles below the city of New Orleans, and being a second or additional depth, extending to the lake and lying immediately back of the first and ordinary depth of six arpents front on the river Mississippi, bounded above by land belonging to the heirs of James Villeré, and below by other lands of claimant.

The said tract of land was formerly claimed before the late board of commissioners by Charles Jumonville de Villiers, but was by the said board rejected for want of proper evidence of title; but the present claimant has since discovered, and now produces, à complete grant for said land made by the French government in favor of Robert Gautier de Montreuil, on the 14th day of June, 1767. We are therefore of opinion that the said claim ought to be confirmed.

No. 4.—Achille and Laurent Sigur claim a tract of land situate in the parish of Iberville, on the west bank of the river Mississippi, and containing twenty-seven arpents front, whereof thirteen arpents have a depth of eighty arpents, and the balance a depth of forty arpents, bounded above by land of Mrs. Baptiste Bergeron, and below by land of W. and J. Montgomery.

The said tract of land is made up and composed of five smaller tracts, originally granted by the Spanish government in due form to the following named persons, viz: 1st, to Anselmo Blanchard, on the 13th day of October, 1797; 2d, to Antonio Blanchard, on the 23d day of January, 1798; 3d, to Anselmo Blanchard, on the 3d of January, 1799; 4th, to Olivier Benoist, on the 5th of July, 1774; and 5th, to Remigio Bodro, on the 5th day of July, 1774; under all of whom claimants hold by virtue of regular conveyances. We are therefore of opinion that this claim ought to be confirmed.

No. 5.—Pierre Latour claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-seven miles below the city of New Orleans, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Bailly, and below by land of Bonaventure Bailly.

Four arpents front of the said land were granted, in due form, (with a large quantity,) by the French government to Mathieu Santine, on the 19th day of February, 1766; and the balance is claimed in virtue of a regular order of survey issued by Governor Miro in favor of Pedro Barrois, on the 4th of July, 1791, and of continued and uninterrupted habitation and cultivation ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 6.—Joachim Bermudez claims a tract of land situate at a place called "*Gentilly*," or "*Chantilly*," in the vicinity of New Orleans, and composed of two tracts, *one* of which contains six arpents front on the *Gentilly high road*, by twenty arpents in depth, between parallel lines, and the *other* fronting on the Bayou St. John, and forming a trapezium, according to a plat of survey produced by claimant, contains one hundred and twenty-one and three-fourths superficial arpents, bounded on one side by land of Alexander Milne, and on the other by land of Messrs. Howe and Martin.

The said tract of land was regularly granted by the Spanish government to M. Maxent, on the 9th day of October, 1772, under which grantee claimant holds by virtue of regular intermediate conveyances. We are therefore of opinion that this claim ought to be confirmed.

No. 7.—François Philippon and Jean Antoine Philippon claim a tract of land situate in the parish of St. Bernard, on the east bank of the river Mississippi, and about ten miles below the city of New Orleans, containing twenty-one arpents front by an irregular depth extending to Lake Borgne, and bounded by land of M. Guichard, and below by land of widow Beauregard.

The said tract of land is made up of several tracts, all of which are derived from the following original grants, made and completed in due form, to wit: 1st, one made by the French government to François Galary, dit Chamilly, on the 27th of September, 1723; 2d, one, also by the French government, to J. Bte. Leonard on the 3d of January, 1724; 3d, one, also made by the French government, to Sr. Marquis on the 28th of January, 1763; 4th, one by the same government to Jacob Corbin Bachemin on the 23d of March, 1765; 5th, one made by the Spanish government to Don Henrique Despres on the 22d of September, 1773; and 6th, another by the Spanish government to Made. Maria Le Compte, on the 3d of November, 1784; under all of which grantees the said claimants hold by virtue of regular conveyances. We are therefore of opinion that this claim ought to be confirmed.

No. 8.—John Castelin, a free man of color, claims a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about twenty-four miles below the city of New Orleans, containing four arpents front by the ordinary depth of forty arpents, and bounded above and below by lands of Évariste Blanc.

The said tract of land originally formed the lower moiety of a tract of eight arpents front, granted by the French government, in due form, to George Livet on the 10th day of February, 1765, and regularly surveyed in his favor on the 9th day of December, 1774. We are therefore of opinion that this claim ought to be confirmed.

No. 9.—Louis Souland claims a tract of land situate in the parish of Plaquemines, on the west bank

of the river Mississippi, and about thirty miles below the city of New Orleans, containing seven arpents front by the usual depth of forty arpents, and bounded above by land of Mrs. Laurent Guenard, and below by land of Noel Frederick.

The said tract of land originally constituted part of a larger tract of twenty arpents front, regularly granted by the French government to Simon Calpha, a free mulatto, on the 2d day of October, 1767; under which said grantee claimant now holds by virtue of conveyances in due form. We are therefore of opinion that this claim ought to be confirmed.

No. 10.—Pierre Gervais Arnoult claims a tract of land situate in the parish of Jefferson, on the east bank of the river Mississippi, and about nine miles above the city of New Orleans, containing six arpents front by a depth extending to Lake Pontchartrain, and bounded above by land of the widow La Barre, and below by land of Mr. Daquin.

The said tract of land is claimed in virtue of a regular grant made thereof by Governor De Bienville to Joseph Chauvin Delery on the 22d day of October, 1723, from which latter it has descended to claimant by a series of conveyances in due form. We are therefore of opinion that this claim ought to be confirmed.

No. 11.—Antoine Chevalier Doriocourt claims a tract of land situate at a place called "Gentilly," about six miles from the city of New Orleans, containing fifteen arpents front on each side of the Bayou Gentilly, by a depth of twenty arpents, also on each side of said bayou, bounded on one side by the lands of the heirs of Leufroy Dreux and on the other side by those of the heirs of Mr. Bertonniere.

The said tract of land is part of an extensive tract of one hundred and seventy-three and a half arpents front, originally granted by the French government to Matthurin Dreux, on the 8th day of March, 1763; it is now claimed in virtue of said grant and of regular intermediate conveyances under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 12.—Marie Joseph Carel, widow of Ventura Bailly, claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, about twenty-seven miles below the city of New Orleans, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of Dufouchar De Gruy and below by land of Pierre Latour.

The said tract of land is part of a larger tract of ten arpents front, originally granted by the French government to Mathieu Santine, on the 19th day of February, 1766; it is now claimed in virtue of said grant and of regular conveyances under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 13.—Bonaventure Bailly claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about thirty miles below the city of New Orleans, containing eight arpents front by the ordinary depth of forty arpents, and bounded above by land of Pierre Latour and below by land of Dufouchar Du Gruy.

Five arpents front of the said land originally constituted part of a larger tract, regularly granted by the French government to Charles Carel, on the 25th day of February, 1765; and the remaining *three arpents* front are claimed in virtue of an order of survey issued by the Baron de Carondelet in favor of Carlos Barrois, on the 19th day of December, 1796, and of continued possession and cultivation ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 14.—The widow and heirs of Laurent Guénard claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-seven miles below the city of New Orleans, containing five arpents and seven toises front by the ordinary depth of forty arpents, and bounded above by land of Jean Barroi and below by land of Louis Souland.

The said tract of land originally formed part of a larger tract regularly granted by the French government to Simon Calpha, a free mulatto, on the 2d day of October, 1767; it is now claimed in virtue of said grant and of a series of conveyances, in due form, under said grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 15.—Louis Menier claims a tract of land situate in the parish of Iberville, on the east bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded on the upper side by land of Adrien Devé and on the lower by land of Mad. Pierre Lope.

The said tract of land forms part of a larger tract of six arpents five toises and one foot front, originally granted by the Spanish government to Anselmo Belile, on the 5th day of February, 1775, in whose favor it had previously been regularly surveyed, on the 5th day of March, 1772. We are therefore of opinion that this claim ought to be confirmed.

No. 16.—Jean Estevan claims a tract of land situate in the parish of Iberville, on the east bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Mrs. Pierre Lope and below by land of Mad. Thomas Estevan.

The said tract of land forms part of the tract originally granted to Anselmo Belile, and mentioned in the foregoing report on the claim of Louis Menier, No. 15, to which we refer. We are therefore of opinion that this claim ought to be confirmed.

No. 17.—The widow of Pierre Lope claims a tract of land situate in the parish of Iberville, on the east bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Louis Menier and below by land of Mrs. Thomas Estevan.

The said tract of land constitutes part of the tract originally granted by the Spanish government to Anselmo Belile, and mentioned in our report on the claim of Louis Menier, No. 15, to which we refer. We are therefore of opinion that this claim ought to be confirmed.

No. 18.—Adrien Devé claims a tract of land situate in the parish of Iberville, on the east bank of the river Mississippi, containing one arpent two toises three feet and six inches front, by the ordinary depth of forty arpents, and bounded above by land of Victor Chevalier and below by land of L. Menier.

The said tract of land forms part of the tract originally granted by the Spanish government to Anselmo Belile, and mentioned in our report on the claim of Louis Menier, No. 15, to which we refer. We are therefore of opinion that this claim ought to be confirmed.

No. 19.—Victor Chevalier claims a tract of land situate in the parish of Iberville, on the east bank of the river Mississippi, containing one arpent two toises three feet and six inches front, by the ordinary depth of forty arpents, and bounded above by land of Arthemise and Marie Cassagnol, free persons of color, and below by land of Adrien Devé.

The said tract of land forms part of the tract originally granted to Anselmo Belile, and mentioned in our report on the claim of Louis Menier, No. 15, to which we refer. We are, therefore, of opinion that this claim ought to be confirmed.

No. 20.—Arthemise Cassagnol and Marie Cassagnol claim a tract of land situate in the parish of Iberville, on the east bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Jean Estevan and below by land of Victor Chevalier.

The said tract of land forms part of the tract originally granted by the Spanish government to Anselmo Belile, and mentioned in our report on the claim of Louis Menier, No. 15, to which we refer. We are therefore of opinion that this claim ought to be confirmed.

No. 21.—E. B. Dufouchar De Gruy claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-seven miles below the city of New Orleans, containing eleven arpents front by the ordinary depth of forty arpents, and bounded above by land of Noel Frederick and below by land of the widow Bailly.

Six arpents front of the said land are claimed in virtue of a complete grant made thereof by the French government, to a free negro named Charles, on the 2d day of October, 1767; and the balance is claimed, also, in virtue of a complete grant made thereof, with a larger quantity, by the French government, to Simon Calpha, a free mulatto, on the said 2d day of October, 1767, under which said grantees claimant holds, by virtue of regular conveyances. We are therefore of opinion that this claim ought to be confirmed.

No. 22.—Marcos Coulon de Villiers claims a tract of land situate in the parish of Iberville, and district of Galveztown, containing five hundred and forty superficial arpents, fronting on the west bank of the river Amite, and bounded on one side by land formerly belonging to Philip Stap, and on the other by land of John Crouse.

The said tract of land was purchased by claimant from Juan Anica, *alias* Janica, on the 27th day of January, 1795; which latter obtained the same from the Spanish government by virtue of a complete grant, bearing date the 3d of October, 1794. We are therefore of opinion that this claim ought to be confirmed.

No. 23.—Marguerite Nivet, widow of Jean Barrois, claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi and about twenty-seven miles below the city of New Orleans, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of Zenon Nivet and below by land of the widow Laurent Guénard.

The said tract of land is the moiety of a larger tract of six arpents front, originally granted by the French government, in due form, to one *Jean Baptiste*, a free mulatto, on the 2d day of October, 1767; under which said grantee claimant now holds, in virtue of regular conveyances. We are therefore of opinion that this claim ought to be confirmed.

No. 24.—Zenon Nivet claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-seven miles below the city of New Orleans, containing one arpent fifteen toises eleven feet and three inches front by the ordinary depth of forty arpents, and bounded above by land of the heirs of Barrois and below by land of Marguerite Nivet, widow of Jean Barrois.

The said tract of land forms part of a larger tract of six arpents front, originally granted by the French government, in due form, to one *Jean Baptiste*, a free mulatto, on the 2d day of October, 1767; under which grantee claimant now holds, in virtue of regular successive sales. We are therefore of opinion that this claim ought to be confirmed.

No. 25.—Magloire Guichard claims a tract of land situate in the parish of St. Bernard, on the east bank of the river Mississippi, and about nine miles below the city of New Orleans, containing twelve arpents front, by the ordinary depth of forty arpents, with the exception of the upper two arpents front, which have a depth to the lake; bounded above by lands of Celestin La Chiapella, and below by lands of F. & J. A. Philippon.

The said tract of land (with the exception of the extension of depth to the lake, of a part thereof, as above mentioned) is claimed in virtue of a complete grant made thereof, with a larger quantity, by the French government, to Jacob Corbin Bachemin, on the 23d day of March, 1765; and the said extension of depth to the lake is claimed, also, in virtue of a complete grant made by the French government to Jousset de Laloir, on the 2d day of January, 1767; under both of which grantees claimant holds, by virtue of regular successive sales. We are therefore of opinion that this claim ought to be confirmed.

No. 26.—Etienne Grandpré claims a tract of land situate in the parish of West Baton Rouge, and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, at the extremity of which the land widens so as to form a front of eight arpents, which last has a depth, also, of forty arpents, making in all an irregular depth of *eighty arpents;* bounded above by land of Pierre Lafiton, and below by land of ———.

The said tract of land is part of a larger tract of twenty-four arpents front, by eighty arpents in depth, regularly surveyed in the year 1798, by Don Carlos Trudeau, surveyor general of the late province of Louisiana, in favor of Joseph Barques Vahamonde; to which latter a complete grant thereof was made, by Governor J. Ventura Morales, on the 9th day of November, 1802. The portion now claimed is held under the said grantee, by virtue of regular successive sales. We are therefore of opinion that this claim ought to be confirmed.

No. 27.—Pierre Lafiton claims a tract of land situate in the parish of West Baton Rouge, and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of Dr. A. J. Doussan and below by land of Etienne Grandpré.

The said tract of land forms part of the tract granted by the Spanish government to Joseph Barques Vahamonde, and mentioned in the next preceding report on the claim of Etienne Grandpré, (No. 26,) to which we refer. We are therefore of opinion that this claim ought to be confirmed.

No. 28.—Antoine Joseph Doussan claims a tract of land situate in the parish of West Baton Rouge, and on the west bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of O. Bernard and below by land of Pierre Lafiton.

The said tract of land forms part of the tract granted by the Spanish government to Joseph Barques Vahamonde, and mentioned in our report on the claim of Etienne Grandpré, (No. 26,) to which we refer. We are therefore of opinion that this claim ought to be confirmed.

No. 29.—The heirs of François Martin claim a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about thirty-nine miles below the city of New Orleans, containing twenty arpents front by the ordinary depth of forty arpents, and bounded above by land of Pedro Cosset and below by land of Jean Denesse.

The said tract of land is claimed in virtue of a regular and complete grant made thereof, by the

French government, to François Martin, (grandfather of the claimants,) on the 7th day of September, 1764. We are therefore of opinion that this claim ought to be confirmed.

No. 30.—John Esteven claims a tract of land situate in the parish of Iberville, and on the east bank of the river Mississippi, containing six arpents five toises three feet and six inches front by the ordinary depth of forty arpents, and bounded above by land of François Siguineau and below by land of François Cassagnol.

The said tract of land was granted in due form, by the Spanish government, to Pedro Le Blanc, on the 5th day of February, 1775; it is now claimed in virtue of said grant, and of regular successive conveyances under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 31.—William W. Montgomery and Jonathan Montgomery claim a tract of land situate in the parish of Iberville, and on the west bank of the river Mississippi, containing twenty-three and one-half arpents front by a depth of eighty arpents, and bounded above by land of Laurent and Achille Sigur and below by other land of claimants, whereof the title has been duly confirmed.

The said tract of land is part of a larger tract, formerly the property of Don Anselmo Blanchard, to whom the same was granted by the Spanish government, in due form, by two different concessions, bearing date, *the first*, the 15th day of October, 1797; *and the other*, the 3d day of January, 1799; it is now claimed in virtue of said grants, and of regular conveyances under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 32.—Widow François Pascalis Labarre, claims a tract of land situate in the parish of Jefferson, on the east bank of the river Mississippi, and about nine miles above the city of New Orleans, containing twenty arpents front by a depth extending back to Lake Pontchartrain, and bounded above by the lands of Norbert Fortier, senior, and below by those of Gervais Arnoult.

It appears that the said tract of land, together with a larger quantity, was anciently the property of M. Lebretton, who obtained from the French government, on the 6th day of October, 1767, a complete grant, by which an extension of depth beyond the first depth of forty arpents was accorded to him as far as Lake Pontchartrain; in which said grant his title to the said first depth is formally recognized. The land, as above described, is now claimed in virtue of said grant, and of continued and uninterrupted possession and cultivation since the date thereof. We are therefore of opinion that this claim ought to be confirmed.

No. 33.—Alexander Milne claims a tract of land situate in the county of Orleans, and on the south side of Lake Pontchartrain, containing forty arpents front on said lake by a depth of eight arpents; beginning at the bayou Cochon, and running eastwardly to the stock farm ("vacherie") of Mr. Duplantier.

The said tract of land was regularly granted by the French government to M. Aubert, on the 19th day of November, 1765; under which grantee claimant holds, in virtue of regular successive sales. We are therefore of opinion that this claim ought to be confirmed.

No. 34.—Joseph Blanchard claims a tract of land situate in the parish of Iberville, and on the east bank of the river Mississippi, containing three arpents fifteen toises and fifteen feet front by the ordinary depth of forty arpents, and bounded above by land of Paul Richard and below by other land belonging to claimant.

The said tract of land is part of a tract of seven arpents and five toises front, originally granted by the Spanish government, in due form, to Juan Hiacinto Landry, on the 3d day of January, 1776. It is now claimed in virtue of said grant, and of regular conveyances under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 35.—Anne Robinet, widow of Thomas D'Aquin, claims a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about thirty-three miles below the city of New Orleans, containing forty-three arpents front by the ordinary depth of forty arpents, and bounded above by land of John Joseph Coiron and below by land of Mrs. Zelime Coiron.

The said tract of land is composed of two tracts, to wit: one, of about thirty arpents front, regularly granted by the French government to Jousset Laloir, on the 4th day of April, 1763; and the other of twelve arpents front, originally granted by the Spanish government to Henry Saussier, on the 25th day of November, 1775; under which said grantees claimant now holds, by virtue of regular successive sales. We are therefore of opinion that this claim ought to be confirmed.

No. 36.—Noel Frédéric claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about thirty miles below the city of New Orleans, containing three arpents four feet and nine inches front by the ordinary depth of forty arpents, and bounded above by land of Louis Souland and below by land of Jean Nivet.

The said tract of land originally formed part of a larger tract, granted by the French government, in due form, to Simon Calpha, a free mulatto, on the 2d day of October, 1767. It is now claimed in virtue of said grant, and of regular successive conveyances under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 37.—Jacques Courtault claims a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about thirty-nine miles below the city of New Orleans, containing seven arpents and twelve toises front by the ordinary depth of forty arpents, and bounded above by land of Jean Marie Cornen and below by land of Genevieve Vinet, widow of Francisco Vinet.

The said tract of land originally formed part of a tract of twenty arpents front, regularly granted by the French government to Louise Buisson, on the 24th day of July, 1766; under which grantee claimant now holds, in virtue of regular successive sales. We are therefore of opinion that this claim ought to be confirmed.

No. 38.—William Gormley, Jacques Encalada, and others, claim a certain tract of land, or island, situate in the parish of Jefferson, and district of Barataria, called the "*Island of Chetimachas*," but more generally known by the name of "*Cheniere Caminada*," containing about one hundred and twenty-six arpents front, on the bay of Caminada, with the whole depth, according to the original grant, to the "*Bayou of the West*."

The said island was granted by the French government, in due and complete form, to Monsieur Du Roullin, on the 6th day of August, 1763, from whom it descended, through a series of regular conveyances, to Alexander Harang; under which latter claimants now hold, also in virtue of regular conveyances. We are therefore of opinion that this claim ought to be confirmed.

No. 39.—David Urquhart claims a tract of land situate at a place called "*Gentilly*," in the vicinity of the city of New Orleans, containing twelve arpents front on each side of the *Bayou Gentilly*, by a depth

of twenty arpents, also on each side of said bayou; bounded on one side by the lands of Guy Dreux and on the other side by those of François Delery Desilets.

The said tract of land is part of an extensive tract of one hundred and seventy-three and a half arpents front, originally granted by the French government to Mathurin Dreux, on the 8th day of March, 1763. It is now claimed in virtue of said grant and of regular successive conveyances under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 40.—Jean Baptiste Genois claims a lot or parcel of ground situate in the parish of New Orleans, and on the west bank of the Bayou St. John, near Lake Pontchartrain, containing one hundred and twenty feet front on the said bayou by a depth of three arpents; bounded on one side by other land belonging to claimant and on the other side by land of the widow Césaire.

The said lot is part of a tract of land originally granted by the Spanish government, in due form, to *Blaise*, alias *Bellegar*, on the 20th day of April, 1771, and is now claimed in virtue of said grant and of regular conveyances under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 41.—Julie Sharp, wife of William Maddox, claims a tract of land situate in the parish of Iberville, and on the east bank of the river Mississippi, containing six arpents and eleven toises front, by the ordinary depth of forty arpents, and bounded above by land of William Maddox and below by land belonging to the heirs of Florentin Landry.

The said tract of land was regularly granted by the Spanish government to Pedro Forest on the 5th day of November, 1774, and is now claimed in virtue of said grant and of regular successive sales, under the grantee. We are therefore of opinion that this claim ought to be confirmed.

No. 42.—Rene Arnous and Constant Viel claim a tract of land situate in the parish of Iberville, and on the east bank of the river Mississippi, containing four arpents and ten toises front by the ordinary depth of forty arpents, and bounded above by land of Thomasin Blanchard and below by land of Victor Blanchard.

The said tract of land originally formed a part of a larger tract of six arpents nine toises and five feet front, regularly granted by the Spanish government to Anselmo Blanchard on the 5th day of November, 1774; under which said grantee claimant holds in virtue of a series of regular conveyances. We are therefore of opinion that this claim ought to be confirmed.

No. 43.—Thomasin Blanchard claims a tract of land situate in the parish of Iberville, and on the east bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land originally granted to Paul Chiasson and below by land of Messrs. Arnous and Viel.

The said tract of land forms part of a tract of six arpents nine toises and five feet front, originally granted by the Spanish government to Anselmo Blanchard on the 5th day of November, 1774; under which said grantee claimant holds in virtue of regular successive sales. We are therefore of opinion that this claim ought to be confirmed.

No. 44.—The heirs of Jacques Millon claim a tract of land situate in the parish of New Orleans, and on the left bank (ascending) of the Bayou St. John, containing forty arpents front on the said bayou by the ordinary depth of forty arpents, and bounded on one side by land originally granted to Jean Lavergne.

The father of claimants, (Jacques Millon,) together with his brothers, Jean, Maurice, and Henry Millon, obtained from the French government a complete grant for the said land on the 29th day of June, 1766; which said grant has been regularly vested in the said claimants by inheritance. We are therefore of opinion that this claim ought to be confirmed.

No. 45.—The heirs of Jeanne Delatte, widow of J. B. Bara, claim a tract of land situate in the parish of Pointe Coupée, and on the south bank of *False river*, (*"Fausse rivière,"*) containing two thousand six hundred and sixty-nine superficial arpents, and bounded on one side by lands formerly belonging to J. B. Bara and on the other by lands of José Jansie.

This claim was formerly submitted to the late board of commissioners for this district by the said Jeanne Delatte, but was rejected, or rather no final decision rendered thereon in consequence of the same being founded on a complete grant made by the Spanish government subsequently to the 1st day of October, 1800, to wit, on the 9th day of August, 1802. It is now renewed under the provisions of an act of Congress, approved on the 12th day of April, 1814, and entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri;" by the first section of which act it has, in our opinion, been duly confirmed.

No. 46.—Sosthene Roman claims a tract of land situate in the parish of St. James, and containing about two thousand one hundred (2,100) superficial arpents, being all the land embraced in the extension of the lateral lines of a tract owned by him of eight arpents front, on the west or right bank of the river Mississippi, from the extremity of the first forty arpents, or ordinary depth thereof, back to the *Bayou Chevreuil*, the first water-course in the rear.

The said tract of land is claimed in virtue of a complete grant made by the French government to Audré Neau on the 24th day of September, 1756; by which grant the said Neau obtained "*all the depth that could be found beyond the first forty arpents*," or ordinary depth of his front tract, which the present claimant construes to mean all the land extending back from said first depth *to the first water-course in the rear*. Whether this construction is borne out by any French or Spanish law or regulation on the subject, applicable to similar cases, we are at a loss to say, not having been able to find any such; but it strikes us as one, under the circumstances of the case, extremely plausible and well founded. Nearly all the French and Spanish concessions that we have seen are particular in designating and specifying *the quantity* of depth granted; and where this is not done, as in the above instance, the presumption appears to be a fair one, that it was the intention that the depth accorded should be limited by some natural boundary or barrier, beyond which it could not extend, which, in a country so extensively irrigated in all its parts like this, is generally to be found in some *water-course*. With this view of the case, we do not hesitate to recommend the said claim for confirmation.

No. 47.—The heirs of Julien Poydras claim a tract of land situate in the parish of Pointe Coupée, on the west bank of *False river*, (*"Fausse rivière,"*) containing sixty-five arpents front on the said river by the ordinary depth of forty arpents, and bounded on one side by lands belonging to the heirs of Vincent Porche and on the other side by other lands of claimants.

The said tract of land is now claimed in virtue of a complete grant made thereof by the Spanish government to the late Benjamin Farrar, on the 18th day of February, 1790, from whose heirs it was acquired, in due form, by the late Julien Poydras. We are therefore of opinion that this claim ought to be confirmed.

CLASS B.

Including claims founded upon "incomplete titles," such as orders or warrants of survey, authentic surveys, &c., &c.

No. 1.—Samuel Britton Bennett claims a tract of land situate on an island called "Grand Ile," in the parish of Jefferson, and district of Barrataria, containing about fifteen arpents front on the boundary line of an adjoining tract formerly belonging to Etienne Darbonne, and now the property of P. B. Cocke, by a depth of forty arpents, bounded east by the Gulf of Mexico, and west by the bay of Caminada.

The said tract of land is claimed in virtue of an order of survey, regularly issued by the Spanish government, in favor of Joseph Caillet, on the 6th day of February, 1782, and of continued and uninterrupted habitation and cultivation, from the date thereof down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 2.—Alexander Lesseps, Charles Lesseps, and John B. Lepretre, claim a small island situate in the parish of St. Bernard, and formed by the *Bayou Bœuf*, *Lake Lery*, and the river "*Aux Chiens*," containing about forty arpents front by a depth of one hundred and twenty arpents.

The said island was purchased by the said claimants from the heirs of the late Pierre Denis de Larondé, in favor of which latter a regular order of survey for the same was granted by Estevan Miro, formerly governor of the province of Louisiana, on the 20th day of December, 1788. We are therefore of opinion that this claim ought to be confirmed.

No. 3.—Pleasant Branch Cocke claims a tract of land situate on an island called "*Grand Ile*," in the parish of Jefferson, and district of Barrataria, containing a front of ten arpents on a line separating it from a small portion of vacant land forming the southwestern extremity of the island, by an irregular depth of forty arpents; bounded east by the Gulf of Mexico, west by the bay of Caminada, and in the rear by land of S. B. Bennett.

The said tract of land is claimed in virtue of an order of survey issued by Governor Estevan Miro, in favor of Charles Dufresne, on the 17th day of September, 1787; and also of continued possession and cultivation ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 4.—John Emilé Faures claims a tract of land situate in the parish of Jefferson, on the west bank of the river Mississippi, and about two miles above the city of New Orleans, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of N. B. Le Breton and below by land of Mrs. Euphemia Brown.

The said tract of land is part of an ancient plantation, once the property of J. B. Bienvenu, at whose death, in the year 1790, it was formally adjudicated to his widow, Elena Bellet, in pursuance of a decree of Governor Estevan Miro, bearing date the 8th day of November, 1790; it is now claimed in virtue of said decree, and of constant and uninterrupted habitation and cultivation by claimant and those under whom he holds, from the date thereof to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 5. Noel Barthelemy Le Breton claims a tract of land situate in the parish of Jefferson, on the west bank of the river Mississippi, and about two miles above the city of New Orleans, containing two arpents and twenty-one toises front by the ordinary depth of forty arpents, and bounded above by land of Joseph Lombard, jr., and below by land of J. E. Faures.

The said tract of land originally formed part of an ancient plantation, once the property of J. B. Bienvenu, at whose death, in the year 1790, it was adjudicated to his widow, Elena Bellet, pursuant to a decree of Governor Miro, bearing date the 8th day of November, 1790. The said portion is now claimed in virtue of the said decree, and of continued and uninterrupted possession and cultivation by claimant and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 6.—George Seicschneydre claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-seven miles below the city of New Orleans, containing ten arpents front by the ordinary depth of forty arpents, and bounded above by land of Zenon Nivet and below by land of Charles Barrois.

The said tract of land is composed of two different portions, to wit, *one* of *six* arpents front, originally surveyed on the 20th day of December, 1774, by *Andry*, surveyor general of the late province of Louisiana, in favor of Jean Domat; and *the other* of *four* arpents front, also surveyed by the said Andry, and on the same day, in favor of Eloy Daubard. The whole is now claimed in virtue of said surveys, and of constant and uninterrupted habitation and cultivation by claimant and those under whom he holds, from the time they were made down to this. We are therefore of opinion that this claim ought to be confirmed.

No. 7.—Juana Truxillo, widow of Joseph Hernandez, claims a tract of land situate on the left bank of the Bayou La Fourche, in the parish of Assumption, and about seven miles from the river Mississippi, containing eight arpents front on the said bayou by the usual depth of forty arpents, and bounded above by land of Messrs. Girod, Brothers, and below by land of Manual Fernandez.

The said tract of land was surveyed in favor of Domingo Acosta, by Don Carlos Trudeau, surveyor general of the province of Louisiana, on the 20th day of November, 1790, pursuant to an order of survey from Governor Estevan Miro, bearing date the 2d day of October, of the same year. It is now claimed in virtue of said order of survey, and of constant and uninterrupted possession and cultivation ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 8.—François Barthelemy Baptiste and brothers, free men of color, claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about forty-five miles below the city of New Orleans, containing ten arpents front by the ordinary depth of forty arpents, and bounded above by land of Jeremiah Treadwig and below by land of Hubert Denesse.

The said tract of land is the half of a tract of twenty arpents front, formerly owned by one Jean Lafrance, who obtained an order of survey therefor from Governor Miro on the 26th day of March, 1789. The said half is now claimed in virtue of said order, and of continued and uninterrupted possession and cultivation since the date thereof. We are therefore of opinion that this claim ought to be confirmed.

No. 9.—François Rigaud claims a tract of land situate on an island called "Grande Ile," in the parish of Jefferson, and district of Barrataria, containing about six arpents front at the northeastern extremity of the island, by an irregular depth of about one hundred and twenty arpents, bounded east by the Gulf of

Mexico, west by the bay of Caminada, and in the rear (or southwest) by lands formerly belonging to François Anfrey, *alias* Le Normand.

The said tract of land was inherited by the present claimant from his late father, Jacques Rigaud, who obtained a regular order of survey therefor on the 2d day of July, 1781, from Don Bernardo de Galvez, formerly governor of the province of Louisiana; it is now claimed in virtue of said order of survey, and of constant and uninterrupted possession and cultivation by claimant and his said late father, from the date thereof down to the present time. We are therefore of opinion that the said claim ought to be confirmed.

No. 10.—Charles Hagan claims a tract of land situate in the parish of Pointe Coupée, on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of Zenon Lecour and below by land of Pierre Goudran.

The said tract of land is part of a larger tract of nine arpents front, originally owned by Genevieve Mayeux, widow of John F. Decuir, who obtained a regular order of survey therefor from Governor Bernardo de Galvez on the 24th day of January, 1777. The said portion has, moreover, been constantly and uninterruptedly inhabited and cultivated by the said claimant and those under whom he holds, from the date of said order down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 11.—Zenon Nivet claims a tract of land, situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-seven miles below the city of New Orleans, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Laurent Guénard and below by land of Jacques Robin.

The said tract of land forms the half of a tract of six arpents front, originally occupied by one Barthelemy Garel, who obtained on the 14th day of March, 1764, a formal *permission* from Monsieur D'Abbadie, then director general of the province of Louisiana, "to form a settlement thereon;" claimant, moreover, proves constant and uninterrupted habitation and cultivation of the said half by him and those under whom he holds, for the last forty-five years and upwards. We are therefore of opinion that the said claim ought to be confirmed.

No. 12.—Ebenezer Cooley claims a tract of land situate in the parish of Pointe Coupée on the Bayou *Grosse Tête*, and containing twenty arpents front on the said bayou by a depth of forty arpents, the side lines opening to the rear so as to give an area of nine hundred and sixty-nine and seventy-four hundredths superficial arpents, and bounded on the upper side by what are called the "*Three Hillocks.*"

The said tract of land is claimed in virtue of an order of survey granted in due form on the 17th day of November, 1787, by Governor Estevan Miro, in favor of George Olivo, under whom claimant holds by virtue of regular successive sales. We are therefore of opinion that this claim ought to be confirmed.

No. 13.—St. Julian de Tournillon claims a tract of land situate in the parish of Assumption, immediately in the rear, and forming the second depth of another tract owned by him of five arpents and seven toises front on the right bank of the Bayou La Fourche, which said back tract contains fifteen hundred and twenty superficial arpents, or twelve hundred and eighty superficial acres.

This claim is founded on a *permission* to settle, granted by the proper Spanish officer, in the year 1802, to Bernardo de Deva, upon the "*requette*" or petition of the latter, and was presented to the former board of commissioners for this district by the said De Deva, but was by the said board rejected on the ground that the claimant had produced "*no evidence whatever of an actual settlement of the land.*" The present claimant, who holds under the said De Deva by virtue of regular conveyances, now produces satisfactory proof of the actual settlement and cultivation of the land in question on or before the 20th day of December, 1803. We are therefore of opinion that this claim ought to be confirmed.

No. 14.—Zenon Bourgeat claims a tract of land situate in the parish of Pointe Coupée, on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by lands belonging to the said parish of Pointe Coupée, and below by land of Zenon Lacour.

The said tract of land originally formed part of a larger tract, formerly the property of widow J. F. Decuir, who obtained a regular order of survey therefor from Governor De Galvez, on the 24th day of January, 1777. The said portion is now claimed in virtue of the said order of survey, and of constant and uninterrupted habitation and cultivation by claimant and those under whom he holds, from the date thereof down to the present time. We are therefore of opinion that the said claim ought to be confirmed.

No. 15.—Zenon Lacour claims a tract of land situate in the parish of Pointe Coupée on the west bank of the river Mississippi, and containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Zenon Bourgeat and below by land of Charles Hagan.

The said tract of land is part of a larger tract, originally owned by widow J. F. Decuir, who obtained an order of survey for the same from Governor De Galvez, on the 24th day of January, 1774. The said portion is now claimed in virtue of said order, and of continued and uninterrupted possession and cultivation by claimant, and those under whom he holds, from the date thereof down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 16.—Jean Trahan claims a tract of land situate in the parish of Assumption, on the right bank of the Bayou La Fourche, and about four miles from the river Mississippi, containing four arpents front on the said bayou by forty arpents in depth, and bounded above by land of widow Jos. Le Blanc and below by land of François Landry.

The said tract of land is part of a larger tract of six arpents seven toises and three feet front, originally owned by one Pedro Le Blanc, in whose favor it was regularly surveyed by Don Carlos Trudeau, surveyor general of the province of Louisiana, on the 21st day of October, 1780; it is now claimed in virtue of said survey, and of constant and uninterrupted possession and cultivation by claimant and those under whom he holds, ever since the date thereof. We are therefore of opinion that the said claim ought to be confirmed.

No. 17.—Clotilde Dugas, widow of Joseph Le Blanc, claims a tract of land situate in the parish of Assumption, on the right bank of the Bayou La Fourche, and about four miles from the river Mississippi, containing two arpents and three toises front by the ordinary depth of forty arpents, and bounded above by land of Valery Le Blanc and below by land of Jean Trahan.

The said tract of land forms part of a larger tract of six arpents seven toises and three feet front, originally owned by Pedro Le Blanc, in whose favor it was surveyed by Don Carlos Trudeau on the 21st day of October, 1780. The above portion is now claimed in virtue of said survey, and of constant possession and cultivation since the date thereof. We are therefore of opinion that this claim ought to be confirmed.

No. 18.—Jean Baptiste Landry claims a tract of land situate in the parish of Assumption, on the right bank of the Bayou La Fourche, containing two arpents front on the said bayou by the ordinary

depth of forty arpents, and bounded above by lands formerly belonging to Joseph Gomez and below by land of the widow Gonzales.

The said tract of land originally formed part of a larger tract of seven arpents seven toises and three feet front, formerly owned by one Manuel Ordoñe, in whose favor it was surveyed by Don Carlos Trudeau on the 10th day of June, 1800, pursuant to a decree of Governor Estevan Miro, bearing date the 2d day of October, 1799. The said portion is now claimed in virtue of said survey and decree, and of continued and uninterrupted possession and cultivation ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 19.—Jean Lewis Gaston Villars claims a tract of land situate on the Bayou *Dupont*, in the parish of Jefferson, and district of Barrataria, and about thirteen leagues distant from the city of New Orleans, containing five leagues front on the said bayou, by a depth of three arpents, (being about twelve hundred and thirty-nine superficial arpents,) bounded on one side by the "*Rigolets*" and on the other by the Bayou St. Denis.

The said tract of land originally belonged to Claude Joseph Villars Dubreuil, at the death of whose wife, in the year 1754, an inventory of all the property belonging to the *community* which had existed between the latter and her said husband was taken in due form, by the proper authorities, by and with the full sanction of the French government, in which said inventory the above tract is included as part of said *community* property. It is now claimed in virtue of inheritance, and of continued and uninterrupted habitation and cultivation, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 20.—John M'Donogh claims a tract of land situate on the Bayou "*Des Familles*," in the parish of Jefferson, and district of Barrataria, containing twenty arpents front on said bayou by the ordinary depth of forty arpents, and bounded on one side by land of N. Domé, and on the other by land of Juan Normand.

The said tract of land originally belonged to one Louis Pelteau, who obtained a regular order of survey therefor from the Baron de Carondelet, on the 3d day of September, 1794. It is now claimed in virtue of said order of survey, and of continued and uninterrupted possession by claimant, and those under whom he holds, from the date thereof to the present time. We are therefore of opinion that the said claim ought to be confirmed.

No. 21.—John McDonogh claims another tract of land situate on the left bank of the Bayou "*Des Familles*," in the parish of Jefferson and district of Barrataria, containing twelve arpents front on the said bayou by the ordinary depth of forty arpents, and bounded on one side by land of Louis Pelteau and on the other side by land of Mad. Paon.

The said tract of land is derived by purchase from one Nicholas Domé, who obtained an order of survey for the same from the Baron de Carondelet, on the 21st day of August, 1794. It is now claimed in virtue of said order and of continued and uninterrupted possession by claimant and those under whom he holds ever since. We are therefore of opinion that the said claim ought to be confirmed.

No. 22.—Ludger Fortier claims a tract of land situate in the parish of Jefferson, on the east bank of the river Mississippi and about seven miles above the city of New Orleans, containing eight arpents front by the ordinary depth of forty arpents, and bounded above by land of Volant Labarre and below by land formerly belonging to Barthelemy Macarty.

The said tract of land was purchased by the present claimant from François Pascalis Labarre, on the 31st day of March, 1810, which latter obtained a grant therefor from the Spanish intendant, Juan Ventura Morales, in the month of April, 1802; for a number of years previous to which period, however, it had been inhabited and cultivated as private property. We are therefore of opinion that the said claim ought to be confirmed.

No. 23.—Jean Baptiste Degruy claims a tract of land situate on the Bayou Barrataria, in the parish of Jefferson and district of Barrataria, at about six miles from the river Mississippi, containing about five leagues front on the left bank of said bayou, and one league front on the right bank, by a depth of twenty arpents on each side; bounded on one side by lands of Antoine Foucher and on the other by the Bayou "*Aux Carpes*."

The said tract of land forms part of a tract of considerable extent purchased by the present claimant, on the 8th day of May, 1792, from Don Francisco Bouligny, who obtained two separate orders of survey for the greater part thereof from Governor Estevan Miro, on the 12th day of August, 1789. The said land is now claimed in virtue of said orders and also of constant and uninterrupted possession and occupation thereof by the said claimant and, before him, the said Bouligny, for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 24.—The heirs of Guillaume Douet claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi and about twenty-two miles below the city of New Orleans, containing three arpents and three-quarters front by a depth of sixty arpents, and bounded above by land of A. F. & J. J. Guerin and below by land of Joseph Veillon.

The said tract of land forms the lower half of a larger tract of seven and a half arpents front, inherited by the said claimants from their late father, Guillaume Douet, in whose favor it was regularly surveyed by Don Carlos Trudeau, on the 28th day of March, 1799. The said half is now claimed in virtue of said survey and of constant and uninterrupted possession and cultivation for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 25.—Auguste François Guérin and Jean Jules Guérin claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi and about twenty-two miles below the city of New Orleans, containing three arpents and three-fourths front by a depth of sixty arpents, and bounded above by lands of Messrs Guérin Brothers and below by land of the heirs of Guillaume Douet.

The said tract of land is the upper half of a tract of seven and a half arpents front, formerly owned by Guillaume Douet, in whose favor it was surveyed by Don Carlos Trudeau, on the 28th day of March, 1799. The said half is now claimed in virtue of said survey and also of constant and uninterrupted possession and cultivation by claimant and those under whom he holds, for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 26.—Angelique Aury, a free woman of color, claims a tract of land situate on the Bayou *Metairie*, in the parish of Jefferson and about six miles from the city of New Orleans, containing seventeen arpents front on the north bank of said bayou, with the depth to Lake Pontchartrain, and eight arpents front on the south bank, with a depth running back to the limits of Barthelemy Macarty's plantation, and not

exceeding twenty arpents, bounded above by lands of widow Lacastiere Volant and François Dorville, and below by land of the widow Beaulieu.

The said tract of land is part of a larger tract of twenty arpents front, formerly owned by Don Andres Almonester y Roxas, who conveyed the same to the late Pierre Langliche, a free colored man, on the 1st day of October, 1787, in favor of which latter it was regularly surveyed by Don Carlos Trudeau, surveyor general of the late province of Louisiana, on the 19th day of March, 1791. It is now claimed in virtue of said survey and of constant and uninterrupted habitation and cultivation ever since by claimant and the said Langliche, under whom she holds by inheritance. We are therefore of opinion that this claim ought to be confirmed.

No. 27.—François Dorville claims a tract of land situate in the parish of Jefferson, on the south bank of the Bayou *Metairie*, and about six miles from the city of New Orleans, containing nine arpents front on said bayou, by about eighteen arpents in depth, and bounded above by land of the widow Maxent and below by land of Angelique Aury.

The said tract of land originally formed part of the tract surveyed in the year 1791, by Don Carlos Trudeau, in favor of Pierre Langliche, and mentioned in the next preceding report on the claim of Angelique Aury, (No. 26.) It is now claimed in virtue of the said survey and of constant and uninterrupted habitation and cultivation by claimant and those under whom he holds, from the date thereof to the present time. We are therefore of opinion that the said claim ought to be confirmed

No. 28.—Marie Joseph Beaulieu, a free woman of color, claims a tract of land situate on the Bayou *Metairie*, in the parish of Jefferson, and about six miles distant from the city of New Orleans, containing three arpents front on both sides of said bayou, with a depth on the south side of about eighteen arpents, and on the north side to Lake Pontchartrain, bounded above by land of Angelique Aury and below by land formerly belonging to Pedro Demouy.

The said tract of land was regularly surveyed in favor of the said claimant's late husband, Joseph Beaulieu, by Don Carlos Trudeau, surveyor general of the province of Louisiana, on the 14th day of March, 1796. It is now claimed in virtue of said survey, and also of constant and uninterrupted habitation and cultivation for upwards of fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 29.—Jean Louis Beaulieu claims a tract of land situate on the Bayou *Metairie*, in the parish of Jefferson, and at about five miles from the city of New Orleans, containing two arpents front on both sides of said bayou, by a depth on the north side to Lake Pontchartrain, and on the south side extending back to the limits of the Macarty plantation, and not exceeding eighteen arpents, bounded above by land of Marie Pierre Dumouille and below by land of Hazeur Brothers.

The said tract of land originally formed the upper moiety of a tract formerly owned by Don Mateo de Veau y Ines, in whose favor it was regularly surveyed in the year 1791, by Don Carlos Trudeau, surveyor general of the late province of Louisiana. The said moiety has, moreover, been constantly and uninterruptedly inhabited and cultivated by the said claimant and those under whom he holds from the date of said survey down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 30.—Hiacinthe Thomas Hazeur, Charles Homère Hazeur, and Jean Baptiste Hazeur, (free men of color,) claim a tract of land situate in the parish of Jefferson, at about five miles from the city of New Orleans, containing three arpents front on both sides of the public road called the "*Metairie road*," by a depth of six arpents on the south side of said road, and as far back as Lake Pontchartrain on the north side, bounded above by land of Jean Louis Beaulieu and below by land of the heirs of Demouy.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been continually inhabited and cultivated by the said claimant and those under whom he holds, for the last fifty years and upwards. It is also in part claimed in virtue of the survey made in the year 1791, in favor of Don Mateo de Veau y Ines, and mentioned in the next preceding report on the claim of Jean Louis Beaulieu, (No. 29,) the *two* upper arpents front thereof forming the lower half of the tract designated in said survey. We are therefore of opinion that this claim ought to be confirmed.

No. 31.—Pierre Babin and Henry Bonamy claim a tract of land situate in the parish of Iberville, and on the east bank of the river Mississippi, containing five arpents front by the usual depth of forty arpents, and bounded above by land of Bernard Comau and below by land of Elie Le Blanc.

The said tract of land originally formed part of a larger tract of ten arpents front formerly owned by one Pablo Chiasson, who obtained a regular order of survey for the same from Governor Estevan Miro, on the 1st day of September, 1786. It is now claimed in virtue of the said order, and of constant and uninterrupted habitation and cultivation ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 32.—Thomas Mille claims a tract of land situate in the parish of Iberville, and on the west bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above by other lands of claimant and below by land of the widow Robichaud.

The said tract of land is derived by purchase from one Juan Morales, who obtained an order of survey for the same from Governor Estevan Miro, on the 26th day of February, 1791, since which time it has been constantly and uninterruptedly inhabited and cultivated by the said claimant and those under whom he holds. We are therefore of opinion that this claim ought to be confirmed.

No. 33.—Etienne Blanchard claims a tract of land situate on the right bank of the Bayou La Fourche, in the parish of Assumption, at about twelve and a half miles from the river Mississippi, containing three arpents nine toises and one foot front on the said bayou by twenty-three arpents twenty-eight toises and three feet in depth, and bounded above by land of Simon Dugas and below by land of Joseph Hebert.

The said tract of land is derived by purchase from Pedro Hebert, in whose favor it was regularly surveyed by Don Carlos Trudeau, surveyor general of the late province of Louisiana, on the 10th day of January, 1791, from which time down to the present it has been constantly and uninterruptedly inhabited and cultivated by the said claimant and those under whom he holds. We are therefore of opinion that this claim ought to be confirmed.

No. 34.—Joseph Guillot claims a tract of land situate in the parish of Assumption, on the right bank of the Bayou La Fourche, and about twelve and a half miles from the river Mississippi, containing three arpents nine toises and one foot front on the said bayou by twenty-six and three-fifths arpents in depth, and bounded above by land of Pedro Hebert and below by land of Prosper Giroire.

The said tract of land is derived by purchase from Joseph Hebert, in whose favor it was regularly surveyed by Don Carlos Trudeau, surveyor general of the late province of Louisiana, on the 10th day of

January, 1791, since which time it has been constantly and uninterruptedly inhabited and cultivated by claimant and those under whom he holds. We are therefore of opinion that this claim ought to be confirmed.

No. 35.—The heirs of John Alman claim a tract of land situate in the parish of Iberville, and on the right bank of the Bayou Manchac, containing twelve arpents front on said bayou by forty arpents in depth, (or four hundred and eighty superficial arpents,) and bounded below by lands originally granted to James Smith Marbury.

The said tract of land is derived by inheritance from the late John Alman, in whose favor it was surveyed by Don Carlos Trudeau, surveyor general of the late province of Louisiana, on the 10th day of April, 1789, pursuant to a regular order of survey issued by Governor Estevan Miro on the 10th day of February of the same year. We are of opinion that the said claim ought to be confirmed.

No. 36.—The heirs of John Alman claim another tract of land situate in the parish of Iberville, on the Bayou *St. Bernard*, now called the river *Amite*, containing twenty arpents front on the said river by the ordinary depth of forty arpents, on the right bank below Galveston.

The said tract of land is derived by inheritance from the late John Alman, who obtained a regular order of survey for the same from the Spanish government on the 17th day of September, 1794, and remained in possession thereof until his death, which took place in the month of March, 1805. We are therefore of opinion that this claim ought to be confirmed.

No. 37.—François Dusuau de la Croix claims a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and about nine miles below the city of New Orleans, containing fifty-six arpents front by the ordinary depth of forty arpents, and bounded above by land of Marie Constance Larche, a free woman of color, and below by land of the widow Duvergé.

The said tract of land was purchased by the present claimant, conjointly with Marie Etienne de Flechier, from Don Santiago Larche, on the 8th day of May, 1801, and was specially surveyed in their favor, in the same year, by Don Carlos Trudeau, surveyor general of the late province of Louisiana, for the purpose of establishing the boundaries thereof. It is now claimed in virtue of the said survey, and of constant and uninterrupted habitation and cultivation by claimant and those under whom he holds, for the last fifty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 38.—Auguste Groleau claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about forty-two miles below the city of New Orleans, containing four and a half arpents front by the ordinary depth of forty arpents, and bounded above by land of Marianne Lafrance and below by land of Pierre Covin.

The said tract of land is part of a larger tract of six arpents front, originally owned by one Joseph Montané, in whose favor it was regularly surveyed by Don Carlos Trudeau on the 13th day of September, 1786, since which time it has been constantly and uninterruptedly inhabited and cultivated as private property. We are therefore of opinion that this claim ought to be confirmed.

No. 39.—The heirs of George Oliveau, jr., claim a tract of land situate in the parish of Pointe Coupée, on the Bayou Maringouin, beginning at the mouth thereof, and containing twenty arpents front on the said bayou by the ordinary depth of forty arpents.

The said tract of land is derived by inheritance from the late George Oliveau, jr., who obtained a regular order of survey therefor from the Spanish government on the 17th day of November, 1787, since which time it has continued in the peaceable possession of the said Oliveau, and after his death of his said heirs. We are therefore of opinion that this claim ought to be confirmed.

No. 40.—The widow and heirs of Pierre Robeau claim a tract of land situate in the parish of St. John the Baptist, on the east or left bank of the river Mississippi, and about forty-two miles above the city of New Orleans, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of J. B. Picou and below by land of George Shoff.

The said tract of land is part of a larger tract of six arpents front, formerly owned by Charles Robeau, father of the said late Pierre Robeau, in whose favor it was surveyed by Andry, surveyor general of the late province of Louisiana, on the 20th day of April, 1776. It is now claimed in virtue of the said survey and of continued possession and cultivation ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 41.—André Pizani claims a tract of land situate on the Bayou *Des Allemands*, in the parish of St. Charles, and at about forty-five miles distant from the city of New Orleans, containing twelve arpents front on the left bank of said bayou by the ordinary depth of forty arpents.

The said tract of land is derived by inheritance from one Pierre Rayet, *alias* Raymond, who obtained an order of survey therefor from the Spanish government on the 15th day of February, 1771. It is now claimed in virtue of the said order and also of constant and uninterrupted habitation and cultivation for upwards of forty years. We are therefore of opinion that this claim ought to be confirmed.

No. 42.—Jean Jacques Haydel claims a tract of land situate in the parish of St. John the Baptist, about forty-six miles above the city of New Orleans, and west of the river Mississippi, containing nine arpents front by forty arpents in depth, and being a second depth lying immediately in the rear of and adjacent to a front tract owned by claimant.

The said tract of land is derived by inheritance from the late J. J. Haydel, (father of the said claimant,) who obtained a regular order of survey therefor from Governor Estevan Miro on the 23d day of February, 1786. We are therefore of opinion that the said claim ought to be confirmed.

No. 43.—The heirs of Stephen Henry Plauché claim a tract of land situate west of the river Mississippi, in the parish of Plaquemines, and about twenty-one miles below the city of New Orleans, containing fifteen arpents front by forty arpents deep, being a second depth lying immediately in the rear of and adjacent to a front tract now owned by Nicolas Reggio.

The said tract of land is derived by inheritance from the late Stephen Henry Plauché, who obtained a regular order of survey therefor from Governor Estevan Miro on the 29th day of December, 1790. We are therefore of opinion that the said claim ought to be confirmed.

No. 44.—The heirs of Pierre Sauvé claim a tract of land situate in the parish of Jefferson, on the east bank of the river Mississippi, and about fifteen miles above the city of New Orleans, containing forty-nine arpents front by a depth of thirty-nine arpents and eighteen toises on the lower line, which separates it from the lands of Soniat Dufossat, brothers, and of eighty-five arpents on the upper line, which separates it from the lands of widow Jacques Fortier.

The major part of the said land, (to wit, about thirty-two arpents front, anciently called "*La Providence*,") was sold by Monsieur De Salmon, ex-commissioner of the navy and first judge of the superior

council of the province of Louisiana, to Mr. Jacques de la Chaise, on the 1st day of February, 1747, having been granted to the said Monsieur De Salmon, (according to a statement of Mr. Andry, surveyor general of the said province, dated August 20, 1874,) by Governor de Bienville, on the 1st day of November, 1738. The balance of the said land is derived from different persons who held under authority of the Spanish government, as is shown by various surveys made by Don Carlos Trudeau, the Spanish surveyor general. The present claimants, moreover, prove constant and uninterrupted habitation and cultivation of the whole of said land by them and those under whom they hold, for the last fifty-five years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 45.—Antoine Michoud claims a tract of land situate in the parish of Jefferson and district of Barrataria, containing eight hundred and twenty superficial arpents, and bounded north by lands now or formerly belonging to Honoré Fortier, east and south by vacant lands, and west by other lands of claimant.

The said tract of land is derived by purchase from Juan Carmanche, who obtained a regular order of survey for the same from Governor Estevan Miro on the 8th day of August, 1785, since which time it has been in the constant possession of claimant and those under whom he holds. We are therefore of opinion that the said claim ought to be confirmed.

No. 46.—Jean Pierre Guédry claims a tract of land situate on the right bank of the Bayou La Fourche, in the parish of La Fourche Interior, containing four arpents on the said bayou by the ordinary depth of forty arpents, and bounded above by land of James Mire and below by land of François Babin, jr.

The said tract of land was regularly surveyed on the 22d day of April, 1803, in favor of Don Alexandre Daspit de St. Amant, by Don Carlos Trudeau, then surveyor general of the province of Louisiana. It is now claimed in virtue of said survey, and also of constant and uninterrupted habitation and cultivation for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 47.—François Enoul Livaudais claims a tract of land situate in the parish of Jefferson and district of Barrataria, at about thirty-three miles distant from the city of New Orleans, containing about three and a half leagues front on the right bank of "*Little Lake,*" (*Petit Lac,*) by a depth not exceeding three arpents, bounded on one side by the Bayou "*Des Amoureux,*" and on the other side by a small stream or cut-off, ("*raccourci,*") leading to the sea.

The said tract of land was granted to the claimant by the Spanish government about forty years ago, but the original papers in relation to said grant have been lost. The fact is, however, proven by the affidavits of two old and respectable inhabitants of the said parish of Jefferson, who also prove the habitation and cultivation of the said land for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 48.—The widow of Jean Pierre Dugat claims a tract of land situate on both sides of the Bayou Terre Bonne, in the parish of Terre Bonne, and containing $491\frac{35}{100}$ superficial acres, bounded on one side by lands now or formerly belonging to Jean Naquin, and on the other side by land of Charles Billio.

The said tract of land was purchased by the late husband of claimant from one Charles Naquin, in whose favor a report on the propriety of granting him said land was made by Don Carlos Trudeau, pursuant to a decree of the Baron de Carondelet, dated February 13, 1795, since which time the said tract has been constantly inhabited and cultivated by claimant and those under whom she holds. We are therefore of opinion that this claim ought to be confirmed.

No. 49.—Jean Voisin claims a tract of land situate in the parish of Plaquemines, and on the west bank of the river Mississippi, containing five arpents front by the ordinary depth of forty arpents, and bounded above by land of Latour, jr., and below by land of Anselme Arnaud.

The said tract of land is claimed in virtue of ancient and undisputed *possession,* having been constantly and uninterruptedly inhabited and cultivated by claimant and those under whom he holds, for the last forty years and upwards, three arpents front thereof being derived by purchase from one Jacques Nivet, who obtained an *order of survey* therefor from the Baron de Carondelet, on the 12th day of December, 1796. We are therefore of opinion that this claim ought to be confirmed.

No. 50.—Jean Voisin claims another tract of land, being a small island situate in the lake of Barrataria (parish of Jefferson) and commonly called *l'Ile Congue,* containing about six hundred superficial arpents, and fronting on one side another small island called El Vino.

The said island is claimed in virtue of a regular order of survey issued therefor in favor of the said claimant by Governor Estevan Miro, on the 3d day of October, 1788, and of continued occupation and possession thereof ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 51.—Louis François Montault and Gabriel Morière Fazende claim a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and about five miles below the city of New Orleans, containing ten arpents, fourteen toises, and five feet front, by a depth not exceeding forty arpents, and bounded above by land of Messrs. Lacoste and Ducros and below by land of Agenor Bosque.

The said tract of land is derived by purchase from Messrs. Thomas Poré and John B. Blanquet, in whose favor it was surveyed by Don Carlos Trudeau, on the 18th day of November, 1803, in pursuance of a decree of J. Ventura Morales, intendant general of the province of Louisiana, dated the 26th September, 1803. It is now claimed in virtue of said survey and decree, and, moreover, of constant habitation and cultivation by claimants and those under whom they hold, for the last forty years. We are therefore of opinion that this claim ought to be confirmed.

No. 52.—Agenor Bosque claims a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and about five miles below the city of New Orleans, containing five arpents, six toises, and two inches front, with the depth thereto belonging, (or ninety-seven superficial arpents,) bounded above by land of Messrs. Montault and Fazende and below by land of Messrs. M. and H. Andry.

The said tract of land is derived by purchase from Francis Corbin, in whose favor it was surveyed by Don Carlos Trudeau, on the 18th day of November, 1803, in pursuance of a decree of J. Ventura Morales, intendant general of the late province of Louisiana, bearing date the 26th day of September, 1803. It is now claimed in virtue of said survey and decree, and of constant and uninterrupted habitation and cultivation by the said claimant and those under whom he holds, for the last forty years. We are therefore of opinion that this claim ought to be confirmed.

No. 53.—The heirs of Simon Aingle claim a tract of land situate in the parish of Plaquemines, and on the west bank of the river Mississippi, containing twenty-five arpents front by the usual depth of forty arpents, and bounded on one side by the land of Bastien Frederick and on the other side by that of Louis Colette.

The said tract of land was inherited by the late Simon Aingle from one Joseph Margotier, who

obtained a regular order of survey for the same on the 15th day of September, 1787, since which period it has never ceased to be inhabited and cultivated. We are therefore of opinion that this claim ought to be confirmed.

Supplement to B, No. 1.

Samuel B. Bennett, having been deprived of a certain small portion of his land, in consequence of a decision of the supreme court of the State of Louisiana, rendered on the 25th day of March, 1833, in the matter of a controversy between the said Bennett and the proprietors of the tract adjoining on one side, is desirous of having his claim to the said land (presented by him prior to the said decision) so far amended as to correspond with the decree of said court, and to that effect has filed a supplemental notice of claim, accompanied by a figurative plat, setting forth the new lines assigned to his land, and praying that said lines may be adopted in lieu of those contained in his original claim, and that our report be made accordingly.

We have declined making the alteration prayed for, for the following reasons: 1st, because our report, as already made, (B, No. 1,) is based upon the evidence first produced by Mr. Bennett, which fully sets forth the *quantity and boundaries* claimed under the original order of survey in favor of Joseph Caillet, and any attempt to change those boundaries would lead to an encroachment to the extent of several arpents on the opposite adjoining tract; and, 2d, because the owner of the said adjoining tract (Pleasant B. Coke) has duly filed in this office his claim thereto, (see B, No. 3,) supported by the requisite evidence; and any attempt to interfere with his rights, or wrest from him land lawfully claimed by him, presents, in our opinion, a question of *private title* over which we have no jurisdiction, and which forms matter for a legal investigation and decision by the proper judicial tribunal.

Class C, including claims founded upon possession and cultivation for at least ten consecutive years prior to December 20, 1803, &c.

No. 1.—Hugues Lavergne claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-one miles below the city of New Orleans, containing nine arpents and a half front by a depth, extending to the Bayou "*Ouachas,*" of about seventy-five arpents, bounded above by land of Jules and Delphin Villeré and below by land of Nicholas Reggio.

The said tract of land originally formed part of a larger tract, known under the name of "*La Concession,*" formerly owned by Charles Guy Favre D'Aunoy, who died in the year 1757. It is now claimed in virtue of undisputed possession regularly derived from the heirs of the said D'Aunoy, and of constant and uninterrupted habitation and cultivation by claimant and those under whom he holds, for the last fifty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 2.—Felix Martin Forstall and Alexander Gordon claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about eighteen miles below the city of New Orleans, containing twenty-six arpents front by a depth of eighty arpents, and bounded above by land of Messrs. Milligan, Hill & Co., and below by land of Messrs. Urquhart and Milligan.

The said tract of land is composed of two contiguous tracts, to wit: one of sixteen arpents front, and the other of ten arpents front, with the aforesaid depth of eighty arpents; both of which are now claimed in virtue of purchase and of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated by claimants and those under whom they hold since the year 1776. We are therefore of opinion that this claim ought to be confirmed.

No. 3.—Nicholas Reggio claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-one miles below the city of New Orleans, containing twenty arpents front by the ordinary depth of forty arpents, and bounded above by land of H. Lavergne and below by other land of claimant.

The said tract of land is supposed originally to have formed part of a larger tract anciently owned by Governor De Bienville. Claimant, however, proves undisputed possession, and constant and uninterrupted habitation and cultivation thereof by him and those under whom he holds since the year 1792. We are therefore of opinion that this claim ought to be confirmed.

No. 4.—Edmond Fazende and François Fazende claim a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and about four miles below the city of New Orleans, containing six arpents twenty-six toises five feet and six inches front by the usual depth of forty arpents, and bounded above by land of Louis Bernoudy and below by land of Casimer Lacoste.

Claimants prove peaceable and undisturbed possession of said land by themselves and those under whom they hold, for the last fifty years and upwards, and also constant and uninterrupted habitation and cultivation thereof during all said time. We are therefore of opinion that this claim ought to be confirmed.

No. 5.—Louis Bernoudy claims a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and about four miles below the city of New Orleans, containing four arpents twenty-six toises and three feet front by the ordinary depth of forty arpents, and bounded above by land of Thomas Ramos and below by land of E. and F. Fazende.

The said tract of land is now claimed in virtue of purchase and of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated by claimant and those from whom he derived his title for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 6.—Edmond Drouet and Jean Baptiste Drouet claim a tract of land situate on the Bayou *Washa* or *Ouachas,* in the parish of Jefferson, at about twenty-four miles distant from the city of New Orleans, containing about one league and a half front on the said bayou, by a depth not exceeding six arpents, and bounded on one side by land of Arnaud Magnon and on the other side by the Bayou *Lapointe.*

The said tract of land was formerly owned by Mr. Villars Dubreuil, who sold the same, on the 16th day of July, 1776, to one Juan Soquet, from which latter it has descended to the present claimants by virtue of regular successive sales. It has, moreover, been constantly inhabited and cultivated by said claimants and those under whom they hold for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 7.—Pierre Robin Lacoste claims a tract of land situate in the parish of St. Bernard, on the east bank of the river Mississippi, and about six miles below the city of New Orleans, containing sixteen arpents front, whereof six and a half arpents have a depth of one hundred and twenty arpents, and the balance a depth of forty arpents, bounded above by the lands of P. D. De la Ronde, and below by those of the heirs of James Villeré.

The said tract of land is composed of three contiguous portions, acquired by the present claimant at different periods. It is now claimed, as thus composed, in virtue of peaceable and undisturbed possession, and of constant and uninterrupted habitation and cultivation by said claimant and those under whom he holds, from the year 1786 and upwards down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 8.—Louise Odille Destrehan, wife of P. A. Roste, claims a tract of land situate in the parish of St. Charles, on the east bank of the river Mississippi, and about thirty-two miles above the city of New Orleans, containing sixteen arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Delhomme and below by land of Messrs. Brown & Humphreys.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated by claimant and those under whom she holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 9.—François Delery claims a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about eighteen miles below the city of New Orleans, containing ten arpents front by the ordinary depth of forty arpents, and bounded above by land of François Dupuy and below by other land of claimant.

The said tract of land is claimed in virtue of purchase and of long uninterrupted possession, having been constantly inhabited and cultivated by claimant and those under whom he holds, for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 10.—Aimée Guillet claims a tract of land situate in the parish of Assumption, and on the right bank of the Bayou La Fourche, containing four and a half arpents front on the said bayou by the usual depth of forty arpents, and bounded above by land of Girod Brothers and below by land of Marie Louise, a free woman of color.

The said tract of land was purchased by claimant from Joseph Bourg, who had acquired it in due form from Marie Pitre, widow of Antoine Marine, on the 9th day of January, 1794; since which time it has been constantly and uinterruptedly inhabited and cultivated. We are therefore of opinion that this claim ought to be confirmed.

No. 11.—Pierre Charlet claims a tract of land situate in the parish of Assumption, on the left bank of the Bayou La Fourche, containing four arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by other land of claimant and below by land of Jacques Barillot.

It appears that the said tract of land is among the oldest settlements on the Bayou La Fourche, and that it has been constantly and uninterruptedly inhabited and cultivated, as private property, by claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 12.—Louis Bouligny claims a tract of land situate in the parish of Jefferson, on the east bank of the river Mississippi, at about three miles above the city of New Orleans, containing twenty-three and a half arpents front by the ordinary depth of forty arpents, and bounded above by land of François Robert Avart and below by land of widow Louise Avart.

The said tract of land is claimed in virtue of purchase and of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated by claimant and those from whom he derives title, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 13.—François Robert Avart claims a tract of land situate in the parish of Jefferson, on the east bank of the river Mississippi, and about three and a half miles above the city of New Orleans, containing eight and a half arpents front by the ordinary depth of forty arpents, and bounded above by land now or formerly belonging to widow Joseph Marie Ducros and below by land of Louis Bouligny.

The said tract of land is claimed in virtue of purchase, founded on ancient and uninterrupted possession, having been constantly inhabited and cultivated by claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 14.—Louis Barthelemy Macarty claims a tract of land situate in the parish of Orleans, on the east bank of the river Mississippi, and about a mile and a half below the city of New Orleans, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of Martin Duralde and below by land of P. Guesnon.

The said tract of land is part of a larger tract formerly owned by Don Lorenzo Wiltz, from whom it was purchased, under authority of the Spanish government, by Louis Chevalier Macarty and wife, (late father and mother of claimant,) on the 11th day of November, 1794. It has, moreover, been constantly and uninterruptedly inhabited and cultivated by said claimant and those under whom he holds for the last fifty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 15.—Philip Guesnon claims a tract of land situate in the parish of Orleans, on the east bank of the river Mississippi, and about one mile and a half below the city of New Orleans, containing one arpent and a half front by the ordinary depth of forty arpents, and bounded above by land of L. B. Macarty and below by land of David Olivier.

The said tract of land is part of a larger tract formerly owned by Don Lorenzo Wiltz, and mentioned in the next preceding report on the claim of L. B. Macarty. The portion now claimed has been constantly inhabited and cultivated by claimant and those under whom he holds, for the last fifty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 16.—David Olivier claims a tract of land situate in the parish of Orleans, on the east bank of the river Mississippi, and about one mile and a half below the city of New Orleans, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Philip Guesnon and below by land of Albert Piernas.

The said tract of land forms part of a larger tract, formerly owned by Don Lorenzo Wiltz, and mentioned in our report on the claim of L. B. Macarty, (No. 14.) Claimant proves habitation and cultivation of the portion now claimed for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 17.—Martin Duralde claims a tract of land situate in the parish of Orleans, on the east bank of

the river Mississippi, and about one mile and a half below the city of New Orleans, containing two and a half arpents front by the usual depth of forty arpents, and bounded above by land of Mad. Montreuil and below by land of L. B. Macarty.

The said tract of land is part of the tract formerly owned by Don Lorenzo Wiltz, and mentioned in our report on the claim of L. B. Macarty, (No. 14.) Claimant also proves habitation and cultivation of the portion now claimed for the last fifty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 18.—Thomas W. Chinn claims a tract of land situate in the parish of West Baton Rouge, on the west bank of the river Mississippi, and containing four arpents front by the ordinary depth of forty arpents, and bounded on both sides by other lands of claimant.

The said tract of land is the half of a larger tract of eight arpents front, formerly owned by one Santiago Labbi, who sold the other half to Simon Babin, whose title thereto was duly confirmed by the late board of commissioners for this district. The portion now claimed was sold by said Labbi to Robin Delogny, under whom claimant holds; having, moreover, been constantly inhabited and cultivated for the last forty years. We are therefore of opinion that this claim ought to be confirmed.

No. 19.—Peter Rapp and Rosmond Fagot claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-four miles below the city of New Orleans, containing twelve arpents front by the ordinary depth of forty arpents, and bounded above by land of Joseph Veillon and below by land of Thomas Cunningham.

The said tract of land is claimed in virtue of purchase, and of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 20.—Michel Bernard Cantrelle claims a tract of land situate in the parish of Saint James, on the west bank of the river Mississippi, and about sixty miles above the city of New Orleans, containing seven arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Poeyfarré and below by other lands of claimant.

The said tract of land is claimed in virtue of peaceable possession and of constant and uninterrupted habitation and cultivation thereof, by claimant and those under whom he holds, since the year 1782. We are therefore of opinion that this claim ought to be confirmed.

No. 21.—Jean Ursin Jarreau claims a tract of land situate in the parish of Pointe Coupée, on the west bank of the river Mississippi, containing twenty-six arpents four toises and five feet front by a depth not exceeding forty arpents, and bounded above by land now or formerly belonging to the heirs of Nicolas Bara and below by a bayou called "*Petit bayou.*"

The said tract of land forms part of a larger tract owned by the late Jean Baptiste Bara in the year 1782, and prior thereto, and at whose death it passed into the possession of his widow, under whom claimant holds by virtue of regular successive conveyances. The portion now claimed has been, moreover, constantly and uninterruptedly inhabited and cultivated, by the said claimant and those under whom he holds, from the said year 1782 down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 22.—Michel Aime claims a tract of land situated in the parish of St. Charles, on the east bank of the river Mississippi, and about twenty-four miles above the city of New Orleans, containing twenty arpents front by the ordinary depth of forty arpents, and bounded above by land of Stephen Henderson and below by land of Alexander La Branche.

The said tract of land is claimed in virtue of inheritance, and was acquired by the late François Aime (grandfather of claimant) in three different portions, as follows: 1st. Twelve arpents front, from Colonel Pierre Robert Gerard de Villemont, knight of the royal order of St. Louis, on the 22d day of September, 1768. 2d. Four arpents front from Jean, a free mulatto, on the 28th day of May, 1778; and, 3d. Four and a half arpents front, from Nanett Pacquet, on the 9th day of October, 1797. Claimant, moreover, proves constant and uninterrupted habitation and cultivation of the whole of said land for upwards of forty years past. We are therefore of opinion that the said claim ought to be confirmed.

No. 23.—Etienne Trepagnier claims a tract of land situate in the parish of Saint John the Baptist, on the east bank of the river Mississippi, and containing seven arpents seven toises and four feet front by the ordinary depth of forty arpents, and bounded above by land of widow Anna Buchols and below by land of widow Jacob Leche.

The said tract of land is claimed in virtue of ancient and undisputed possession and of constant and uninterrupted habitation and cultivation, by claimant and those under whom he holds, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 24.—Edmond Fortier claims a tract of land situate in the parish of St. Charles, on the west bank of the river Mississippi, and about twenty-eight miles above the city of New Orleans, containing one arpent front by the ordinary depth of forty arpents, and bounded by other lands of claimant.

The said tract of land is claimed in virtue of purchase, founded on ancient possession and constant and uninterrupted habitation and cultivation for upwards for forty years past We are therefore of opinion that this claim ought to be confirmed.

No. 25.—Bernard Marigny claims a tract of land situate in the parish of Plaquemines, on the west bank of the Mississippi river, and about twenty-seven miles below the city of New Orleans, containing about twenty-four arpents front by the ordinary depth of forty arpents, and bounded above by lands of Raphael Labadie and below by land of widow Jean Salvant.

The said tract of land is claimed in virtue of ancient and undisputed possession under the Spanish government, and having been constantly and uninterruptedly inhabited and cultivated, by claimant and those under whom he holds, for the last fifty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 26.—The widow of Louis Nicolas, and her two sons, Joseph Nicolas and Jean Omer Nicolas, claim a tract of land situated in the parish of La Fourche Interior, on the right bank of the Bayou La Fourche, and about twelve miles below Thibodeauxville, containing six and one-fourth arpents front on said bayou by the usual depth of forty arpents, and bounded above by land of Pierre Aubert and below by land of Charles Aubert.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly inhabited and cultivated, by claimants and those under whom they claim, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 27.—Widow Jean Salvant claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and containing three arpents front by the usual depth of forty arpents, and bounded above by land formerly belonging to Ant. Paturel and below by land of Pierre Salvant.

The said tract of land is claimed in virtue of peaceable and undisturbed possession and of constant and uninterrupted habitation and cultivation, by claimant and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 28.—Auguste Madére, senior, claims a tract of land situate in the parish of Saint John the Baptist, on the east bank of the river Mississippi, and containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of François St. Martin and below by land of Honoré Lagroue.

The said tract of land is claimed in virtue of purchase, founded on peaceable and undisturbed possession and constant and uninterrupted habitation and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 29.—Louis Le Bourgeois claims a tract of land situate in the parish of St. James, on the east bank of the river Mississippi, and containing two arpents front by the ordinary depth of forty arpents, and bounded above and below by other lands of claimant.

The said tract of land is derived by purchase from one Pablo Martin, who occupied it in the year 1782, since which time it has been constantly and uninterruptedly inhabited and cultivated by claimant and those under whom he holds. We are therefore of opinion that this claim ought to be confirmed.

No. 30.—Marie Constance Larche, a free woman of color, claims a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and about nine miles below the city of New Orleans, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of Michel Andry and below by land of F. Dusau de La Croix.

The said tract of land was acquired by claimant from her late father, Santago Larche, on the 14th day of April, 1802, by regular deed of purchase, since which time, and for more than ten consecutive years previous, it has been constantly and uninterruptedly inhabited and cultivated. We are therefore of opinion that this claim ought to be confirmed.

No. 31.—The heirs of Marie Emeranthe Schetaigre claim a tract of land situate on the left bank of the Bayou La Fourche, in the parish of Assumption, containing three arpents front on the said bayou by the ordinary depth of forty arpents, and bounded above by land of Charles Mounot and below by land of Messrs. Landreaux & Brothers.

The said tract of land is claimed in virtue of peaceable possession and constant and uninterrupted habitation and cultivation, by claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 32.—Jean Tircuit claims a tract of land situate in the parish of Saint James, and on the east bank of the river Mississippi, containing one arpent and a quarter front by the ordinary depth of forty arpents, and bounded above by land of widow Noel Matherne and below by land of James Matherne, jr.

It appears that the said tract of land was upwards of forty-five years ago in the quiet and peaceable possession of one Germain Bergeron, from whom it has descended to claimant by virtue of regular successive conveyances, having been, during all said time, constantly inhabited and cultivated. We are therefore of opinion that this claim ought to be confirmed.

No. 33.—Jean Louis Drouet, Edmond Drouet, and Jean Baptist Drouet claim a tract of land situate in the parish of Jefferson, on the west bank of the river Mississippi, and about twelve miles above the city of New Orleans, containing three and a half arpents front by the ordinary depth of forty arpents, and bounded above and below by lands of J. L and J. B. Drouet.

The said tract of land is now claimed in virtue of purchase, founded on ancient and peaceable possession, having been constantly and uninterruptedly inhabited and cultivated, by claimants and those under whom they hold, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 34.—The congregation of the Church of Assumption claim a tract of land situate in the parish of Assumption and on the left bank of the Bayou La Fourche, containing four arpents front by the usual depth of forty arpents, and bounded above by land of the Right Rev. Bishop Neckere and below by land of widow Thomas Fabien Guillot.

The said tract of land has been in the peaceable and undisputed possession of the said congregation and their predecessors ever since the year 1786, from which time down to the present it has been constantly devoted to the performances of public worship and other religious rites and ceremonies. We are therefore of opinion that this claim ought to be confirmed.

No. 35.—Charles Borromee Dufau claims a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about twenty-one miles below the city of New Orleans, containing five arpents front by the ordinary depth of forty arpents, and bounded above by other lands of claimant and below by land of Henry McCall.

The said tract of land is claimed in virtue of purchase, founded on ancient and undisputed possession, having been constantly inhabited and cultivated, by claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 36.—Zenon Ledoux claims a tract of land situate in the parish of Pointe Coupée, at a place called the "*Racource*," on the west bank of the river Mississippi, containing ten arpents front by the ordinary depth of forty arpents, and bounded above by land of Martin Tounoir and below by land of Benjamin Poydras.

The said tract of land is claimed in virtue of peaceable and undisputed possession and of constant and uninterrupted habitation and cultivation, by claimant and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 37.—Joseph Cavalier, a free man of color, claims a tract of land situate in the parish of Jefferson, on the west bank of the river Mississippi, and containing one-half of an arpent front by forty arpents in depth, and bounded above by land of Louise Carmouche and below by land of Joseph Olonier.

The said tract of land is claimed in virtue of purchase, founded on peaceable possession and constant and uninterrupted habitation and cultivation thereof, by claimant and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 38.—Jean Baptiste Terence Drouet claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing two arpents twelve and a half toises front by the

ordinary depth of forty arpents, and bounded above by land of Joseph Olonier and below by land of Marcelite Rieux, a free woman of color.

The said tract of land is proved to have been in the quiet and undisputed possession of claimant and those under whom he holds for the last forty years and upwards, during all which time it has also been constantly inhabited and cultivated. We are therefore of opinion that this claim ought to be confirmed.

No. 39.—Juste Le Beau, M. D., claims a tract of land situate at a place called "*Gentilly*," about three miles distant from the city of New Orleans, containing six arpents front, on the north side of the *Gentilly high road*, by a depth of twenty arpents, and bounded on one side by land of Pierre Martel and on the other side by lands forming "*Suberb Darcantel*."

The said tract of land is claimed in virtue of purchase, founded on long and undisputed possession, having been inhabited and cultivated without interruption, by claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 40.—René Trudeau claims a tract of land situate in the parish of St. Charles and on the east bank of the river Mississippi, containing twenty-eight arpents and twenty toises front by the whole depth, extending back to Lake Pontchartrain, bounded above by land of widow Adelard Fortier and below by lands belonging to the heirs of William Kenner.

The said tract of land originally formed part of a larger tract formerly owned by Simon Bellisle, the Spanish commandant of the district in which it is situated, who conveyed the same in due form to L. A. Meillon on the 3d day of December, 1782, under which latter claimant holds by virtue of regular conveyances. The said tract has, moreover, been constantly and uninterruptedly inhabited and cultivated as undisputed private property for the last fifty years and upwards, and there is reason to believe from the evidence produced that the same was originally derived from a regular grant or concession, the necessary papers in relation to which have been lost. We are therefore of opinion that this claim ought to be confirmed.

No. 41.—Josephine Power, wife of Michel Commagere, and Aimée Fortier, wife of Louis Commagere, claim a tract of land situate on the Bayou Ouachas, in the parish of Jefferson and district of Barrataria, at about twenty-four miles distant from the city of New Orleans, containing about thirty-five arpents front with a depth extending back to Lake Salvador, not exceeding forty arpents, and bounded on one side by Bayou Villars, and on the other side by Bayou Dauphin and lands belonging to the heirs of Bernard D'Auterive.

The said tract of land was formerly owned by Alexander Dubreuil, who conveyed it in due form to Raymond Gaillard on the 4th day of October, 1775, from which latter it has descended into the possession of claimants by a series of regular conveyances. It has, moreover, been constantly inhabited and cultivated, by said claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 42.—The widow and heirs of Laurent Guénard claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-four miles below the city of New Orleans, containing thirty-two arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Jean Salvant and below by land of Zenon Nivet.

The said tract of land was acquired by purchase, by the late Laurent Guénard and his said widow, in different portions and from different individuals, and the whole is now claimed in virtue of peaceable and undisputed possession and constant and uninterrupted habitation and cultivation thereof, by claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 43.—Honoré Lagroue claims a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing two arpents fifteen toises and two feet front by the usual depth of forty arpents, and bounded above by land of Auguste Madere, sr., and below by land of Philip Bredy.

The claimant proves peaceable possession and constant and uninterrupted habitation and cultivation of the said land, by himself and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 44.—Desiré Le Blank claims a tract of land situate in the parish of St. James and on the east bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Simon Laneau and below by land of widow Paul Mire.

The claimant proves undisturbed possession and constant and uninterrupted habitation and cultivation of the said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 45.—Donate Landry claims a tract of land situate in the parish of St. James and on the east bank of the river Mississippi, containing two arpents front by the usual depth of forty arpents, and bounded above by land of Sylvain Le Blanc and below by land of the widow Melançon.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of said land, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 46.—Donate Landry claims another tract of land situate in the parish of St. James and on the east bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and above by other land of claimant and below by land of Paul Melançon, jr.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by the said claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 47.—Frosine Laneaux, late widow of Paul Melançon, and now wife of Dominique Triac, claims a tract of land situate in the parish of St. James and on the east bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above and below by lands of Donate Landry.

The said tract of land was conveyed in due form by Pierre Laneaux to Paul Melançon, late husband of claimant, on the 14th day of January, 1802, since which time, and for more than ten consecutive years prior thereto, it has been constantly and uninterruptedly inhabited and cultivated. We are therefore of opinion that this claim ought to be confirmed.

No. 48.—Scolastique Laneaux, widow of Paul Mire, claims a tract of land situate in the parish of St.

James and on the east bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Desire Leblanc and below by other land of claimant.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by claimant and those under whom she holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 49.—Augustine Larousse claims a tract of land situate on the left bank of the Bayou La Fourche, in the parish of Assumption, containing one arpent front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Pierre Charlet and below by land of Joseph Faite.

The claimant proves quiet and undisputed possession and constant and uninterrupted habitation and cultivation of the said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 50.—Joseph Dufresne, jr., claims a tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, containing two arpents six toises five feet and six inches front on said bayou by the ordinary depth of forty arpents, and bounded above by land of widow Auguste Courcier and below by land of Joseph Aillau.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by claimant and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 51.—Joseph Aillau, a free man of color, claims a tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, containing two arpents six toises and two inches front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Joseph Dufresne, jr., and below by land of John B. Guédry.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 52.—Evariste Lepine claims a tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, and about forty-five miles from the river Mississippi, containing nine and a half arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Charles Aubert and below by land of widow Auguste Courcier.

The said tract of land is claimed in virtue of purchase, founded on ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by claimant and those under whom he holds, for more than forty years. We are therefore of opinion that this claim ought to be confirmed.

No. 53.—Raphael Gotreau claims a tract of land situate in the parish of Iberville and on the east bank of the river Mississippi, containing five and a half arpents front by the ordinary depth of forty arpents, and bounded above by land of Michel Breau and below by land of Joseph Henderson.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 54.—Michel Theriot claims a tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, and about eleven miles below Thibodeauxville, containing four arpents front on said bayou by the usual depth of forty arpents, and bounded above by land of Furcy Verret and M. Lebouef and below by land of Abraham Bourgeois.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by claimant and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 55.—Jean Baptiste Pacquet, a free negro, claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of Messrs. Davis and Fossier and below by land of widow Eugene Fortier.

The said tract of land was purchased by claimant from the late George Rixner on the 9th day of November, 1797; since which time (and for a number of years previous) it has been constantly and uninterruptedly inhabited and cultivated as undisputed private property. We are therefore of opinion that this claim ought to be confirmed.

No. 56.—Michel Andry and Hortaire Andry claim a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and about six miles below the city of New Orleans, containing thirty-five and a half arpents front by the ordinary depth of forty arpents, and bounded above by land of Agenor Bosque and below by land of Marie Constance Larche.

The said tract of land is composed of two contiguous tracts, to wit: One of twenty arpents front, formerly owned by Maria Jeane Cerable, widow Leconte, who conveyed it to John B. Macarty on the 8th day of June, 1784; and the other, of fifteen and a half arpents front, formerly owned by François Pelerin, who conveyed the same to the said John B. Macarty, conjointly with Maurice Conway, on the 27th day of August, 1782. The whole is now held by purchase from said Macarty, and is claimed in virtue of uninterrupted possession and constant habitation and cultivation, by the present claimants and those under whom they hold, for the last fifty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 57.—Gilbert Leonard claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Mr. Reggio and below by land of Merced Maxent.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 58.—Joseph Veillon claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing nine arpents front by the ordinary depth of forty arpents, and bounded above by land of Louis Drouet and below by land of Peter Rappe and Rosomond Fagot.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of the said land, by himself and those under whom he holds, since the year 1789. We are therefore of opinion that this claim ought to be confirmed.

No. 59.—John Nivet claims a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about thirteen leagues below the city of New Orleans, containing fifteen arpents

front by the usual depth of forty arpents, and bounded above by land of Jacques Courtault and below by land of J. Maurice.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 60.—François Lafrance claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-four miles below the city of New Orleans, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of Thomas S. Cunningham and below by land of widow P. Dobard.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, since the year 1789. We are therefore of opinion that this claim ought to be confirmed.

No. 61.—François Lafrance claims another tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Joseph Veillon, jr., and below by land of the widow Martin.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 62.—Perrine Lafrance, widow of Pierre Daubard, claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing four arpents front by the usual depth of forty arpents, and bounded above by land of Fraçnois Lafrance and below by land of widow Joseph Veillon, jr.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of said land, by herself and those under whom she holds, since the year 1789. We are therefore of opinion that this claim ought to be confirmed.

No. 63.—Celeste Daubard, widow of Joseph Veillon, jr., claims a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about twenty-four miles below the city of New Orleans, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Pre. Daubard and below by land of François Lafrance.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by claimant and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 64.—Celeste Daubard, widow of Joseph Veillon, jr., claims another tract of land situate in the parish of Plaquemines, and on the west bank of the river Mississippi, containing one arpent and a half front by the usual depth of forty arpents, and bounded above by the land of widow Martin and below by land of Raphael Labady.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by herself and those under whom she holds, since the year 1789. We are therefore of opinion that this claim ought to be confirmed.

No. 65.—Raphael Labady claims a tract of land situate in the parish of Plaquemines, and on the west bank of the river Mississippi, containing one arpent and a half front by the ordinary depth of forty arpents, and bounded above by land of widow of Joseph Veillon, jr., and below by land of Bernard Marigny.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, since the year 1789. We are therefore of opinion that this claim ought to be confirmed.

No. 66.—The heirs of George Shitz claim a tract of land situate in the parish of Pointe Coupée and on the right bank of *False river*, (*"Fausse rivière,"*) containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of François Lebeau and below by land of said claimant.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by the said claimants and those under whom they hold, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 67.—Jean Baptiste Cantrelle and Lise Cantrelle claim a tract of land situate in the parish of St. James and on the west bank of the river Mississippi, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of A. B. Roman & Co. and below by land of Z. Foucher & Co.

The said tract of land was inherited by claimants from their late father, J. B. Cantrelle, and is claimed in virtue of uninterrupted possession and constant habitation and cultivation for more than forty-five years past. We are therefore of opinion that this claim ought to be confirmed.

No. 68.—Andre Wagenspach claims a tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, and about eleven miles below Thibodeauxville, containing four arpents one toise and four feet front on said bayou by the ordinary depth of forty arpents, and bounded above and below by lands of Pierre Aubert.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 69.—Paul Marie Boudreau claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing six and a half arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Theodore Bourg, sr., and below by land of Theodore Bourg, jr.

The said tract of land was purchased by claimant from Lambert Billardin on the 4th day of May, 1810, by which latter it was owned as far back as the year 1785, since which period it has been constantly and uninterruptedly inhabited and cultivated by them as undisputed private property. We are therefore of opinion that this claim ought to be confirmed.

No. 70.—The heirs of Mary Saul, late wife of Joseph Saul, claim a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about eighteen miles below the city of New Orleans, containing sixteen arpents front by the ordinary depth of forty arpents, and forming a part of a larger tract or plantation owned by the said claimants, bounded above by land of A. Duprés and below by land of Dupuis and Lethiec.

The claimants prove undisputed possession and constant and uninterrupted habitation and cultivation of the said portion, by themselves and those under whom they hold, from the year 1789 down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 71.—Pierre Coulon claims a tract of land situate on the right bank of the Bayou *Caillou*, in the parish of Terrebonne, containing twenty arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by the lands of Guillaume Terrebonne and below by the Bayou "*Des Rochers.*"

The said tract of land is claimed in virtue of a settlement made thereon by the said claimant upwards of forty years ago, and of constant possession and cultivation thereof ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 72.—Philibert Justin Taris claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of Joseph Ingle and below by land of Antoine Pelat.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for more than forty-five years past. We are therefore of opinion that this claim ought to be confirmed.

No. 73.—Emanuel Landry claims a tract of land situate in the parish of Iberville, on the right bank of the Bayou *Jacob*, (or upper branch of the Bayou *Plaquemines*,) and about four miles distant from the river Mississippi, containing ten arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Antoine Langlois and below by land of William Shea.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by claimant and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 74.—Jean Baptiste Guédry claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing two arpents fifteen toises and fifteen feet front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Joseph Allan and below by land of Pierre Lefevre.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 75.—Pierre Lefevre claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing four and a half arpents front on the said bayou by the ordinary depth of forty arpents, and bounded above by land of J. B. Guédry and below by other land of said claimant.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 76.—Sebastian Fernandez claims a tract of land situate in the parish of Assumption, on the right bank of the Bayou La Fourche, and about four miles from the river Mississippi, containing three arpents front on said bayou by a depth not exceeding forty arpents, and bounded above by land of widow Pre. Genthil and below by land of Daniel Smith.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said land, by himself and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 77.—Jeanne Dessalles, wife of Pierre Dulcide Barran, claims a tract of land situate in the parish of Orleans, and on the west bank of the river Mississippi, containing four arpents five toises and two feet front by the ordinary depth of forty arpents, and bounded above by land of widow Duverge and C. Villeré and below by land of James Villeré and Son.

The said tract of land was upwards of forty years in the peaceable possession of Mr. Demaziliére, under whom claimant holds by regular successive conveyances. It is now claimed in virtue of continued and uninterrupted possession and cultivation ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 78.—Anne Boudraux, widow of John Boudraux, claims a tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, containing four arpents front by the ordinary depth of forty arpens, and bounded above by land of Valery Prejean and below by land of J. B. Hebert.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by herself and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 79.—Pierre Soniat Dufossat, Ursin Soniat Dufossat, and Beausejour Boisblanc, claim a tract of land situate in the parish of Jefferson, on the east bank of the river Mississippi, and about fourteen miles above the city of New Orleans, containing ten arpents front with a depth of forty arpents, opening in such manner as to contain twenty arpents on the back line, bounded above by land of the heirs of Pierre Sauvé, below by land of J. Soniat Dufossat, and in the rear by lands of Norbert Fortier.

The said tract of land was owned upwards of forty years ago by Olivier Forcelle, and is now claimed in virtue of continued possession and constant and uninterrupted inhabitation and cultivation, by claimants and those under whom they hold, from said period down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 80.—The widow and heirs of François D'Hebecourt claim a small tract or parcel of land situate in the parish of Orleans, on the south bank of the Bayou St. John, and about two miles from the city of New Orleans, which said tract forms an irregular figure, according to a plat thereof produced by said claimants, and whereof the lines measure as follows, to wit: The one running towards the "*Metairie road*," three hundred and twenty-six feet and four inches; the one running towards the *canal* of the "Navigation Company," two hundred and thirty-one feet seven inches; and the one separating it from the property of the heirs of the widow Vienne, four hundred and sixty-one feet.

The said parcel of land is proved to be among the most ancient settlements on the said Bayou St. John, and has been constantly and uninterruptedly inhabited and cultivated, by the said claimants and those under whom they immediately hold, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 81.—The widow and heirs of François D'Hebecourt claim another tract of land situate in the parish of Orleans, on the south side of the "*Metairie road*," and near the Bayou St. John, containing twenty-three arpents fourteen toises and three feet front on said road by a depth of fourteen arpents, and bounded on one side by land of Mrs. Jacques Vienne, and on the other by land of Gabriel Jason, a free negro.

The claimants prove uninterrupted possession and constant habitation and cultivation of said tract,

by themselves and those under whom they immediately hold, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 82.—Louis Allard claims a tract of land situate in the parish of Orleans, on the left bank of the Bayou St. John, and about three miles from the city of New Orleans, containing four arpents front on the said bayou by the ordinary depth of forty arpents, and bounded above by land belonging to the heirs of Louis Allard, (late father of claimant,) and below by land formerly belonging to Fanchon Montreuil, a free colored woman.

This said tract of land was purchased by the claimant from François Riano, who had acquired it in due form from Mateo Ostein, in the year 1802, by which latter it had been owned for a number of years previous. It is now claimed in virtue of said possession and of constant and uninterrupted habitation and cultivation for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 83.—The heirs of Louis Allard claim a tract of land situate in the parish of Orleans, on the left bank of the Bayou St. John, and about three miles from the city of New Orleans, containing fourteen arpents front on said bayou by the ordinary depth of forty arpents, and bounded on one side by land belonging to the heirs of F. D'Hebecourt and on the other side by land of L. Allard.

The claimants prove undisputed possession and constant and uninterrupted habitation and cultivation of said land, by themselves and those under whom they immediately hold, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 84.—John McDonogh claims a tract of land situate in the parish of Assumption, on the left bank of the *canal* conducting to the Attakapas, containing eighteen arpents front on said canal by the ordinary depth of forty arpents, and bounded on one side by land of Julien Oslet and on the other side by land of Hypolite Daghert.

The claimant proves that the said land was inhabited and cultivated, as a private settlement, on the 20th day of December, 1803, and for several years previous, by permission of the proper Spanish officer. We are therefore of opinion that this claim ought to be confirmed.

No. 85.—John McDonogh claims another tract of land situate in the parish of Assumption and on the left bank of the *canal* conducting to the Attakapas, containing six arpents front by the ordinary depth of forty arpents, and bounded on one side by land of Louis Saying and on the other side by land of François Goutreaux.

The said tract of land is claimed in virtue of purchase, founded on habitation and cultivation thereof on the 20th day of December, 1803, and for several years prior thereto, by permission of the proper Spanish officer. We are therefore of opinion that this claim ought to be confirmed.

No. 86.—John McDonogh claims another tract of land situate on the right bank of the Bayou Ouachas, in the parish of Jefferson and district of Barrataria, containing about thirty acres front on said bayou by a depth of about one hundred and ten arpents.

The said tract of land is now claimed in virtue of uninterrupted possession and cultivation, by claimant and those under whom he holds, for upwards of forty years past. It originally formed part of a larger tract, derived, as there is reason for believing from the evidence produced, from an old French grant. We are therefore of opinion that this claim ought to be confirmed.

No. 87.—Euphemia La Branch, wife of William Brown, claims a tract of land situate in the parish of Jefferson, on the west bank of the river Mississippi, and about two and a half miles above the city of New Orleans, containing four arpents and eleven toises front by forty-five arpents in depth, and bounded above by land of J. E. Faures and below by land of P. Robin Delogny.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of said land, by herself and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 88.—François Lorio and Achille Lorio claim a tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing three arpents front by forty arpents deep, together with an additional or second depth of forty arpents lying immediately in the rear of and adjacent to said first depth, and having a width or front of twelve arpents, bounded above by land of widow Andre France and below by land of Charles Perret.

The claimants prove uninterrupted possession and constant habitation and cultivation of the first depth of said land, by themselves and those under whom they hold, for more than forty years past; and of the second or additional depth thereof they prove the same uninterrupted possession and undisputed ownership for the same space of time back, the nature and quality of the soil rendering it in a great measure unfit for cultivation. We are therefore of opinion that this claim ought to be confirmed.

No. 89.—The widow and heirs of Andre France claim a tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing one-half of an arpent front by the ordinary depth of forty arpents, and bounded above by land of Henry Armstrong James and below by land of F. and A. Lorio.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by the claimants and those under whom they immediately hold, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 90.—Henry Armstrong James claims a tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing three-quarters of an arpent front by the ordinary depth of forty arpents, and bounded above by land of Andre Latour and below by land of widow Andre France.

The claimant proves uninterrupted possession and constant habitation and cultivation of said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 91.—The widow and heirs of Jacques Ingle claim a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing ten arpents front by the ordinary depth of forty arpents, and bounded above by land of Francis Chartier and below by land of Jacques Heingle.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by the claimants and those under whom they hold, ever since the year 1790. We are therefore of opinion that this claim ought to be confirmed.

No. 92.—The heirs of George Kinler claim a small tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing three-quarters of an arpent front by the usual depth of forty arpents, and bounded by other lands of claimants.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by the claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 93.—Honoré Doussan claims a tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of widow Andre Belsom and below by other lands of the claimant.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation, by the claimant and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 94.—Sylvain Baudoin, Honoré Baudoin, and Paul Champagne, jr., claim a tract of land situate on the west bank of the river Mississippi, in the parish of St. Charles, containing one arpent and three-quarters front by the ordinary depth of forty arpents, and bounded above by land of Dr. H. Doussan and below by land of Antoine St. Amand.

The said tract of land is derived by purchase from Michel Lagrenade, to whom it was conveyed by Alexis Daigle on the 11th day of December, 1762, from which time down to the present it has been constantly inhabited and cultivated as private property. We are therefore of opinion that this claim ought to be confirmed.

No. 95.—Auguste Perron claims a tract of land situate in the parish of Iberville and on the right bank of the Bayou Plaquemines, containing six arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Bouviere Robichaud and below by land formerly belonging to Xavier Robichaud.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 96.—Antonio Vela claims a tract of land situate on the left bank of the Bayou La Fourche, in the parish of Assumption, containing seven arpents and fifteen toises front by a depth not exceeding forty arpents, and bounded above by land of Christopher Riviere and below by other land of said claimant.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation, by the claimant and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 97.—Joseph Cavaliero claims a tract of land situate in the parish of Assumption, on the left bank of the Bayou La Fourche, and about three miles from the river Mississippi, containing two arpents three toises and one foot front on said bayou by the ordinary depth of forty arpents, and bounded above by land of widow Manuel Romano and below by land of Francisco Mathias.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 98.—Jacques Vichnair claims a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of widow George Schoff and below by land of widow J. Rodriguez.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of the said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 99.—Antoine Badaux, jr., claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing two arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Firmin Labiche and below by land of Honoré Breaux.

The claimant proves uninterrupted habitation and cultivation and undisturbed possession of said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 100.—The widow of Antoine Badaux claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing two and a half arpents front on said bayou by the usual depth of forty arpents, and bounded above by land of Antoine Badaux and below by land of H. Breaux.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 101.—Evariste Badaux claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing one arpent and a half front by the ordinary depth of forty arpents, and bounded above by land of widow A. Badaux and below by land of widow Bazile Prejean.

The claimant proves uninterrupted possession and constant habitation and cultivation of said tract, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 102.—François Himmel claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing one arpent and fifteen feet front by the ordinary depth of forty arpents, and bounded above by land of A. Badaux and below by land of V. Badaux.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 103.—Alexis Himmel claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Ursule Hochman and below by land of Noel Deslatte.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 104.—Mathias Borne claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing one-half of an arpent (or fifteen toises) front by the ordinary depth of forty arpents, and bounded above by land of Francis Himmel and below by land of Valery Badaux.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 105.—Ursin Savois claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Jean Dufreney and below by land of Joseph Bane.

The claimant proves uninterrupted possession and constant habitation and cultivation of said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 106.—Jean Dufreney claims a tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of George Dufreney and below by land of Ursin Savois.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 107.—George Dufreney claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing two arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Nicholas Arcenaux and below by land of Jean Dufreney.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 108.—Alexis Amand Leday claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing three arpents two feet and eight inches front by the ordinary depth of forty arpents, and bounded above by land of Louis Deshields and below by land of widow Etienne Leblanc.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 109.—Marguerite Melançon, widow of Etienne Leblanc, claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing one arpent and fifteen toises front by the ordinary depth of forty arpents, and bounded above by land of Alexis Amand Leday and below by land of Antoine Leday.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of the said tract, by herself and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 110.—Antoine Leday claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing two arpents front by the ordinary depth of forty arpents, (the side lines opening in such manner as to give an area of one hundred and twenty-six and $\frac{93}{100}$ superficial arpents) bounded above and below by land of widow Etienne Leblanc.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 111.—Etienne Guidraux, sen., claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing about thirty acres front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Charles Sabin and below by land of William Field.

The said tract of land was purchased by the claimant from Pierre Bourgeois, jr., on the 23d day of September, 1805, and is now claimed in virtue of uninterrupted possession and constant habitation and cultivation for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 112.—Etienne Guidraux, sen., claims another tract of land situate in the parish of La Fourche Interior, on the right bank of Bayou La Fourche, containing four arpents and one-fourth front by the ordinary depth of forty arpents, and bounded above by land of Etienne Guidraux, jr., and below by land of Thomas Ingles.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 113.—Etienne Guidraux, jr., claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing one arpent and one-fourth front by the ordinary depth of forty arpents, and bounded above by land of C. Sabin and below by land of Etienne Guidraux, sen.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 114.—Edward Bergeron claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Severin Forest and below by land of Firmin Guédry.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation, by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 115.—Severin Forest claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of Celeste Lamatte and below by land of Edward Bergeron.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 116.—Celeste Lamatte, a free woman of color, claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing one arpent and a half front by the ordinary depth of forty arpents, and bounded above by other land of the claimant and below by land of Severin Forest.

The said tract of land is proved to have been in the uninterrupted possession of the claimant and those under whom she holds for the last forty years and upwards, during all which time it has been constantly inhabited and cultivated. We are therefore of opinion that this claim ought to be confirmed.

No. 117.—Alexander Lepine claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing two arpents and one-fourth front by the ordinary depth of forty arpents, and bounded above by land of Sylvain Baudoine and below by land of Benjamin Folse and others.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 118.—Honoré Zeringue claims a tract of land situate in the parish of St Charles and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above and below by other lands of claimant.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, since the year 1790. We are therefore of opinion that this claim ought to be confirmed.

No. 119.—Pelagie Haydel, widow of Andre Belsom, claims a tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Paul Champagne and below by land of Dr. H. Doussan.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by herself and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 120.—Paul Champagne claims a tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of widow Joseph St. Amand and below by land now or formerly belonging to widow Baptiste St. Amand.

The claimant proves uninterrupted possession and constant habitation and cultivation of said tract, by himself and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 121.—Louis Friloux and Udger Friloux claim a tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Daniel Lambert and below by land belonging to the heirs of George Kinler.

The claimants prove uninterrupted possession and constant habitation and cultivation of the said tract, by themselves and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 122.—Widow Pierre Dragon claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing five arpents front by the ordinary depth of forty arpents, and bounded above by land of Michel Duplessis and below by land of Jean Joseph Voisin.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by herself and those under whom she holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 123.—François Guerin, Louis Guerin, and Edward Guerin claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about seven leagues below the city of New Orleans, containing thirty-one arpents front by the ordinary depth of forty arpents, and bounded above by land of Nicholas Reggia and below by land of Auguste Guerin.

The said tract of land is claimed in virtue of purchase, founded on ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated by the claimants, and those under whom they hold, for more than forty-five years past. We are therefore of opinion that this claim ought to be confirmed.

No. 124.—Joseph Carentin and Benjamin Carentin claim a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing two arpents front by the usual depth of forty arpents, and bounded above by land of Antoine Boudousquire and below by land of Andre Madere.

The claimants prove uninterrupted possession and constant habitation and cultivation of said land, by themselves and those under whom they hold, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 125.—Andre Madere claims a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of J. and B. Carentin and below by other land of the claimant.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation, by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 126.—Jacques Lafrance claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of John Morris and below by land of Brinville Lafrance.

The claimant proves peaceable possession and constant and uninterrupted habitation and cultivation, by himself and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 127.—John Morris claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing nine arpents front by the ordinary depth of forty arpents, and bounded above by land of François and Jean Lafrance and below by land of Jacques Lafrance.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 128.—Valfroy Duplessis, Martin Duplessis, Casimer Duplessis, Euphrosine Duplessis, and Manette Duplessis claim a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing twelve arpents front by the ordinary depth of forty arpents, and bounded above by land of John Morris and below by land of Thomas Lafrance.

The said tract of land is claimed in virtue of purchase, and founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 129.—Honoré Duplessis claims a tract of land situate in the parish of Plaquemines and on the

east bank of the river Mississippi, containing five arpents front by the ordinary depth of forty arpents, and bounded above by land of Brinville Lafrance and below by other land of claimant.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by said claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 130.—Pierre Robin Lacoste claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing eleven arpents and six toises front by the ordinary depth of forty arpents, and bounded above by land of Merced Maxent and below by land of Charles B. Dufau.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 131.—Fernando Rodriguez claims a tract of land situate in the parish of Assumption and on the left bank of the Bayou La Fourche, containing three arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Andre Truxillo and below by land of Messrs. Girod Brothers.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, ever since the year 1780. We are therefore of opinion that this claim ought to be confirmed.

No. 132.—Alexander Dennistown, William Hill & Co. claim a tract of land situate in the parish of Plaquemines, on the west bank of the river Mississippi, and about sixteen miles below the city of New Orleans, containing fifty-six arpents front by the ordinary depth of forty arpents, and bounded above by land of Rosette Broux, a free woman of color, and below by land of Charles Forstall and others.

The said tract of land is composed of several smaller tracts, purchased by the claimants at different times from different individuals. The whole is now claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated by the said claimants, and those under whom they hold, ever since the year 1789. We are therefore of opinion that this claim ought to be confirmed.

No. 133.—Pierre Rouanet claims a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing two and a half arpents front by the usual depth of forty arpents, and bounded above by land of William Smith and below by land of Louis Hebert.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 134.—Valfroy Duplessis claims a tract of land situate in the parish of Plaquemines and on the left bank of the river Mississippi, containing seven arpents front by the ordinary depth of forty arpents, and bounded above by land of Sylvain Duplessis and below by land of Michel Duplessis.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 135.—Remy Bourgeois claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing one arpent front by the ordinary depth of forty arpents, and bounded above by other land of the claimant and below by land of Jourdain Savoie.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 136.—John Alexis Boudraux and Joseph Lazarre Boudraux claim a tract of land situate in the parish of La Fourche Interior and on the left bank of the Bayou La Fourche, containing three arpents front by the ordinary depth of forty arpents and bounded above by other land of the claimants and below by land of widow François Gaude.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation, by the said claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 137.—Alexis Folse claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing ten arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Mathieu Hotard and below by land of Romain Rodri.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he claims, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 138.—Romain Rodri claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Alexis Folse and below by land of Nicholas Meillon.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 139.—Nicolas Meillon, a free man of color, claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Romain Rodri and below by land belonging to the heirs of Louis Courcier.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 140.—Pierre Jean Pierre Buras claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing twenty arpents front by the ordinary depth of forty arpents, and bounded above by other lands of the claimant and below by land of Bastien Buras.

The said tract of land was first settled by the claimant, about forty-four years ago, by permission of the proper Spanish officer; since which time he has continued to inhabit and cultivate the same without any interruption whatsoever. We are therefore of opinion that this claim ought to be confirmed.

No. 141.—Jean Pierre Burat claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing eight arpents front, by the ordinary depth of forty arpents, and bounded above by land of Adam Frederick and below by land of John McDonogh.

The claimant proves uninterrupted possession and constant habitation and cultivation of the sai tract, by himself and those under whom he holds, for more than forty-five years past. We are therefor of opinion that this claim ought to be confirmed.

No. 142.—Pierre Cagnolati claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing four and a half arpents front by the ordinary depth of forty arpents, and bounded above by land of George W. Johnson and below by land of the widow and heirs of Pierre Clause.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 143.—Pierre Cagnolati claims another tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing three arpents front by the ordinary depth of forty arpents, and bounded above and below by lands of George W. Johnson.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 144.—The widow and heirs of Pierre Clause claim a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of Pierre Cagnolati and below by land of Adam Frederick.

The claimants prove uninterrupted possession and constant habitation and cultivation thereof, by themselves and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 145.—Jacques Adam Frederick claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of the widow and heirs of Pierre Clause and below by land of G. W. Johnson.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of the said land, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 146.—Joseph Lausade claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing about eight arpents front by the ordinary depth of forty arpents, and bounded above by land of Pierre Cauvin and below by land of Messrs. Bradish & Osgood.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 147.—Pierre Covin claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing three and a half arpents front by the ordinary depth of forty arpents, and bounded above by land of Auguste Groleau and below by land of Joseph Lausade.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 148.—Catherine Wilkinson, wife of Joseph B. Wilkinson, claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, and about fourteen leagues below the city of New Orleans, containing fifteen arpents front by the ordinary depth of forty arpents, and bounded above by land of the heirs of Robert Andrews and below by other land of claimant.

The said tract of land is claimed in virtue of ancient possession, having been constantly and uninterruptedly inhabited and cultivated, by the claimant and those under whom she holds, for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 149.—Joseph B. Wilkinson claims, for and on behalf of the heirs of the late Robert Andrews, a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing twenty-five arpents front by the ordinary depth of forty arpents, and bounded above by land of Maunsel White and below by land of Catherine Wilkinson.

The said tract of land was purchased by the late Robert Andrews from Samuel Hermann on the 18th day of March, 1828, and is now claimed in virtue of said purchase and of constant and uninterrupted possession and cultivation, by the said Andrews and those under whom he holds, for the last fifty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 150.—Merced Maxent claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing one half arpent front by the usual depth of forty arpents, and bounded above by land of Gilbert Leonard and below by land of Pierre Lacoste.

The claimant proves uninterrupted possession and constant habitation and cultivation of said tract, by herself and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 151.—Genevieve Zelime Gaultier, wife of Jean Joseph Coiron, claims a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about thirty-six miles below the city of New Orleans, containing thirty-seven arpents front by the ordinary depth of forty arpents, and bounded above by land of F. St. Marie Coiron and below by land of Mr. Wederstrandt.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of said tract, by herself and those under whom she holds, for more than forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 152.—Domingo Ragas claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of Joseph Denésse and below by land of Jacob Incle.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 153.—Jacques Frederic claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing five arpents front by the ordinary depth of forty arpents, and bounded above by land of Samuel Packwood and below by land of Robert Montgomery.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 154.—François Moreau claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of Jean Lafrance and below by land of Domingo Ragas.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 155.—Jean Lafrance claims a tract of land situate in the parish of Plaquemines and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by other land of the claimant and below by land of François Moreau.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly inhabited and cultivated, by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 156.—Hortaire Bouvier claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Charles Sabin and below by land of Etienne Guidraux, jr.

The claimant proves uninterrupted possession and constant habitation and cultivation of said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 157.—Jean Baptiste Molaison claims a tract of land situate in the parish of La Fourche Interior and on the right bank of the Bayou La Fourche, containing one arpent and three-quarters front by the ordinary depth of forty arpents, and bounded above by land of J. B. Robichaux and below by land of widow Jean Charles Broussard.

The claimant proves uninterrupted possession and constant habitation and cultivation of said land, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed

No. 158.—Reuben Bush claims a tract of land situate in the parish of Iberville and on the west bank of the river Mississippi, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of Jerome Boudreaux and below by land of Florentine Landry.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 159.—Pierre Robin Delogny claims a tract of land situate in the parish of Jefferson and on the right or west bank of the river Mississippi, containing five arpents and five toises front by the ordinary depth of forty arpents, and bounded above by land of Mde. Euphemia Brown and below by land of John S. David and Edward Robin Delogny.

The said tract of land is part of a larger tract purchased by the claimant on the 11th day of June, 1799, from Pierre Pedesclaux, to which latter it had been conveyed in due form by Joseph Xavier de Pontalba on the 22d day of April, 1790; from which period down to the present time the portion now claimed has never ceased to be inhabited and cultivated. We are therefore of opinion that this claim ought to be confirmed.

No. 160.—John S. David and Edward Robin Delogny claim a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing five arpents and five toises front by the ordinary depth of forty arpents, and bounded above by land of Pierre Robin Delogny and below by land of John McDonogh.

The claimants prove undisputed possession and constant and uninterrupted habitation and cultivation of the said land, by themselves and those under whom they hold, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 161.—Brinville Lafrance claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Jacques Lafrance and below by land of Honoré Duplessis.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 162.—Joseph Lalonier, a free man of color, claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing one-half of an arpent front by the ordinary depth of forty arpents, and bounded above by land of Joseph Cavalier and below by land of Terence Drouet.

The said tract of land is claimed in virtue of ancient possession, having been uninterruptedly inhabited and cultivated by the claimant since the month of March, 1803, and by those under whom he holds for more than ten consecutive years prior. We are therefore of opinion that this claim ought to be confirmed.

No. 163.—Louis Harang claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing one arpent front by a depth of eighty arpents, and bounded above by land of Dugué Livaudais Brothers and below by land of Françoise Macarty.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 164.—Françoise Macarty, a free woman of color, claims a tract of land situate in the parish of Jefferson, and on the west bank of the river Mississippi, containing one arpent one foot and six inches front by eighty arpents in depth, and bounded above by land of Louis Harang and below by land of widow Mayronne.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, ever since the year 1783. We are therefore of opinion that this claim ought to be confirmed.

No. 165.—Joseph Enouel Dugué Livaudais and Charles Enoul Dugué Livaudais claim a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing two arpents and two-thirds front by eighty arpents in depth, and bounded above by land of Messrs. Harang and Fazende and below by land of Marie Therese Dauphin.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and con-

stant habitation and cultivation, by the claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed

No. 166.—Honoré Bacchus, a free negro, claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing three-quarters of an arpent front by the ordinary depth of forty arpents, and bounded above by land of Marie Bacchus and below by land of Zenon Saulet.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 167.—Zenon Saulet, a free man of color, claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, and containing four arpents and eleven toises front by eighty arpents in depth, bounded above by land of Honoré Bacchus and below by land of Lucien La Branche.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, for more than forty-five years past. We are therefore of opinion that this claim ought to be confirmed.

No. 168.—Mary Bacchus, a free woman of color, claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing one arpent and three-quarters front by the ordinary depth of forty arpents, and bounded above by land of G. A. Waggaman and below by land of Honoré Bacchus.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by herself and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 169.—Marcellite Rieux, a free woman of color, claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing two-thirds of an arpent or twenty toises front by the ordinary depth of forty arpents, and bounded above by land of J. B. and T. Drouet and below by land of Mde. G. A. Waggaman.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said land, by herself and those under whom she holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 170.—The widow and heirs of André Lasseigne claim a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of M. Reine and below by land of widow Norbert Boudousquié.

The said tract of land was purchased by the late André Lasseigne from Leonard Lasseigne on the 9th day of October, 1792; since which time it has been inhabited and cultivated by the said André, and after him, his widow and heirs, (the present claimants,) without any interruption whatsoever. We are therefore of opinion that this claim ought to be confirmed.

No. 171.—Louis Constant Destez claims a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing two arpents front by a depth of about thirty-three arpents, with the side lines closing a few degrees, bounded above by land of Eleanor Arnauld and below by land of Etienne Lacoste.

The claimant proves uninterrupted possession and constant habitation and cultivation of said tract, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 172.—George Tregre claims a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing one arpent and ten toises front by the ordinary depth of forty arpents, and bounded above by land of Louis Perilloux and below by land of Victoire Deslondes.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 173.—Victoire Deslondes, a free woman of color, claims a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing two arpents and twenty-two toises front by the ordinary depth of forty arpents, and bounded above by land of George Tregre and below by other land belonging to the claimant.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom she holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 174.—Rosalie Isidor, a free woman of color, claims a tract of land situate in the parish of St. Charles and on the west bank of the river Mississippi, containing one-half of an arpent front by about thirty-four arpents in depth, and bounded above and below by lands of Honoré Zeringue.

The said tract of land is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 175.—Joseph Pacquet and Narcisse Zenon, free persons of color, claim a tract of land situate in the parish of St. John the Baptist and on the east bank of the river Mississippi, containing one arpent and ten toises front by the ordinary depth of forty arpents, and bounded above by land of Mr. Hasdeley and below by land of Mr. Picou.

The claimants prove uninterrupted possession and constant habitation and cultivation of the said tract, by themselves and those under whom they hold, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 176.—Narcisse Lassé claims a tract of land situate in the parish of Jefferson and on the "*Metairie road,*" containing two arpents front on each side of said road, by a depth on the north side extending to Lake Pontchartrain, and on the south side extending to the limits of the "Macarty plantation;" bounded above by land of Joseph Beaulieu and below by land of Marie Pierre Demouy.

The said tract of land is claimed in virtue of purchase, founded on undisputed possession and constant and uninterrupted habitation and cultivation thereof, by the claimant and those under whom he holds, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 177.—Marie Pierre Dumouy, a free woman of color, claims a tract of land situate in the parish of Jefferson, on the "*Metairie road,*" containing two arpents front on each side of said road, by a depth on

the north side extending to Lake Pontchartrain, and on the south side extending to the limits of the "Macarty plantation," bounded above by land of Narcisse Lassé and below by land of Jean Louis Beaulieu.

The said tract of land is part of a larger tract purchased by the late Pierre Dumouy (father of the claimant) from Don Almonestery Roxas in the year 1791; since which time the portion now claimed has ever continued to be inhabited and cultivated as undisputed private property. We are therefore of opinion that this claim ought to be confirmed.

No. 178.—François Pascalis Lacestiere Volant de La Barre claims a tract of land situate in the parish of Jefferson, on the Bayou *Metairie*, and about six miles from the city of New Orleans, containing two arpents front on each side of said bayou, by a depth extending to lake Pontchartrain on the north side, and of ten arpents on the south side, bounded on one side by land of George L'Esprit, a free negro, and on the other by land of François Peyroux.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of the said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 179.—Lacestiere Volant La Barre and Jean Baptiste Volant La Barre claim a tract of land situate in the parish of Jefferson, on the Bayou *Metairie*, and at about six miles from the city of New Orleans, containing twelve arpents front on each side of said bayou, by a depth extending to Lake Pontchartrain on the north side, and of eleven arpents on the south side; bounded on one side by land of Françoise Dorville, and on the other side by land of George L'Esprit, a free negro.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by the claimants and those under whom they hold, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 180.—Edmond Bozonier Marmillon and Eugene Lartigue claim a tract of land situate in the parish of St. John the Baptist, on the left or east bank of the river Mississippi, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of Leon Vicner and below by other land of the claimants.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 181.—Joseph Nicholas Dugas claims a tract of land situate in the parish of Ascension and on the west bank of the river Mississippi, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of Anselme Le Blanc and below by land of J. B. Gaudin.

The claimant produces, in support of his said claim, a regular chain of conveyances from the year 1790 down to himself, and proves uninterrupted possession and cultivation of the said tract during all said time. We are therefore of opinion that this claim ought to be confirmed.

No. 182.—Jean Baptiste Gaudin claims a tract of land situate in the parish of Ascension and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by other land of the claimant and below by land of Beloni Babin.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, from the year 1790 down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 183.—Beloni Babin claims a tract of land situate in the parish of Ascension and on the west bank of the river Mississippi, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of J. B. Gaudin and below by land of Marceline Leblanc.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, ever since the year 1790. We are therefore of opinion that this claim ought to be confirmed.

No. 184.—Marceline Leblanc claims a tract of land situate in the parish of Ascension and on the west bank of the river Mississippi, containing two arpents front by the usual depth of forty arpents, and bounded above by land of Beloni Babin and below by land of Auguste Brousard.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimant and those under whom he holds, ever since the year 1790. We are therefore of opinion that this claim ought to be confirmed.

No. 185.—Antoine Diez claims a tract of land situate in the parish of Saint Charles, on the east bank of the Bayou "*Des Allemands*," and at about fifteen miles distant from the city of New Orleans, containing twenty arpents front, by the whole depth to Lake *Malin*, not exceeding forty-three arpents.

The said tract of land was first settled and established by one Pierre Domé about sixty years ago, and was purchased by the claimant from the heirs of said Domé in the year 1827. It is now claimed in virtue of uninterrupted possession and cultivation from the period of its first settlement, as aforesaid, down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 186.—The heirs of John Dugat claim a tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, containing sixty arpents front on said bayou, by all the depth thereunto appertaining, not exceeding forty arpents, and bounded above by land of Raphael Landry and below by land of Louis Baube.

The said tract of land was purchased by the late John Dugat (father of the claimants) from Francis Anfrai on the 19th day of December, 1806, and is now claimed in virtue of constant and uninterrupted possession and cultivation thereof for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 187.—The heirs of Guillaume Terrebonne claim a tract of land situate in the parish of Terrebonne, on the Bayou Caillou, containing twenty arpents front on each side of the said bayou by the ordinary depth, also on each side, of forty arpents, and bounded above by a small bayou called Bayou *Guillaume*, and below by land of Pierre Coulon.

The said tract of land was first settled by the late Guillaume Terrebonne about forty-five years ago, from which period down to the present time it has continued to be inhabited and cultivated as private property, without any interruption whatsoever. We are therefore of opinion that this claim ought to be confirmed.

No. 188.—Manuel Perrin claims a tract of land situate on the Bayou Ouchas, in the parish of Jefferson and district of Barrataria, containing eleven arpents front on the said bayou by a depth not exceeding ten arpents, and bounded on one side by land of Messrs. Magnon and Pelleteau, and on the other side by the Bayou *Aux Oies*.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by himself and those under whom he holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 189.—Armand Magnon and Jacques Pelleteau claim a tract of land situate in the parish of Jefferson and district of Barrataria, and on the Bayou *Ouachas*, containing eleven arpents front on said bayou by a depth not exceeding ten arpents, and bounded on one side by land of Messrs. Drouett, brothers, and on the other side by land of Manuel Perrin.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, by the claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 190.—François Dusuau De La Croix claims a tract of *cypress land* ("CIPRIERE") situate in the parish of Iberville and on the left bank of the river Mississippi, containing ten arpents front by the ordinary depth of forty arpents, and bounded above by land formerly belonging to Mr. Perret and below by land of Francis Riano.

The said tract of land was purchased by the claimant, conjointly with Marie Etienne Deflechier, from Don Santiago Larche on the 8th day of May, 1801; to which latter it had been conveyed by Marie Haydel, widow of Pierre Sauriot, by a deed formally executed before the Spanish commandant of the district, on the 3d day of October, 1792. We are therefore of opinion that this claim ought to be confirmed.

No. 191.—The heirs of James Philip Villeré claim a tract of land situate in the parish of Saint Bernard, on the east bank of the river Mississippi, and about eight miles below the city of New Orleans, containing seven and a quarter arpents front by a depth extending to the lake or the private lands bordering thereon, bounded above by other land of the claimants and below by land of Simon Cucullu.

The claimants prove undisputed possession and constant and uninterrupted habitation and cultivation of the said land, by themselves and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 192.—Barthelemy Favre claims a tract of land situate in the parish of Plaquemines and on the east or left bank of the river Mississippi, containing three arpents front by the ordinary depth of forty arpents, and bounded on one side by land of S. Guesnon, and on the other side by land of Hyacinthe Blouin.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation, by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 193.—Camille Arnoul, wife of George A. Waggaman, claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing twenty toises front by the ordinary depth of forty arpents, and bounded above by land of Mercellite Rieux, a free woman of color, and below by other land of the claimant.

The said tract of land is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated, by the claimant and those under whom she holds, for the last sixty years. We are therefore of opinion that this claim ought to be confirmed.

No. 194.—Camille Arnoul, wife of George A. Waggaman, claims another small tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing three arpents front by the usual depth of forty arpents, and bounded above by other land of the claimant and below by land of Maria Bacchus, a free woman of color.

The claimant proves uninterrupted possession and constant habitation and cultivation of the said tract, by herself and those under whom she holds, for more than sixty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 195.—Camille Arnoul, wife of George A. Waggaman, claims another tract of land situate in the parish of Jefferson, on the west side of the river Mississippi, and lying forty arpents back from the river, containing five arpents front by forty arpents in depth, extending from the lower line of the claimant's plantation to the upper line of land belonging to Zenon Saulet.

The claimant proves uninterrupted possession and cultivation of the said tract, by herself and those under whom she holds, for the last sixty years. We are therefore of opinion that this claim ought to be confirmed.

No. 196.—Michel Lucien La Branche claims a tract of land situate in the parish of Jefferson and on the west bank of the river Mississippi, containing four arpents front by eighty arpents in depth, and bounded above by land of Mr. Drouett and below by other land of the claimant.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation, by himself and those under whom he holds, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 197.—Michel Lucien La Branche claims another tract of land situate in the parish of Jefferson and on the west side of the river Mississippi, at the distance of forty arpents from the river, containing two arpents front by forty arpents in depth, (being principally a cypress swamp,) bounded on one side by other land of the claimant, and on the other side by land of F. Bernoudy.

The claimant proves constant and uninterrupted possession and occupation of the said tract, by himself and those under whom he holds, for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 198.—Sosthene Roman, as syndic of the creditors of Jean Baptiste Degruy, claims in behalf of said creditors a tract of land situate on the Bayou Ouachas, in the parish of Jefferson and district of Barrataria, containing forty arpents front on the said bayou, whereof ten arpents have a depth of one hundred and three arpents, ten arpents a depth of sixty arpents, and the balance a depth of forty arpents, bounded on one side by land formerly belonging to widow Guerbois, and on the other side by land of Laurent Millaudon.

It appears that the said J. B. Degruy became the possessor of the said land by virtue of formal purchase in the year 1792; from which time he continued to inhabit and cultivate the same, without interruption, until the year 1812, when he made a surrender thereof to his creditors. We are therefore of opinion that this claim ought to be confirmed.

No. 199.—Barthelemy Baptiste, a free man of color, claims a tract of land situate in the parish of Plaquemines and on the east bank of the river Mississippi, containing twenty-five arpents front by the ordinary depth of forty arpents, and lying a short distance above a point called Pointe La Hache.

The said tract of land was first settled by the claimant in the year 1792, by permission of the proper

Spanish officer, and has continued to be inhabited and cultivated by him ever since. We are therefore of opinion that this claim ought to be confirmed.

No. 200.—Henry McCall claims a tract of land situate in the parish of Plaquemines, and on the east bank of the river Mississippi, containing seven arpents front by the ordinary depth of forty arpents, and bounded above by land of Martin Soya and below by land of widow Guénard.

The claimant proves uninterrupted possession, habitation, and cultivation of the said tract by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 201.—Philip Augustus Delachaise claims a tract of land situate in the parish of Jefferson, on the east bank of the river Mississippi, and about three miles above the city of New Orleans, containing seven arpents and ten toises front by the ordinary depth of forty arpents, and closing in the rear, bounded above by lands of widow Avart and below by lands forming the suburb "*Plaisance.*"

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof by the claimant and those under whom he holds, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 202.—Benjamin Folse and the heirs of the late Marcellin Folse claim a tract of land situate in the parish of La Fourche Interior, and on the left bank of the Bayou La Fourche, containing six arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land of Alexander Lepine and below by land of widow Antoine Folse.

The claimants prove uninterrupted possession and constant habitation and cultivation of the said land by themselves and those under whom they hold, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 203.—Marie Leche, widow of Antoine Folse, claims a tract of land situate in the parish of La Fourche Interior, and on the left bank of the Bayou La Fourche, containing two and one-fourth arpents front on the said bayou by the ordinary depth of forty arpents, and bounded above by land of Benjamin Folse and the heirs of Marcellin Folse and below by land of Henry F. Knoblock.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 204.—Jacques Babin claims a tract of land situate in the parish of La Fourche Interior, and on the right bank of the Bayou La Fourche, containing one arpent and three-fourths front by the ordinary depth of forty arpents, and bounded above by land of widow John Charles Broussard and below by land of Hypolite Guedry.

The claimant proves uninterrupted possession, habitation, and cultivation of the said land by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 205.—Joseph Leblanc claims a tract of land situate in the parish of La Fourche Interior, and on the right bank of the Bayou La Fourche, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Joseph Roger and below by land of widow François Brunet.

The said tract of land is claimed in virtue of uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 206.—Hypolite Guedry claims a tract of land situate in the parish of La Fourche Interior, and on the right bank of the Bayou La Fourche, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Jacques Babin and below by land of Constant Pitric.

The claimant proves uninterrupted possession, habitation, and cultivation of the said land, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 207.—Joseph Nicolas claims a tract of land situate in the parish of La Fourche Interior, and on the right bank of the Bayou La Fourche, containing twenty-six toises three feet and ten inches front by the usual depth of forty arpents, and bounded above by land of Eugene Toups and below by land of Joseph Savois.

The said land is claimed in virtue of purchase, founded on uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 208.—Martial Lebœuf, senior, claims a tract of land situate in the parish of La Fourche Interior, and on the left bank of the Bayou La Fourche, containing five arpents front by the ordinary depth of forty arpents, and bounded above by land of Louis Wagenspack and below by other land of the claimant.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 209.—Nicolas Arcenaux claims a tract of land situate in the parish of La Fourche Interior, and on the left bank of the Bayou La Fourche, at about nineteen miles below Thibodeauxville, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Joseph Barrio and below by other land of the claimant.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 210.—Nicolas Arcenaux claims another small tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, and about eighteen miles below Thibodeauxville, containing two arpents front by the ordinary depth of forty arpents, and bounded above by other land of the claimant and below by land of George Dufresné.

The said tract of land is claimed in virtue of uninterrupted possession, cultivation, and habitation thereof, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 211.—Nicolas Arcenaux claims another tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, and about twenty miles below Thibodeauxville, containing two arpents front by forty arpents in depth, and bounded above by land of William Field and below by land of Joseph Bari o.

The claimant proves uninterrupted possession, habitation, and cultivation of said land, by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 212.—Joseph Barrio claims a tract of land situate in the parish of La Fourche Interior, on the

left bank of the Bayou La Fourche, and about nineteen miles below Thibodeauxville, containing six arpents front by the usual depth of forty arpents, and bounded above by land of Ursin Savoie and below by land of William Field.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession and constant habitation and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 213.—Joseph Barrio claims another tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, and about twenty miles from Thibodeauxville, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of François Scheraister and below by land of Nicolas Arcenaux.

The claimant proves uninterrupted possession, habitation, and cultivation of the said land, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 214.—Joseph Barrio claims another tract of land situate in the parish of La Fourche Interior, on the left bank of the Bayou La Fourche, and about twenty miles below Thibodeauxville, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Nicolas Arcenaux and below by land of William Field.

The said tract of land is claimed in virtue of uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 215.—Jourdain Savoie claims a tract of land situate in the parish of La Fourche Interior, and on the right bank of the Bayou La Fourche, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Remi Bourgeois and below by land of Joseph Leblanc.

The claimant proves uninterruped possession, and constant habitation and cultivation of the said tract, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 216.—The congregation of the "Roman Catholic Church of St. Mary" claim a tract of land situate in the parish of La Fourche Interior, and on the right bank of the Bayou La Fourche, containing six arpents front by the ordinary depth of forty arpents, and bounded above by land of Valentine Sevin and below by land of C. Martin.

The said tract of land has been in the constant and uninterrupted possession of the claimants and their predecessors for the last forty years and upwards, having been, during said time, used as a graveyard, and otherwise devoted to religious rites and ceremonies. We are therefore of opinion that this claim ought to be confirmed.

No. 217.—Marie Babin, widow of Jaques Le Conte, claims a tract of land situate in the parish of La Fourche Interior, and on the right bank of the Bayou La Fourche, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of Eugene Guedry and below by land of Joseph Savoie.

The claimant proves uninterrupted possession, habitation, and cultivation of the said land by herself and those under whom she holds, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 218.—Michel Duplessis, a free man of color, claims a tract of land situate in the parish of Plaquemines, and on the east bank of the river Mississippi, containing three arpents front by the ordinary depth of forty arpents, and bounded above by land of Valfroy and Martin Duplessis and below by land of Casimer Duplessis.

The claimant proves uninterrupted possession, habitation, and cultivation of the said land, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 219.—François Meffre Rouzan claims a tract of land situate in the parish of Saint James, and on the east bank of the river Mississippi, containing eight arpents and two-thirds front by the ordinary depth of forty arpents, and bounded above by land of Joseph Callouet and below by land of John Vavaseur.

The said tract of land is part of a larger tract, of eleven arpents front, anciently the property of Joseph Martin, at whose death it was sold (to wit on the 9th day of January, 1795) by Don Miguel Cantrelle, civil and military commandant of the parish in which it is situate, and duly adjudicated to Pierre Theriot and Charles Berteaux, under which latter claimant holds by virtue of regular successive conveyances. We are therefore of opinion that this claim ought to be confirmed.

No. 220.—Antoine Michoud claims a tract of land situate in the parish of Jefferson, and district of Barrataria, containing an area of twelve hundred and two superficial arpents and twenty toises, and bounded east by other lands belonging to the claimant and on the other sides by lands now or formerly vacant.

The said tract of land is claimed in virtue of purchase founded on ancient and undisputed possession, having been uninterruptedly inhabited and cultivated (so far as the nature of the soil would permit) by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 221.—Antoine Michoud claims another tract of land situate in the parish of Jefferson, and district of Barrataria, containing an area of about eighteen hundred superficial arpents, and bounded east by the bay of St. Honoré and west by the bayou of Fort Blanc and other lands belonging to the claimant.

The said tract of land is principally low and marshy, and is claimed in virtue of uninterrupted possession and constant habitation and cultivation thereof, (so far as the quality of the soil would permit,) for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 222.—François Alpuente claims a tract of land situate in the parish of Orleans, and on the left bank of the Bayou St. John, containing seventy-five feet front on the said bayou by a depth of about three hundred and seventy-four feet, and bounded on one side and in the rear by lands formerly belonging to Mathias Alpuente and on the other side by lands of Francisco de Riando.

The claimant proves uninterrupted possession, habitation, and cultivation of the said tract, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 223.—François Alpuente claims another tract of land situate in the parish of Orleans, and on the left bank of the Bayou St. John, containing three arpents front on the said bayou by the ordinary depth of forty arpents, and bounded on one side by land of the widow Caillié and on the other side by land of the widow Morant.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession, habitation, and cultivation thereof by the claimant and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 224.—François Alpuente claims a tract of land situate in the parish of Orleans, on the "Metairie road," containing one hundred and eighty-eight feet (or one arpent and eight feet) front on the said road,

by an irregular depth running back to the limits of the "*Macarty plantation,*" and bounded on one side by land of Jacques Vienne and on the other side by land of Mrs. Hilaire Courcelle.

The claimant proves uninterrupted possession and constant habitation of the said land by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 225.—Felix Leonard, Augustin Bruneau, and the heirs of Emerant Lanclos, claim a tract of land situate in the parish of Iberville, and on the left bank of the Bayou Plaquemines, containing ten arpents front on said bayou by the ordinary depth of forty arpents, and bounded above by land confirmed to Pierre Grenier and below by land now or formerly vacant.

The claimants prove uninterrupted possession and constant habitation and cultivation of the said land by themselves and those under whom they hold, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 226.—William Shea claims a tract of land situate in the parish of Iberville, and on the right bank of the Bayou Plaquemines, containing four arpents front on the said bayou by the ordinary depth of forty arpents, and bounded above by land of Emanuel Landry and below by land of André Langlois.

The claimant proves constant and uninterrupted possession, habitation, and cultivation of the said land, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 227.—George W. Johnson and Company claim a tract of land situate in the parish of Plaquemines, and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by the land of Adam Frederick and below by land of Pierre Cagnolati.

The said tract of land is claimed in virtue of purchase, founded on constant and uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 228.—George W. Johnson and Company claim another tract of land situate in the parish of Plaquemines, and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of Pierre Cagnolati and below by land of widow John Toulouse.

The claimants prove constant and uninterrupted possession, habitation, and cultivation of the said land, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 229.—David Lanaux, Alphonse Fossier, and George Rixner, claim a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing thirty arpents front by the ordinary depth of forty arpents, and bounded above by land of the widow Baptiste St. Amand and below by land of Baptiste Pacquet, a free negro.

The claimants prove undisputed possession and constant and uninterrupted habitation and cultivation of the said land by themselves and those under whom they hold, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 230.—David Lanaux, Alphonse Fossier, and George Rixner, claim another tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing about eight arpents front by the ordinary depth of forty arpents, and bounded above by land of François Mayronne and below by land of Antoine Morin.

The said tract of land is claimed in virtue of constant and uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 231.—Delphine Bozonnier Marmillon, widow of Louis Dufilho, claims a tract of land situate in the parish of Jefferson, and on the west bank of the river Mississippi, containing ten arpents front by the ordinary depth of forty arpents, and bounded above by land of Messrs. J. B. La Branche and Company and below by land of Joseph Fossier.

The claimant proves undisputed possession and constant and uninterrupted habitation and cultivation of the said land by herself and those under whom she holds, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 232.—Jean Marie Dieudonné and Similien La Branche claim a tract of land situate in the parish of St. Charles, and on the east bank of the river Mississippi, containing seventeen arpents seventeen toises and four feet front by the ordinary depth of forty arpents, and bounded above by land of Honoré Landreaux and below by land of Pierre Trepagnier.

The said tract of land is claimed in virtue of purchase, founded on ancient undisputed possession, having been constantly and uninterruptedly inhabited and cultivated by claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 233.—Charles Labedoyère Huchet Kernion and Pierre Guermeur Huchet Kernion claim a tract of land situate at a place called "*Gentilly,*" in the parish of Orleans, containing thirteen arpents front, on the "*Gentilly road,*" by twenty arpents in depth, and bounded on one side by land of François X. Martin and on the other side by land of widow Pierre Guéno.

The claimants prove constant and uninterrupted possession, habitation, and cultivation of the said land by themselves and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 234.—Belisle Doriocourt, and Azemia Doriocourt, widow of Jacques Dupuy, claim a tract of land situate on the Bayou *Gentilly,* in the parish of Orleans, and containing twenty-two arpents front on both sides of the said bayou by a depth of twenty arpents also on both sides; bounded on one side by land of Joseph Soniat Dufossat, jr., and on the other by land belonging to the heirs of Deidrich.

The claimants prove constant and uninterrupted possession, habitation, and cultivation of the said land by themselves and those under whom they hold, for upwards of forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 235.—Thomas A. Morgan claims a tract of land situate in the parish of Plaquemines, at the "*English turn,*" and on the east bank of the river Mississippi, containing six arpents front by the ordinary depth of forty arpents, and bounded above and below by other lands of the claimant.

The said tract of land is claimed in virtue of purchase, founded on constant and uninterrupted possession, habitation, and cultivation thereof, for more than forty-five years past. We are therefore of opinion that this claim ought to be confirmed.

No. 236.—Joseph Girod claims a tract of land situate in the parish St. Charles, and on the west bank

of the river Mississippi, containing one arpent front by the usual depth of forty arpents, and bounded on one side by land of T. Champagne and on the other side by other land of the claimant.

The said tract of land is claimed in virtue of purchase, founded on uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 237.—Pierre Cire claims a tract of land situate in the parish of Ascension, and on the west bank of the river Mississippi, containing six arpents front by a depth not exceeding forty arpents, and bounded above by land of Simon Pinel and below by land of Isaac Hatchinson.

The claimant proves uninterrupted possession, habitation, and cultivation of the said tract by himself and those under whom he holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 238.—Alix Bienvenu, widow of Bartholomew Duvergé, and Caliste Villeré, claim a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and about ten miles below the city of New Orleans, containing thirty-seven and a half arpents front by about forty-eight arpents in depth, and closing towards the rear in such a manner as to give an area of nine hundred and twenty-nine superficial arpents one hundred and sixty-six toises and thirteen and a half feet; bounded above by land of F. Dusuau de la Croix and below by land of M. de Baran.

The claimants prove constant and uninterrupted possession, habitation, and cultivation of the said land by themselves and those under whom they hold, for the last forty years and upwards. We are therefore of opinion that this claim ought to be confirmed.

No. 239.—Aimee Delhommer, widow of Joseph Lethiec, and the heirs of the late François Dupuis, claim a tract of land situate in the parish of Plaquemines, on the east bank of the river Mississippi, and about twenty-one miles below the city of New Orleans, containing thirty-nine arpents front by the ordinary depth of forty arpents, and bounded above by land belonging to the heirs of Mary Saul and below by land of François Delery.

The claimants prove undisputed possession, and constant and uninterrupted habitation and cultivation of the said land by themselves and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 240.—Antonio Marcelin Ducros and Casimir Lacoste claim a tract of land situate in the parish of Orleans, and on the west bank of the river Mississippi, containing twenty arpents front by the ordinary depth of forty arpents, and bounded above by other land of the claimants and below by land of Messrs. Montault and Fazende.

The said tract of land is claimed in virtue of purchase, founded on ancient possession, having been constantly and uninterruptedly inhabited and cultivated by the claimants and those under whom they hold, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 241.—The heirs of Julien Poydras claim a tract of land situate in the parish of Point Coupée, on the west bank of the river Mississippi, at a place called "*Raccourci,*" containing six arpents front by the ordinary depth of forty arpents, and bounded above and below by other lands of the claimants.

The said tract of land was sold at the public sale made by the civil and military commandant of said parish on the 25th day of October, 1775, of the property belonging to the succession of Philip Duplechin, and adjudicated to Mr. Sanderneau, by whose agent it was conveyed to the late Julien Poydras on the 25th day of March, 1806. It is now claimed in virtue of said adjudication, and of uninterrupted possession and cultivation since the date thereof. We are therefore of opinion that this claim ought to be confirmed.

No. 242.—The heirs of Julien Poydras claim another tract of land situate in the parish of Point Coupée, on the northwest bank of False river, ("Fausse Rivière,") containing eighty-four arpents front on the said river by the ordinary depth of forty arpents, the side lines closing so as to give twenty-three and one-fourth arpents on the back line; bounded above and below by other lands of the claimants.

The said tract of land was formerly owned by the late Benjamin Farrar, at whose death (which took place in the year 1791) it was sold by his heirs to the late Julien Poydras. It is now claimed in virtue of uninterrupted possession and cultivation from the date of said sale down to the present time. We are therefore of opinion that this claim ought to be confirmed.

No. 243.—Toussaint Mossey claims a tract of land situate in the parish of Orleans, on the west bank of the river Mississippi, and opposite to the city of New Orleans, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of John McDonogh and below by other land of the claimant.

The said tract of land was purchased by the claimant from Thomas and David Urquhart on the 2d day of April, 1810, and is now claimed in virtue of constant and uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 244.—The widow of Pierre Gueno claims a tract of land situate in the parish of Orleans, and on the northeast side of the road leading from the city of New Orleans to the Bayou St. John, containing an area of sixty-five arpents eight hundred and sixty-four toises in superfices, and bounded on one side by land of C. L. and P. G. Huchet Kernion, and on the other side by land of ———.

The claimant proves constant and uninterrupted possession, habitation, and cultivation of the said tract, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 245.—Guillaume Bellanger claims a small tract or parcel of land situate in the parish of Orleans, on the road leading to the Bayou St. John, containing one hundred and thirty-five feet front on said road by a depth of five hundred and forty feet or three arpents, and bounded on one side by land of widow Fleytas and on the other side by land of widow Dumaine.

The said tract of land is claimed in virtue of purchase founded on uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 246.—Manuel Andry claims a tract of land situate in the parish of Orleans, on the east bank of the river Mississippi, and about two miles below the city of New Orleans, containing two arpents and ten toises front by the ordinary depth of forty arpents, and bounded above by lands forming the suburb "Washington" and below by other land of the claimant.

The said tract of land was purchased by the claimant from the heirs of the late Charles Laveau Trudeau, (formerly surveyor general of the province of Louisiana,) and is now claimed in virtue of

uninterrupted possession, habitation, and cultivation thereof, for more than fifty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 247.—The widow of Joseph Castanedo claims a small tract or portion of land situate in the parish of Orleans, and on the east side of the *road* leading to the Bayou St. John, containing seven hundred and thirty feet front on said road by five hundred and forty feet in depth, and bounded on one side by land of François Girod and on the other side by land of Mr. Duchamp.

The claimant proves constant and uninterrupted habitation, and cultivation, and undisputed possession of the said tract by herself and those under whom she holds, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 248.—The widow of Joseph Castanedo claims another portion of land situate in the parish of Orleans, and lying about three arpents back from the road leading to the Bayou St. John, (on the east side,) containing five hundred and six feet front by a depth of fifteen hundred and eight feet on the line separating it from the property of Mr. Duchamp, and of one thousand and ninety-two feet on the line separating it from the property of Mr. Gueno.

The claimant proves constant and uninterrupted possession, habitation, and cultivation of the said land, for more than forty years past. We are therefore of opinion that this claim ought to be confirmed.

No. 249.—The congregation of the "Roman Catholic Church" of the parish of Pointe Coupée claim a tract of land situate in the said parish, and on the west bank of the river Mississippi, containing eight arpents front by the ordinary depth of forty arpents, and bounded on one side by land of John Henry Ludeling and on the other side by land of William Field.

The said tract of land was acquired by the claimants on the 22d day of November, 1815, from François Chessé, who had peaceably enjoyed and possessed it for a number of years previous. Although the *possession* required by law is not actually proven by the claimants, it may be inferred, we think, from the sale above alluded to from Chessé; which, together with the religious uses to which the land has been consecrated, induces us to recommend this claim for confirmation.

No. 250.—Charles Morgan claims a tract of land situate in the parish of Pointe Coupée, on the west bank of the river Mississippi, containing ten arpents front by the ordinary depth of forty arpents, and bounded above by land now or formerly belonging to François Chessé, and below by other land of the claimant.

The said tract of land is claimed in virtue of purchase founded on uninterrupted possession, habitation, and cultivation thereof by the claimant and those under whom he holds, for the last fifty years. We are therefore of opinion that this claim ought to be confirmed.

No. 251.—The police jury of the parish of Pointe Coupée claim, in behalf of the inhabitants of said parish, a certain tract of land situate on the west bank of the river Mississippi at a place commonly called the Bend or "*Anse*" of Pointe Coupée, and containing twenty-three arpents front by the ordinary depth of forty arpents.

It appears that, in the year 1815, the said police jury, in order to save the inhabitants of the said parish from an unavoidable inundation from the river, took possession of the said land, which had been abandoned, as they allege, by its pretended owners, and erected on it, at a considerable expense, the necessary works and levees, which said works, they further allege, have proved a vast benefit to other parishes lying west of the Mississippi, preserving them from overflow, and thereby reclaiming large bodies of land These are the facts adduced in support of the above claim, and as they present a case which does not come within the range of the law under which we are acting we most respectfully submit it without comment.

Class D, including claims embraced within the provisions of the 4th section of the act entitled "An act for the final adjustment of the claims to lands in the southeastern land district of the State of Louisiana," approved July 4, 1832.

No. 1.—Thelesphore Champagne claims a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Elie Champagne and below by land of Joseph Girod.

The said tract of land was among those sold at the public sale which took place at New Orleans on the first Monday in November, 1830, under the President's proclamation of the 5th June preceding, and is now claimed according to law, in virtue of constant and uninterrupted possession, habitation, and cultivation thereof by the claimant and those under whom he holds, for more than forty years past.

No. 2.—Daniel Lambert claims a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Ant. St. Amand and below by land of Louis and Udger Friloux.

The said tract of land was among those sold at the public sale which took place at New Orleans on the first Monday in November, 1830, under the President's proclamation of the 5th June preceding. It is now claimed, under the late act, in virtue of constant and uninterrupted possession, habitation, and cultivation, for more than forty years past.

No. 3.—André Dorvin claims a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of widow Frederick Toups and below by land of Edmond Wiltz.

The said tract of land originally formed part of a larger tract, regularly granted by the Spanish government to Antoine Dorvin on the 27th day of January, 1777, under which grantee the claimant holds in virtue of regular successive conveyances. It was among those sold at the public sale which took place at New Orleans on the first Monday in November, 1830, under the President's proclamation of the 5th June preceding. We are, however, of opinion that this claim is already confirmed by law.

No. 4.—The heirs of François Gabriel Lorio and of Marie Jeanne Lorio claim a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing one arpent and a half front by the ordinary depth of forty arpents, and bounded above by land of the widow Lallande and below by land of Gilbert Darensbourg.

The said tract of land having been among those sold at the public sale which took place at New Orleans on the first Monday in November, 1830, under the President's proclamation of the 5th June

preceding, is now claimed in virtue of constant and uninterrupted possession, habitation, and cultivation thereof, for more than fifty years past.

No. 5.—The congregation of the Roman Catholic Church of St. John the Baptist claim a tract of land situate in the parish of St. John the Baptist, and on the west bank of the river Mississippi, containing four arpents front by eighty arpents in depth, and bounded above by land of François Rodriguez and below by land of John Weber.

The first or front depth of the said land was granted by the Spanish governor, O'Reilly, to the inhabitants of the said parish on the 21st day of February, 1770, for the purpose of building a church thereon, &c., and subsequently, to wit, on the 29th of December, 1774, Governor Onzaga issued, in favor of said inhabitants, an order of survey for the second or additional depth of forty arpents. The said land is now claimed under a late act, in virtue of the said grant and order, in consequence of the same having been sold at the public sale which took place in this city on the first Monday of November, 1830, under the President's proclamation of the 5th June preceding.

No. 6.—Elie Champagne claims a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of William Beauvais and below by land of the widow Dorvin.

The said tract of land having been sold at the public sale which took place in this city on the first Monday in November, 1830, under the President's proclamation of the 5th June preceding, is now claimed under the late act, in virtue of constant and uninterrupted possession, habitation, and cultivation, for more than forty years past.

No. 7.—Charles Aimé Darensbourg claims a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing one arpent front by the ordinary depth of forty arpents, and bounded above by land of Alphonse Frederick and below by land of Andrè Lorio.

The said tract of land is now claimed according to law, in virtue of purchase founded on constant and uninterrupted possession, habitation, and cultivation thereof, for more than forty years past. It was among those sold in this city on the first Monday in November, 1830, under the President's proclamation of the 5th of June preceding.

No. 8.—The widow and heirs of Frederick Toups claim a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing two arpents front by the ordinary depth of forty arpents, and bounded above by land of Pierre Friloux and below by land of Pierre Chenier.

The said tract of land having been sold in this city on the first Monday in November, 1830, under the President's proclamation of the 5th of June preceding, is now claimed under the late law, in virtue of purchase, founded on constant and uninterrupted habitation and cultivation thereof by the claimants and those under whom they hold, for more than forty years past.

No. 9.—Widow of Philip De Neufbourg claims a tract of land situate in the parish of St. Charles, and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by land of Pierre Bauchet and below by land of the heirs of Marie Jeanne Gabrielle Lorio.

The claimant proves, according to law, constant and uninterrupted habitation and cultivation of the said land, for more than forty years past, which said tract was among those sold in this city on the first Monday in November, 1830, under the President's proclamation of the 5th of June preceding.

No. 10.—Valsin B. Marmillon claims a tract of land situate in the parish of St. John the Baptist, and on the west bank of the river Mississippi, containing four arpents front by the ordinary depth of forty arpents, and bounded above by other land of the claimant and below by land of Messrs. Norbert, Becknel & Co.

The said tract of land having been among those sold at the public sale which took place at New Orleans on the first Monday in November, 1830, under the President's proclamation of the 5th of June preceding, is now claimed under the late law, in virtue of a survey made thereof by Don Carlos Trudeau, surveyor general of the late province of Louisiana, on the 8th day of May, 1792, and of continued and uninterrupted possession, habitation, and cultivation ever since.

LAND OFFICE, SOUTHEASTERN DISTRICT OF LOUISIANA.

The foregoing reports include all the claims filed and recorded in this office, under the late act of Congress, approved on the 4th day of July, 1832, and entitled "An act for the final adjustment of the claims to lands in the southeastern land district of the State of Louisiana."

In the examination and investigation of the different claims presented to us we have been strictly governed by "the provisions of the laws heretofore enacted for the adjustment of land claims" in this district, and also by the principles of those provisions as we have found them explained and illustrated in the *decisions* of the board of commissioners for the eastern district of the late Territory of Orleans, and in the *reports* of the late register and receiver of this office, drawn up and prepared under preceding similar enactments, all of which have been formally recognized and confirmed by Congress, and we are happy to state that in no instance has an atttempt been made to impose upon us a claim which has not been of a character to stand successfully the test of the most rigid scrutiny.

We would observe, in conclusion, that the opportunities held out by the provisions of the late law have not been so generally embraced as it was anticipated. A reason for this, perhaps, may be found in the unparalleled calamities that have befallen the planters and landholders of Louisiana, within the last year. The prevalence of two devastating epidemics, within a short time of each other, has been productive amongst them of consequences so disastrous and of so engrossing a nature as to preclude, at the time, all other considerations but those immediately connected with the dangers which pressed and threatened on all sides. How far this may operate as a reason to induce a renewal and extension of the privileges and indulgencies contained in the law, which has just expired, will, no doubt, be taken into serious consideration by those charged and entrusted with the superintendence of the welfare and prosperity of the country.

All of which is most respectfully submitted.

HILARY B. CENAS, *Register.*
W. L. ROBISON, *Receiver of Public Moneys.*

NEW ORLEANS, *September* 5, 1833.

The HON. SECRETARY OF THE TREASURY, *Washington, D. C.*

23D CONGRESS.] No. 1173. [1ST SESSION.

PRIVATE LAND CLAIMS IN THE STATE OF MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 5, 1834.

GENERAL LAND OFFICE, *January* 18, 1834.

SIR: The report of the recorder and commissioners, under the provisions of the acts of Congress of the 9th of July, 1832, and March 2, 1833, for the final adjustment of private land claims in Missouri, upon such claims as, in their opinion, are entitled to be placed in the *first* class, specified by the act of 1832, has been sent to this office, but the voluminous character of the report preventing this office from making copies thereof for the two Houses of Congress within a reasonable time, I have this day transmitted the original report to the Senate, with a request that it may be placed in the possession of the House of Representatives whenever the Senate shall have acted upon the subject.

I have been induced to send the report to the Senate from the fact that one of the commissioners appointed to investigate those claims is now a member of that honorable body.

It being very important that this office should be in possession of the *originals* of all the reports upon private land claims, I have to request that the report herein mentioned may be returned after the final action of Congress thereon.

With great respect, sir, your obedient servant,

ELIJAH HAYWARD.

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

PRIVATE LAND CLAIMS IN MISSOURI.

TWENTY-THIRD CONGRESS—FIRST SESSION.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, *June* 30, 1834.

On motion of Mr. ASHLEY:

Resolved, That the report of the recorder and commissioners for the adjustment of land titles in Missouri, under the acts of July 9, 1832, and March 2, 1833, be referred to the Secretary of the Treasury, and that he be directed to report his opinion as to the validity of the several claims contained in said report to the next session of Congress, and that said report be printed.

RECORDER'S OFFICE, ST. LOUIS, MO., *November* 27, 1833.

SIR: In pursuance of the act of Congress entitled "An act for the final adjustment of land claims in Missouri," and of the act supplementary thereto, of March 2, 1833, the undersigned recorder and commissioners beg leave to lay before you, for the decision of Congress, the result of their examination.

In the report now submitted the board have included only such claims as appear to be entitled to confirmation, and to be placed in the first class. They reserved their decision upon those claims which seemed to be destitute of merit, in law or equity, under the laws, usages, and customs of the Spanish government, for their final report to Congress We were influenced to take this course from the belief that we were authorized, by the terms of the act, which provide that the lands contained in the second class shall not be subject to sale until the final report of the recorder and commissioners shall have been made. This view of the subject was the more readily adopted from the fact that, during the almost entire existence of the board, the cholera has prevailed to such an extent as to prevent, in a great measure, the appearance of the claimants, or their witnesses, before the board. Under such circumstances ordinary justice not only to the claimants, but to the government itself, seemed to require that the greatest indulgence should be given which the law could possibly extend.

Before entering into an examination of the claims the board came to the determination of settling such general principles as might be found to be applicable, and which should be not only their guide in the decisions to be made, but the basis of the report which they are required to submit.

These principles or general propositions will be found embodied in the form of resolutions in the paper marked A, which accompanies this report, and to which you are referred.

The tabular form has been adopted as the most convenient mode of presenting each claim, including the evidence produced in support of it. But, as it is made the duty of the board not only to present the claims as they have been submitted, but also to "*state the authority and power under which they were granted, by the French or Spanish governors, commandant, or sub-delegate,*" they will do so as succinctly as the nature of the case will permit.

For the purpose of arriving at correct conclusions upon the merits of the claims reported, we have availed ourselves of all the sources of information accessible to us. We have consulted not only all the authorities and proofs within our reach on the subject of the French and Spanish laws, usages, and customs, but have also attentively considered the acts of Congress heretofore passed on the subject, and the construction which has been given to them.

By a reference to the various acts of Congress relative to the incomplete French and Spanish claims in Louisiana, it will be seen that the confirmations which have been made of those titles have not been donations or gratuities on the part of our government, but, on the contrary, were predicated upon a right vested in the grantee, or those claiming under him, and founded upon the laws, usages, customs, and practice of the government under which the claims originated. These acts and confirmations might,

therefore, have been considered as conclusive, as far as they went, of those laws, usages, customs, and practice; and, consequently, that every claim of a similar character should be confirmed, or placed in the first class, would be the reasonable and natural inference. Without, however, going this length, the board felt it to be their duty, whenever a principle protective of a claim was furnished by those acts, to give it effect, unless some law, usage, or custom of the government which originated the claim should be found to be inconsistent with their provisions.

Among the claims examined we found that many of them have been excluded from confirmation upon grounds which have since been abandoned by Congress; or upon grounds which have been taken by former commissioners to whom the claims were submitted, and from whose decision there was no appeal; or lastly, upon grounds which, although justified perhaps by the letter of those acts, were evidently opposed to their spirit and intention. No claim, by the act of 1807, could be confirmed which contained a lead mine or salt spring; and, consequently, a class of claims whose merits, in every other particular, were admitted, were rejected for that reason. This objection, although at the date of the act considered sound, it seems has long since been abandoned. By the act of 1824, and those subsequent to it, no such exception is made. A meritorious claim, therefore, although containing a lead mine or salt spring, was entitled, intrinsically, to as favorable consideration in 1807 as in 1824, and in justice, it would seem, should never at any time have been excluded from confirmation.

Again, by the act of 1814, it is provided "*that in every case where it shall appear by the report of the commissioners, register, or recorder, that the concession, warrant, or order of survey under which the claim is made contains a special location, or had been actually located or surveyed* (within the Territory of Missouri) *before the 10th day of March*, 1804, *by a surveyor* duly authorized by the government making such grant, the claimants shall be and are hereby confirmed in their claims; provided that no claim adjudged fraudulent, nor a greater quantity than a league square, nor the claim of any person who has received, in his own right, a donation grant from the United States in said Territory, shall be confirmed."

Now, if those claims, coming directly within the provisions of the act just alluded to, were entitled to be confirmed, and were actually confirmed, we would reasonably conclude, from the same views, that the claims now reported, especially such as are within a league square, are entitled to protection from principles established not only by the acts of 1807 and 1814, but by other acts of Congress; for we are not able to perceive the difference in merit or character which has confirmed some and rejected others, which were evidently intended by Congress should be confirmed.

By a parity of reasoning the authority of the Spanish sub-delegate officers in Upper Louisiana to grant lands, not only to the quantity of 7,056 arpents, or a league square, but even to the extent of 27,000 arpents, it would seem, has been established by Congress. In several cases Congress confirmed claims to land exceeding 7,056 arpents, based upon *mere permission to occupy* given by the lieutenant governor. The case of the Vallés and others for the *Mine la Motte* tract, believed to contain 27,000 arpents, and that of the Shawnee Indians, who inhabited a considerable tract of country in the former districts of St. Genevieve and Cape Girardeau, who removed from their situation in the United States by invitation of the Spanish government, through their agent, Louis Lorimier, to use them against the aggressions of foreign or domestic enemies in the province of Upper Louisiana, is another and a strong instance illustrating the view here taken on this point.

By several acts of Congress, also, concessions by the lieutenant governor to various individuals have been confirmed to the extent of 7,056 arpents out of a larger quantity of from 15,000 to 20,000 arpents, including the original grant. From this the board would conclude that, in thus ratifying those concessions, Congress has settled the question of the power of the granting officer to make them. Because they would reasonably suppose that, if the authority was not possessed, the grant would have been void *in toto*, as it would have been a usurpation on the part of the officer, and a flagrant violation of his duty, to make grants to such an extent. Such a concession should be regarded as a whole, and its validity or invalidity settled accordingly.

When we ascend beyond the various acts of Congress passed upon the subject of these claims, and seek for their grounds of confirmation under the laws, usages, customs, and practice of the government and of the authorities at New Orleans acting in obedience to them, as we are required by the law under which we act, we find nothing in those laws, usages, customs, or practice which would justify the idea that Congress, in extending its protection to these claims, has transcended the bounds of propriety and of justice. On the contrary, a close and (as far as we could) a thorough investigation of the subject has brought our minds to the conclusion that, with the exception of the act of 1824, and those acts amendatory of and supplementary to it, the laws of Congress passed in relation to these claims have not been sufficiently comprehensive. Impressed with this belief, we cannot but think that those acts which limit confirmations within a league square, those which exclude claims which contain lead mines or salt springs, and those which require either a special location or a survey previous to March 10, 1804, have not had sufficiently in view the rights of the claimants as founded upon the laws, usages, customs, and practice of the French and Spanish authorities, and as protected by the treaty of cession and the law of nations.

Breckenridge, in his "Views of Louisiana," speaking of these claims, says, page 143: "It is a subject on which the claimants are feelingly alive. This anxiety is a tacit compliment to our government, for, under the former, their claims would scarcely be worth attention. The general complaint is, the want of sufficient liberality in determining on the claims. There is, perhaps, too great a disposition to lean against the larger concessions, some of which are certainly very great; but when we consider the trifling value of lands under the Spanish government, there will appear less reason for this prepossession against them. For many reasons it would not be to the honor of the United States that too much strictness should be required in the proof or formalities of title, particularly of a people who came into their power without any participation on their part, and without having been consulted." In compliance with the provision in the act which requires the commissioners *to state the authority and power under which each claim was granted by the French or Spanish governor, commandant, or sub-delegate*, we would refer, for proof of the same, to—

1st. The usage and practice of the lieutenant governors and sub-delegates in Upper Louisiana from the earliest period to the last concession granted in that province.

2d. To the usage and practice of the governors general and the intendant general at New Orleans.

3d. To the Spanish laws and royal ordinances on the subject of grants of lands belonging to the royal domain in all its colonial possessions in the western hemisphere.

That the usage and practice have been consistent with the presumption of lawful power in the

officers who made grants is, in our opinion, demonstrated and sustained by all the evidence, oral and written, to which we have had access. It is to be observed that the lieutenant governor and the other sub-delegates in Upper Louisiana have almost universally originated the claim or concession. The cases are few in which the original grant emanated from the governor general, and scarcely constitute exceptions to the general practice, since, even in those few cases, the survey was to be made under the immediate sanction of the subordinate provincial authority.

Not a single case has been discovered in which the exercise of the power to grant by the lieutenant governor has been questioned; nor where a complete title has been refused by the governor general, or intendant, at New Orleans, upon the ground of the want of power in the lieutenant governor or sub-delegate to make the grant; nor have we found that any was ever refused on the ground that the granting officer had transcended his powers. On the contrary, in the complete titles which have come to our knowledge, the inchoate or primary concession is recognized as legal and valid, and, with the survey, forms the foundation of the formal or complete title. It is a fact worthy of notice that all the lieutenant governors in Upper Louisiana, from the first to the last, exercised this power of making grants, varying in the number of the arpents according to the prayer of the petitioner and the circumstances of the case. Every grant, as far as we have been able to ascertain, made by the French authorities prior to the treaty of Fontainbleau in 1762, by which Spain acquired possession of Louisiana, and, indeed, all such as were made prior to the year 1767, the time when Spain was put in possession of the country, were subsequently recognized by the Spanish authorities. The right to make such grants by the French authorities was never questioned. From that period to the date of the purchase of the country by the American government there was a continual and uninterrupted exercise of the granting of lands by lieutenant governors and sub-delegates, and no complaint was ever uttered by the French or Spanish government for this use of authority. The proclamation made by the Spanish commissioners at New Orleans the 18th of May, 1803, in the presence of the American authorities, upon delivering the province of Louisiana to the French republic, explicitly assures the people, who were then about to pass into the hands of a new sovereign, of protection in their rights, by announcing "*that all concessions, or property of any kind soever, given by the governors of these provinces, be confirmed, although it had not been done by his Majesty.*" These facts alone are sufficient, in our opinion, to authorize the conclusion that those officers who made grants in Upper Louisiana had the power so to do, and did act within the pale of their authority. It would be a very rash and violent presumption to suppose that a succession of provincial officers, regularly pursuing the same course for nearly half a century in the granting of lands, were, in every step taken and every act done, usurping power and violating not only the mandates of an arbitrary despotism, but also the laws, usages, customs, and practice of the government under which they acted. And it would be an unreasonable inference to be deduced from these facts that, because the sovereign has nowhere given his *express assent* to such proceedings, they were therefore illegal and void. We are happy to find that we are sustained in these views by the opinion of the Supreme Court of the United States in the case of the United States against Arredondo. These are the words of the court: "The grants of colonial governors, before the revolution, have always been, and yet are, taken as plenary evidence of the grant itself, as well as authority to dispose of the public lands. Its actual exercise, without any evidence of disavowal, revocation, or denial by the King, and his consequent acquiescence and presumed ratification, are sufficient proof, in the absence of any to the contrary, (subsequent to the grant,) of the royal assent to the exercise of his prerogative by his local governors. This or no other court can require proof that there exists in every government a power to dispose of its property; in the absence of any elsewhere, we are bound to presume and consider that it exists in the officers or tribunal who exercise it by making grants, and that it is fully evidenced by occupation, enjoyment, and transfers of property, had and made under them, without disturbance by any superior power, and respected by all co-ordinate and inferior officers and tribunals throughout the State, colony, or province where it lies."—(6th Peters's Rep., p. 728.)

We find that all the complete grants, eighteen only of which have come to our knowledge, were based on grants made by the subordinate authorities. Subsequent to the 1st of December, 1802, no complete title could be made, as appears from the letter of the intendant, Morales, to the lieutenant governor of Upper Louisiana, of the same date, stating that the office was closed on account of the death of the assessor, and directing that no applications for complete titles should be made till further orders. No order, so far as we know, was given; nor does it appear that the office was ever reopened previous to the treaty of cession.

The difficulties attending the making of titles complete were many and great. The expenses in procuring a complete title at New Orleans were enormous and considered as extortionate. Stoddart, in his "Sketches of Louisiana," a book to which we particularly refer as shedding much light on this subject, says that it "was necessary that a concession should pass through four, and in some instances seven, officers before a complete title could be procured; in which the fees exacted, in consequence of the studied ambiguity of the thirteenth article, frequently amounted to more than the value of the lands." Besides, the difficulties of intercourse between the posts in Upper Louisiana and New Orleans were so great that few were willing to encounter them, especially as the formalities of a complete title seemed in the minds of the people to vest no more right than was acquired when incomplete.

From the closest scrutiny that we have been able to make, the quality and the location of the land were the principal concern; but little importance was attached to the fact that the title was incomplete. And why should it have been otherwise when the governor general unquestionably well knew the constant and invariable practice of the lieutenant governors in granting lands, and never, so far as we know, either ordered or required that the concessions should be taken to New Orleans for his signature before they could be considered as passing titles? These incomplete grants could be, and were, sold for debts, did pass by devise, and were transferable at the will of the concessionary; and it is notorious that these several modes of disposing of them were resorted to and adopted as the fixed practice of the country. The governor general, as the superior of the lieutenant governor or sub-delegate, must be presumed to have known the acts of his inferior and the ordinary customs of the country; and if such practices and customs were contrary to law the supposition is that he would have prohibited them for the future. There was no regulation or law that we have been able to find in the researches which we have made which required that the grantee should apply within any given time to have his grant made complete. It would seem that he was at perfect liberty to consult his own convenience. Indeed, the royal domain was distributed in such a liberal manner, and for such worthy purposes, that it appears the people were entirely satisfied with the assurance of property contained in the grant made by the lieutenant governor. The objects contemplated by these grants were the improvement of the country, the increasing of popula-

tion, and also they were given as rewards and as compensation for services rendered. We have not been able to find a single instance of the sale of the royal domain in Upper Louisiana, from the first establishment of the post of St. Louis, in 1764, to the 10th of March, 1804. A proposal to purchase was made by Bartholomew Cousin on the 5th of March, 1800, at a price to be fixed by the intendant general, but it does not appear that it was ever acted on. The first sale of land that was ever made in Upper Louisiana by the sovereign of the soil was, from all the information in our possession, made by the government of the United States.

The regulations of O'Reily, Gayoso, and Morales, in the opinion of the board, had no effect in changing the practice in the distributing of the royal lands, nor were ever considered as a new code different from the one already existing as the settled law of the Spanish American dominions. Those by Gayoso evidently had reference to new settlers coming from foreign countries, and, as regards Spanish subjects, were disregarded by himself, as appears by a complete title granted by him to one Regis Loisel, of St. Louis, described in the grant as a merchant. By his regulations no grants were allowed to merchants. As respects the laws of O'Reily, Stoddart, in his Sketches of Louisiana, pages 251 and 252, says, that "it may be doubted whether the land laws of O'Reily ever operated in Upper Louisiana. They bear date nearly three months before the Spaniards took possession of that part of the country, at which time there existed only a few miserable huts in it; the first settlements commenced only four years before." Again, he says: "Indeed, the regulations contained in them were totally inapplicable to that part of the country, and the Spanish authorities there always conceded lands on principles not derived from them."

The same author, speaking of the laws of Morales, says, page 252: "It is believed that these laws were never in force; certain it is that they were never carried into effect. The reason for the first is, that the great clamor raised against them in all parts of the province induced the governor general and cabildo to draw up a strong protest against them and to lay it before the King. The consequence was that Morales was removed from office, though he was afterwards reinstated merely to assist in transferring the possession of the country to the French republic. The reason for the second is, that the assessor died soon after they were promulgated, which totally deranged the tribunal of finance, and rendered it incapable of making or confirming land titles." The board cannot therefore believe, if they were ever so intended, that these laws had the effect to supplant the laws, usages, customs, or practice of the Spanish government in the province of Upper Louisiana, as they were then known to the people and recognized and acted upon by those in power. The general code of the Spanish land laws in Louisiana seemed to have grown into gradual though silent operation, originating from the circumstances of the country, and accommodating itself to the necessities and condition of the people. They were resorted to as the country required their application and became ripe to receive them, and furnished the rules of action and decision for all the subordinate civil authorities of the province.

So peculiarly connected with the circumstances of the country was the administration of the law, that Stoddart, page 250, advances the opinion that the lieutenant governors had a *discretionary power* in the making of grants. "For," says he, "they always exercised it, and it is difficult to presume that they would contravene the known laws of their superiors without instructions to that effect. In all their concessions they were regulated by the wealth and importance of the settlers." He adds: "The governor general at first imposed considerable restrictions on the commandant relative to the concession of lands, but he afterwards found it necessary to be more liberal than even the land laws of O'Reily." In July, 1789, he wrote to the commandant at New Madrid as follows: "Notwithstanding the instructions heretofore sent you, more or less front or depth may be given, according to the exigency of the ground, *as likewise a greater or less quantity of land, agreeably to the wealth of the grantee.*" In the claims which have been examined, and are now submitted for the supervision of Congress, we noticed the fact as remarkable, that grants prior to 1789 differed from those subsequent to that period, not only as regards quantity, but also the terms of the grant, those subsequent generally containing a much larger quantity and being more liberal to the concessionary.

In a colony so partially organized, and under such circumstances, it would seem unreasonable to call for the *precise* written authority under which each officer acted, or to require that the particular law or ordinance of the Spanish government under which any act or series of acts was done should be *specially exhibited.* It is sufficient that nothing in these laws, usages, customs, or practice is inconsistent with, or repugnant to, the royal ordinances of the King.

The Spanish laws which we have consulted, and to which we beg leave to refer Congress as calculated to throw some light upon the subject, are to be found in the *Recopilacion de leyes de las Indias;* the royal ordinance of October 15, 1754, by Ferdinand VI; that of 1786, by Charles III, and the royal letters to Morales of October 22, 1798. Also, we would here again refer to the "Sketches of Louisiana," written by Mr. Amos Stoddart, who was the first civil and military commandant in Upper Louisiana after the country was taken possession of by the American government. The board have, with great attention, consulted this author, and have relied with unhesitating confidence on his statements. Coming to the country, as he did, immediately after the treaty of cession, to take command of the country as a civil officer of the American government when the Spanish officers were many of them still in the province, and the laws, usages, customs, and practice, as exercised and applied under the Spanish government, although it had just ceased to exist, were still fresh in the minds of the people, with the Spanish records in his possession, he must have known as facts what he has stated as such, and if fraud had been practiced, of all other times, it must then have been discovered.

The laws authorizing grants of land for the purposes of settlement and population are to be found in White's Compilation, pages 34, 35, 38, and 39. Those relating to grants of lands as rewards for services, or as pure graces, "mercedes," will be found in the same work, pages 30, 35, and 41. The earliest of the first class of laws bears date in 1513. The first law of the second class was made in 1542; the former twenty-one years, the latter fifty years after the discovery of the New World by Columbus.

The grants of land for services rendered were of a liberal character, and we are bound to believe had the sanction of the sovereign, as we know of no objection having been urged to the usage. The practice seems to have originated from the liberal views of the Emperor Charles, in his decree of 1542, which ordains that the viceroys of Peru and New Spain, and the governors of the provinces under their authority, *grant such rewards, favors, and compensation as to them may seem fit.* This decree, recognized successively by Philip II in 1588, in 1614 by Philip III, and in 1628 by Philip IV, was finally incorporated by Charles II, in 1682, into the *Recopilacion de leyes de los Reynos de las Indias.*

Thus it manifestly appears, by the laws and authorities above recited and referred to, that it was the duty of the provincial authorities not only to grant and distribute the royal lands in the King's name for

the purposes of settlement and population, but that it was specially enjoined upon them to grant lands as rewards for services.

The royal ordinances of 1754 and 1786 have been carefully examined, and nothing has been found in them to limit the power conferred on the authorities in the *Recopilacion*. An order of Philip V, of November 24, 1735, which required confirmation by the crown, was revoked by the ordinance of 1754, which authorized the *audiencias* to issue the confirmations in the King's name, and, when the sea intervened, or they were in distant provinces, empowered the governors, with the assistance of the other officers mentioned, to issue complete titles.

By the eighty-first article of the ordinance of 1786, intendants in the kingdom of New Spain were made exclusive judges of grants of lands, and referred them for their government to the various laws on the subject in the *Recopilacion*, and to the ordinance of 1754, which is appended to the eighty-first article.—(See White's Compilation, pp. 54, 55, 56, 57, and 58.) The ordinance of 1786, so far as it vested in the intendants the power to grant lands, was for the first time declared to be in force in Louisiana by the royal order of October 22, 1798, to be found in White's Compilation, p. 218.

In the enacting part of the ordinance of 1754 it is to be observed that the King speaks of "mercedes," rewards, as contemplated by it. This ordinance does not specifically mention the laws of the Emperor Charles, of the 2d, 3d, and 4th Philip, and of Charles II, who compiled and promulgated the *Recopilacion;* but it does not therefore follow that they were repealed, or in any manner altered, as respects the power given by those laws to the subordinate authorities in the Spanish American dominions to grant lands as rewards or graces, "mercedes," for services rendered the government. Nor have we discovered anything in this ordinance to lead us to the opinion that a mere sale of lands, with a view to revenue, was the object of the government, or that the far more useful and wise policy of settlement and population, as developed in the *Recopilacion*, was intended to be abandoned.

It would extend this report beyond reasonable limits to enter at large into a detail of the circumstances and state of Louisiana to show that the Spanish land system then observed and practiced upon was expedient and applicable to that part of the Spanish American dominions. The importance of population and settlement in that province, arising from its contiguity to the North American republic on the one side and its great exposure to numerous and formidable Indian nations on the other, were certainly great inducements for the establishment of those laws, usages, customs, and practice which we find did most certainly prevail. These causes and circumstances, instead of narrowing the power to grant, given by the code of Indies, must rather have been a sufficient reason for widening its range and facilitating its exercise.

In forming an opinion as to what would have been the fate of the claims submitted and now reported, "if the government under which they originated had continued in Missouri," the view here taken of the laws, usages, customs, and practice of the Spanish government in the province of Louisiana, and the spirit and policy which they disclose, have led us to the conclusion that those claims which we have examined, and which are now reported to Congress, would have received the sanction of the governor general at New Orleans, and been perfected into complete titles. Laying aside every other consideration, the practice alone which universally prevailed of regarding these grants as private property by the government in both Upper and Lower Louisiana, would have strongly inclined the board to regard them in a favorable light. It is a matter of recorded history that inchoate concessions, even such as were unlocated, unsurveyed, and having nothing special in their character, were the objects of sale, transfer, inheritance, and devise.

That they were sold under execution for debt, included in the inventories of persons deceased intestate—in short, that they were regarded by the inhabitants and public authorities, to all intents and purposes, as any other available property, satisfactorily appears from the claims heretofore confirmed, and from those examined by the board and now submitted for the consideration of Congress. Some were even adjudicated upon by the governor general at New Orleans. May it not then be inferred that the government which would adjudicate upon and sell under execution an inchoate concession, and complete the title in favor of the purchaser, would, *a fortiori*, unless fraud were shown, perfect that into a complete title, if required, which was in the hands of the original grantee?

In the claims reported, it will be seen that some have been recommended for confirmation which were never surveyed. The fact that such grants were regarded by the inhabitants and authorities of the country as property, also induced the board, from that custom, to look upon it in the same light; and as we have not discovered that any condition appears ever to have been implied as to the time within which a complete title was to be applied for, so the same view holds good as to the time when the land should have been located or surveyed. Nor was it possible, in the nature of things, that the inhabitants could have anticipated a change of government. A survey, besides, as appears from evidence brought before us, and which is now submitted with this report, was accompanied with great expense and difficulty. The cost for surveying a league square was near six hundred dollars. Besides, it was impossible to obtain surveys of all concessions: first, because of the scarcity of surveyors; secondly, because of the presence of hostile Indians on the lands granted. We are unwilling to suppose that the Spanish government, had it still continued, would, under such circumstances, have declared the grant void for the want of a survey on or previous to March 10, 1804. This date is mentioned because, by the act of 1814, a survey previous to it is made an indispensable prerequisite to confirmation. It appeared, therefore, to be no valid objection to the confirmation of a grant, in the opinion of the board, that it had not been surveyed either before or after March 10, 1804, because, previous to that date and even subsequent to it, it was almost impossible to make surveys, and by the act of Congress passed March 26, 1804, such survey was prohibited under heavy penalties.

The same view of the subject has brought the board to the conclusion that where no improvement or cultivation upon land included within an incomplete grant, although located or surveyed previous to the 10th of March, 1804, has been made, it should work no injury to the grantee, because that act specially forbade any improvement, suspended his rights, and deprived him of all practical benefit of his land until it should be confirmed. This construction of the act was taken by Mr. Madison, the President of the United States, who, in his proclamation of December 12, 1815, prohibited all occupation of unconfirmed lands, and ordered the proper officers of the United States to drive off those who should enter upon them. In the examination of these claims by the board, most carefully made, we have looked with an eye particularly directed to the question of their *bona fide* character. At the same time that we have labored with an anxious scrutiny to detect fraud, we have been careful not gratuitously to presume its existence. On this head we have been governed by the well-settled principle, recognized by every enlightened

nation, that fraud must be proved, and not presumed. In the luminous decision given by the Supreme Court of the United States in the Arredondo claim, this view of the subject is ably laid down and sustained. "Fraud (say the court) is not to be presumed, but ought to be proved by the party who alleges it; and if the motive and design of an act was to be traced to an honest source equally as to a corrupt one, the former ought to be preferred." With such sound principles, sustained not only by the voice of society, but by the decision of the highest judicial tribunal in the country, we have endeavored to conform our opinions; and it is but justice to declare that, in the examination of the claims reported, no proof of fraud has been made.

Some claims are reported and submitted for the consideration of Congress which rest alone upon a mere grant. There was no survey, and, as far as we know, no cultivation. From the most mature reflection that we have been enabled to bestow on this class of claims, the conclusion was forced upon our minds, from the circumstances and condition of the country, and from the customs and practice of the inhabitants and civil authorities, that such should be recommended for confirmation. In the first place, the grant was made and signed by an officer of the existing government, whose acts we are bound to presume were in accordance with his powers, and sanctioned by the sovereign will, as contained and expressed in the laws, customs, usages, and practice of the country.

Secondly. They were regarded as vesting a right so far indefeasible, that they were subject to the adjudication of the civil authorities; were so adjudged upon; were made liable to public sale for debt; were transferable in the ordinary transactions of life; could be inherited, and were capable of being devised.

Thirdly. By a reference to the testimony of Baptiste Vallé, senior, Frémon Delauriere, and others, which accompanies this report, it will be seen that it was both dangerous and difficult, on account of the Indians and the scarcity of surveyors, to make surveys. The difficulty of making cultivation, habitation, or improvement, arose from the same causes. Indeed, the inhabitants found it a matter of no small concern and difficulty to protect themselves from the Indians without encountering the dangers which would arise from excursions into the woods. Breckinridge, in his "Views of Louisiana," bears testimony (page 138) that but "a few troops were kept up in each district throughout the province, and were too inconsiderable to afford much protection to the inhabitants."

Fourthly. There being no limited time within which a survey should be made, the change of government prevented the execution of it under the French and Spanish governments, and our laws, after the existence of those governments, prohibited it.

Fifthly. If such, for the want of survey and cultivation, by the laws, usages, customs, and practice of the Spanish government, were void, they would, by those same laws, usages, customs, and practice, have been reannexed to the domain. Whenever a grantee became delinquent as to any of the conditions or requisitions contained in his grant, such land so granted was reannexed to the royal domain. Stoddart (p. 247) says: "The same formality and solemnity were observed in the annexation of lands to the domain as when they were granted or conceded. All annexations were declared by an ordinance of Louis XV, in 1743, to be null and void, and of no effect, *unless they were judicially decreed.* The same principle obtained under the Spanish authorities, and they deemed it obligatory." That such was the law, custom, or usage, and so practiced by the authorities of the country, is fully established by reference to the "Livre Terrein," now in the office of the recorder of land titles, in which we have instances of this method of "judicially decreeing" an annexation to the domain of such lands as had been forfeited for a non-fulfilment of the terms of the grant.

Sixthly. Such grants bear, in their terms, the character of vesting a fee-simple in the grantee; they seem to have been so petitioned for, and were so granted. If such a title could not have been passed by the grant, it would be unreasonable to suppose either that it would have been so requested or so granted. It must be admitted that they were acquainted with their own laws and customs; and allowing them only a small degree of regard and obedience to the same, it is nothing more than a fair presumption that what was asked for and what was granted was legitimate and proper.

In the claim of Bernard Pratte for 800 arpents, to be found among those examined and recommended for confirmation, it will be seen that a transfer of it was made before the grant was located, all of which was sanctioned by the lieutenant governor himself.

In 1779 land was granted by Ferdinand de Leyba to one John Saunders, upon express condition that said Saunders should cultivate it one year from the date of the grant. Before the expiration of the year Saunders sold the land, and his assignee made or proved no cultivation. In 1793 Zenon Trudeau, lieutenant governor, made a decree in favor of the claimant against one Joseph Hortez, who claimed the same as his property. Who will say that Trudeau, the lieutenant governor, in this proceeding, violated the laws and customs of the country, and that this was an act of usurpation? There is certainly much more in the history of the country, during the time the French and Spanish governments existed in Louisiana, to prove that it was in accordance with their laws and customs, than that it was a violation, and an act of usurped authority.

There is one claim reported which, seemingly, is at variance with the principle contained in the tenth resolution adopted by the board. It is the claim of Louis Bissonet for forty arpents. The grant was made in 1777 by Francisco Cruzat, in which there was an express condition that the land should be cultivated within a year from its date. No cultivation is shown until the year 1798. It was then claimed by, and cultivated as the land of, Louis Bissonet. Subsequently the same land was surveyed by Antoine Soulard, surveyor general of the province of Upper Louisiana under the Spanish government. Much reflection induced the board to recommend this claim for confirmation, because it was believed that although the condition was not proven to have been performed, yet the claim so long set up was a fair presumption that the condition had been fulfilled, and that if it had not, it would have been reannexed to the domain.

Having thus presented the views which we have of the question referred to the board by the act of July 9, 1832, we will now proceed to state in a few words the nature and grounds of the decisions made upon the claims submitted to them by virtue of the act of March 2, 1833, founded upon settlement and cultivation.

In deciding upon and applying the evidence submitted in support of these claims, we have observed the following rules:

1st. That under the act of 1833 only such claims, founded on settlement and cultivation, are cognizable as have been heretofore filed with the recorder.

2d. That all such claims as come within the provisions and requisitions of the act of Congress of

March 2, 1805, and the acts supplementary thereto, of April 21, 1806, March 3, 1807, and June 13, 1812, are entitled to confirmation.

The evidence in support of the claims herewith reported is spread upon the tabular statement of each of them, to which we beg leave to refer.

Before concluding, permit us to notice one or two subjects more, upon which we think it is proper that some suggestions should be made. In the examination of the question submitted to us, it was discovered that there were some cases which could not be noticed in consequence of their not having been filed within the time limited by the acts of Congress. The omission to file them arose from numerous causes; in some cases they were found to be in the hands of infant heirs; in other cases owned by the French or Spaniards, who, not knowing our language, were ignorant of our laws and of what was demanded under them. But most generally the omission to file them in proper time arose from the ignorance of the people that such a requisite was necessary to the validity of their claims. The first settlers of the country were daring men, who were scattered over a wide range of country, and whose sources of information of the proceedings of the government were few and difficult. Besides, by the act of March 2, 1805, section 4, it was not obligatory on the claimants to file notice of claim founded on any incomplete grant bearing date prior to the 1st day of October, 1800. The 4th section of the act of 1805 provides that every person claiming land "by virtue of an incomplete title bearing date subsequent to the 1st day of October, 1800, shall, before the 1st day of March, 1806, deliver to the recorder of land titles within whose district the land may be a notice in writing, stating the nature and extent of his claim, together with the plat of the tract or tracts claimed." The 5th section of the act of March 3, 1807, provides that "the time fixed by the act above mentioned, (the act of 1805,) and the acts supplementary thereto, be extended to July 1, 1808." Many of these claims deserve, perhaps, the favor which has been extended to those which have been filed.

From all that we can learn, some of these claims seem to possess intrinsic merit. We have been led to make these suggestions from the fact that these claims were recognized by the act of March 26, 1824, and the acts supplementary thereto, under which the United States district court of Missouri was authorized to adjudicate upon the French and Spanish unconfirmed land claims in said State. There are many claims depending on settlement and cultivation in the same situation, and arising from the same causes.

Upon the subject of conflicting claims, we have been unable to ascertain to what extent they exist. Having no *data* by which our exertions could be directed, we have labored pretty much in vain to find out in what cases they have taken place, although we caused a notice to be published, requesting in it adverse claimants to come forward and notify us of the fact, which notice is forwarded with the report. We are of the opinion, however, that they exist to a considerable degree. There are numerous cases of lands lying within these French and Spanish claims belonging to the individuals whose right or claim originated under the government of the United States; some depend upon purchases; some upon the law allowing pre-emption; some others upon New Madrid locations, and some again upon settlement rights which have been confirmed.

Most of these persons have been for a long time settled on their lands. Their claims being of a *bona fide* character, derived from the government of the United States, they went on to improve their lands, making for themselves and families comfortable homes, without any belief that they would ever be interrupted in their possessions. Should the claims reported by the board be confirmed by Congress in whole or in part, Congress will, in their wisdom, no doubt, notice the suggestion here made, and carve out such a course as will quiet the uneasiness and anxiety which are felt, by doing everything which even the most scrupulous demands of justice could require.

We deem it proper to state, before concluding, our apprehension that in some cases where French or Spanish grants have been held for a small quantity of land only the grants have been laid aside, and a claim set up by settlement right for 640 acres, a much larger quantity. It is difficult to discover or detect the imposition.

We would respectfully suggest that, in the event of the confirmation of this report, in whole or in part, a provision should be made confirming settlement rights, where they have sufficient merit, upon the condition that the person to whom it is confirmed had not previously held under a French or Spanish grant. It is due to the claims reported to say that no such suspicion attached to them. Nor will we say positively that we know of any case where such a course has been taken. We have ventured to make the suggestion from circumstances which authorize the belief that some such instances have occurred.

We now close this report by observing that the great number of claims originating under the French and Spanish governments arose from the condition of the country, from their want of population, and from their desire to have the lands speedily brought into a state of cultivation and improvement. For we find that France, in attempting to accomplish her great plan of permanently uniting the St. Lawrence with the Gulf of Mexico, held out inducements to emigration, with the view to form a permanent barrier against the encroachments of the English. Around her various military posts in this quarter colonies were planted, where, amid the vicissitudes of climate, at war with the elements and various Indian tribes, suffering every privation, they continued to flourish under the fostering care of the mother country. The same policy was pursued by the Spanish government. In recommending the claims of these people now presented to your notice, we do it on the grounds of their merit, the various laws, usages, customs, and practice of the different governments under which they originated, and, in our opinion, the great and immutable principle of justice.

All of which is most respectfully submitted.

ALBERT G. HARRISON.
L. F. LINN.
F. R. CONWAY.

ELIJAH HAYWARD, ESQ., *Commissioner of the General Land Office.*

A.

Resolutions passed by the board of commissioners on the 30th October, 1833.

1st. *Resolved*, That it was the custom of both France and Spain, and formed a part of the policy of those nations in the settling of new countries, to appoint officers, whose business it was, by express regulations, to grant lands to all such of their subjects as might wish to settle in those countries, for the avowed purposes of improving and populating said countries.

2d. That all acts in relation to grants, concessions, warrants, and orders of survey, done and performed by the French and Spanish officers during the time those governments had possession of and exercised the sovereignty over the province of Upper Louisiana, ought to be considered as *prima facie* evidence of their right to do those acts and perform those duties, and ought to be held and considered binding on the government of the United States, inasmuch as the acts of the officers in said province were not only tolerated but approved by their superiors in power.

3d. That all grants, concessions, warrants, or orders of survey, made and issued by the French or Spanish officers in the late province of Upper Louisiana on or before the 10th day of March, 1804, where the same are not proved to be fraudulent, ought to be confirmed, provided the conditions annexed to the grant have been complied with, or a satisfactory reason given for not fulfilling the same.

4th. That O'Reily's instructions or regulations of 18th February, 1770, those of Gayoso of 9th September, 1797, and those of Morales of 17th July, 1799, were not in force in Upper Louisiana, except, perhaps, the provisions contained in those of Gayoso, which related to new settlers.

5th. That sub-delegates, in making grants, &c., were not limited by any known law or custom as to the quantity of arpents they should grant, except, perhaps, as to new settlers, and that such grants passed title, and that a survey was merely an incidental matter after the title had passed by the grant, so as to identify the land, that the grantee might take possession of it.

6th. That what are called incomplete grants by the custom and practice of the country were recognized as property capable of passing by devise, transferable from one to another, and were liable to be sold for debt.

7th. That those grants which are general in their terms pass as good a title as those which are more special, the difference being in the description of the land, and not in the title.

8th. That those officers of the French and Spanish governments whose names are signed to concessions must be presumed to have acted agreeably to powers vested in them by their sovereign, and that their acts are accordingly legal until the contrary is shown.

9th. That fraud is an affirmative charge, and, as relates to the French and Spanish claims, as well as in all other cases, must be proved, and not presumed.

10th. That in all cases where there are conditions to a grant, &c., if the grantee shows satisfactorily that he has been prevented from a fulfilment of the conditions by the act of God, by the act of law, by the enemies of the country, or by the act of the party making the grant, or any other sufficient cause, the grantee will be considered as absolved from the performance of the same, and the grant regarded as absolute.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

Private land claims.

The undersigned commissioners, appointed for the purpose of finally settling the private land claims in Missouri, would beg leave respectfully to notify all whom it may concern that the time of taking testimony is limited to the 9th of July next, after which period no new evidence can be received. From great age and infirmity many of the witnesses cannot attend at this place. One of the commissioners is authorized to proceed to the southern counties for the purpose of receiving testimony. He will give notice when and where he will be in attendance for that object.

There is another point to which they would call your attention. Many persons have bought lands from the government of the United States which had been covered by Spanish and French grants. Where this is the case the undersigned should be informed, that they may report the fact to Congress, which may have the effect of preventing embarrassment and litigation.

L. F. LINN.
A. G. HARRISON.
F. R. CONWAY.

St. Louis, *March* 21, 1833.

Editors of papers would confer a favor on the public by giving the above a few insertions.

A true copy of an advertisement published in the Free Press of March 28, 1833.

JULIUS DE MUN, *T. B. C.*

St. Louis, *November* 27, 1833.

Testimony of Charles Dehault Delassus.

Charles Dehault Delassus. He well knew Don Zenon Trudeau, formerly lieutenant governor of the late province of Upper Louisiana, whom deponent succeeded in the said government on the 28th of July, 1799; that all the lieutenant governors of Upper Louisiana were, in virtue of their offices as lieutenant governors, likewise sub-delegates; that the offices of lieutenant governor and sub-delegate were inseparable; that when deponent was commandant at New Madrid, in Upper Louisiana, he wrote to the Baron

de Carondelet at New Orleans, the governor general, desiring to be excused from discharging the duties of sub-delegate, and that he received for answer, that since the commencement of the Spanish government in Louisiana the officers appointed by patent by the governor general (of which witness was one) were at the same time sub-delegates and military and political or civil officers; that the offices were inseparable; that there never was in Upper or Lower Louisiana a commission of sub-delegate specifically made to any officer; that the lieutenant governor of Pensacola was also sub-delegate in virtue of his office as lieutenant governor, without any other commission; that in Upper Louisiana there were but two patented officers who had the authority of sub-delegates—one at St. Louis and one at New Madrid; that the commandants at other ports, as at St. Genevieve, were called particular commandants; that the functions of a sub-delegate were the same before as after the appointment of the intendant at New Orleans in relation to the granting of lands, except that the sub-delegates on those subjects addressed themselves to the intendant, after his nomination, instead of the governor general, as previously they had done; that the practice in Upper Louisiana of the sub-delegate in relation to the granting of lands was, when a petition was presented to him for the purpose of obtaining a concession, if the sub-delegate considered that the petitioner possessed merits to entitle him to the concession, he granted the same, subject to the confirmation of the intendant, or, before his time, of the governor general; that in making a concession it was usual, in general, for the sub-delegate to make at the same time an order of survey, and more particularly since the appointment of Mr. Soulard, surveyor general, but that such orders of survey were not indispensable; that the grantee, however, in his (deponent's) opinion, without such order of survey, might proceed to have the survey made; that he knows no objection proceeding from the authorities at New Orleans to the usage or to the power of granting lands by the sub-delegates; that a petitioner for a concession of lands had a right of appeal from the refusal of the sub-delegates to the superior authority at New Orleans; that concessions made by deponent, as lieutenant governor, have been confirmed by the superior authority at New Orleans—by both the governor general and the intendant; that in no case within his knowledge has there been a less quantity confirmed than that originally granted; that he knows this to be the fact in relation to the grants made by his predecessor, Don Zenon Trudeau; that Don Zenon Trudeau is deceased; that he held his commission as lieutenant governor from the Baron de Carondelet; that this commission, as deponent believes, was in terms similar to the one which he himself held, and which he is ready to produce; that while lieutenant governor he kept no registry of concessions by him made; that he gave the concession to the petitioner, and that thereupon, as he believes, whether before or after the survey he knows not, the surveyor made a note or record of the concession; that matter did not concern deponent as lieutenant governor; that there was no mention made of any instructions by him received of the necessity of the registry of concessions. He knows of the existence of a book called the "Livre Terrein;" that when he was appointed lieutenant governor he believes he saw it; that he made no use of it; that it had not been made use for some time theretofore; that, as deponent believes, it had not been made use of from the time of the appointment of Soulard as surveyor general; that the Livre Terrein did not concern witness; that when a concession was made, and order of survey, there was no time limited within which a survey should have been made; that mineral lands were not reserved from sale by the Spanish government; that, on the contrary, the government encouraged the settlement of the country by miners, and the working of lead mines. The object of the government was to attract population by every means for the purposes of cultivation, and, above all, for the purpose of mining; that he was frequently at St. Louis during the government of Don Zenon Trudeau; that he was intimate with him, and frequently at his house during said time; that at various times when witness was at the house of Don Zenon Trudeau, he heard him mention a concession of 10,000 arpents of land which he (Trudeau) said he had made to Antoine Soulard, the petitioner; that one of the acquirements and talents of Mr. Soulard at that time must have been of great service to the government of Upper Louisiana; that he was, in fact, the right arm of the government at the time referred to, and that these remarks are true of Mr. Soulard in reference to the time at which deponent was lieutenant governor; that Soulard, during the last-mentioned period, continued to exercise the duties of the same office that he had done during the government of his predecessor, and without any fixed salary for either; that he saw the concession of which he has spoken in the possession of Mr. Soulard, on his table or among his papers; witness cannot say that he read the concession from beginning to end, but that it was the same concession of which he has already spoken; that the concession was in the usual form, for ten thousand arpents of land; that the requête or petition was in the handwriting of Soulard, and the whole of the decree or concession was in the handwriting of the lieutenant governor, Trudeau; that it was frequently the case that the concession was written by some person other than the governor for his signature; that he knew Santiago Rankin, and that he was the deputy of Soulard, the surveyor general; that Soulard had the power of appointing a deputy surveyor; the manner of appointing was by letter. The commission of Antoine Soulard, surveyor of all the districts of Illinois and New Madrid, of the date of February 3, 1795, marked A; the original official letter of Morales, the intendant, respecting Mr. Soulard's right to survey in the district of New Madrid, by himself or deputy, marked B; the official letter of Colonel Howard, recommendatory of Soulard, marked C; appointment of Soulard adjutant, marked D; the proclamation of Salcedo and Casa Calvo, marked E; the ordinance or regulations of Morales, marked F; the letter accompanying the same, marked G; the official letter of Delassus to Soulard, wherein he announces the death of the assessor at New Orleans, as made known to him by Morales, marked H; the letter from Casa Calvo to Colonel Delassus, acknowledging the receipt of the ordinance, &c., dated May 30, 1805, marked I; letter of Morales to Colonel Delassus, of August 26, 1799, in which witness is informed that the sub-delegates are independent of each other, marked K; the certificate of Gilberta Leonard and Don Manuel Armires, ministers of the royal treasury, in favor of Colonel Delassus, as former commandant at New Madrid and lieutenant governor of Upper Louisiana, dated 27th of June, 1805, marked L, are identified and proved by witness, and are indorsed and marked with the letters of the alphabet from A to L, inclusive; that he received six copies of the regulations of Morales, officially transmitted to him, as announced by the letter already referred to, upon the margin of which letter he noted, in Spanish, that the letter was answered and that the regulations were not to be complied with until further orders; that he did answer the letter of Morales, as noted in the margin thereof, and accompanied his answer with objections, a rough draught of which is herewith presented, marked M; that he knows that Morales received the letter and objections; at least that Morales made other communications to witness in answer to those made by him at the same time and through the same medium; that, as lieutenant governor, he had a right to suspend the execution of any order which to him appeared prejudicial to the interest of

the King or people, until fresh instructions; that he received afterwards other letters and communications from Morales, referable to the department of sub-delegate, and that he never mentioned the subject of those regulations; that he does not remember to have caused those regulations to be published; that he gave no orders to his inferiors relative to the regulations of Morales, because he did not intend to obey them himself and had remonstrated against them. His acts in relation to the granting of lands, since the regulations of Morales, were approved, because he received the letter of approbation from the Marquis Casa Calvo, of the 30th May, 1805, marked N, heretofore offered, and because he thinks his acts or grants were confirmed; and because, if his acts had not been approved, he would have been informed thereof; that he is not certain whether any concession made by him was confirmed; he received from Morales answers to all his communications, except that objecting to the regulations. The practice in relation to the concessions of land in Upper Louisiana was to return the procés verbal and plat and concession to the party, and the governor below had no other means of knowing to whom lands had been conceded. Witness says he recollects one instance of receiving a note from the governor below, or from the intendant, either when he was governor here or at New Madrid, desiring to know whether a certain person, to whom he (witness) had made a concession, had the requisite qualifications; says he did not consider the regulations of Morales as obligatory upon him, but that if any person had made application to him for a grant, he would have made it as though the regulations had not been made. He says the regulations were not binding on him, because of the reasons mentioned in the objections heretofore offered in evidence. He has seen several ordinances of the King of Spain in relation to the granting of lands, but he does not recollect the date of them; the regulations of O'Reily were so old that they were not regarded; those which governed witness were those made by Carondelet. When he went to New Madrid to command, he found the regulations of Carondelet; he left them there when he came here to command. They had authority only in Upper Louisiana. Those regulations authorized the granting of lands according to the number of the family and means, and according to the object in view in granting. He consulted no ordinances of the King for his duties, but the orders and instructions of the governor, which were authoritative to him. He was likewise governed by the usage and customs of his predecessors. The quantity was not limited by any law or usage; he delivered a bundle of official letters which would clear up many things here. When he left Orleans to take command at Madrid, Carondelet told him in person what he afterwards wrote, that he wanted him to invite inhabitants from the United States, not hunters, but those who had families and great means. Those who would make settlements and bring other families, to grant them as much land as they want. While here as lieutenant governor he received the same instructions from Gayoso in writing. He was commandant at New Madrid from the year 1796 to 1799. Those papers, with others, he lost at Baton Rouge, on the revolution there. There was no other record of concessions except that kept by Soulard, who was obliged to keep such book.

The government below were aware of the manner in which Soulard's book was kept, and it always received the greatest approbation. He knows this by report generally, by what Soulard said to him, and by a letter received by Soulard. A Livre Terrein was kept before Soulard was appointed, but not after. Those instructions which he received from Carondelet were written, as well those he found at Natchez as those he received. They were particular to him. When publication of instructions or regulations was to be made, the governor directed it, and the manner. All the instructions which were official which he received he delivered to the commissioners at New Orleans. The instructions of Gayoso were official, and were delivered to the commissioners. It was not the duty of the lieutenant governor to keep any memorandum of concessions made. The vacant lands were seen, and those who had got titles were settled. He does not think Soulard rendered any account of the official acts done by him. He believes Soulard received instructions from the surveyor general as to the manner in which he should keep his books. But the surveyor was under the orders of the lieutenant governor. The surveyor general below had his district, and so had Soulard. The letter of the surveyor general to Soulard was rather a letter of friendly advice than of instructions. He, the witness, never received any commission of sub-delegate. He declined accepting the command at Pensacola, because the duties of sub-delegate were attached thereto, as he knew nothing about those. The instructions were by the King to the governor, and by the governor to him. He did not know the instructions to the governor from the King.

The regulations of O'Reily, Gayoso, and Morales were for the government of Upper Louisiana, and were delivered to the commissioners at New Orleans. He means by the word usage, the practice of his predecessors, because they were based upon the instructions. He may have added something to the usage of his predecessors, according to his instructions, where these may have required it. He never received orders to discontinue Livre Terrein. He found Mr. Soulard at St Louis, as surveyor, and knows nothing of Livre Terrein. He thinks he delivered over every public document which was necessary or useful to the citizens of this country; he delivered them to Major Stoddart, an inventory of which he gave to Stoddart; one he kept, and the other he gave to the commissioners, Salcedo and Casa Calvo. He took with him only his official papers relative to his responsibility to his government. He took no book with him, nor anything, except his official instructions, which could relate to land titles. He left here March 10, 1804, and remained a governor two years at Baton Rouge, until 1810, previous to which time he was colonel of a regiment. In granting lands, they, the sub-delegates, were authorized to reward gratuitous services, secret, military, or civil, and were not limited as to quantity, because generally the governor had confidence in those he appointed, and because it was in virtue of the good will of his Majesty towards his subjects. He first derived intelligence of the treaty of 1803 from Lewis and Clark the fall or winter of 1803. Santiago, Rankin, and Madden were deputies in the spring of 1804. He does not know whether he made any concessions after the treaty of cession of 1803. He thinks information of the cession to France and to the United States came at the same time.

For the foregoing evidence and the documents therein referred to, the board refer to exhibit A, referred to by James H. Peck, judge of the district court of the United States for the district of Missouri, in his answer to the article of impeachment preferred against him by the honorable the House of Representatives of the United States, as printed by order of the Senate.

Testimony of Frémon Delauriere.

Charles Frémon Delauriere maketh oath and saith that he resided at St. Genevieve from the year 1796 until late in the year 1802; that he occupied the office of recorder (greffier) at that post; that in that capacity he read many letters addressed by the governor general, Baron of Carondelet, to M. François

Vallé, commandant of St. Genevieve, and to the Chevalier Dehault Deluzieres, commandant of New Bourbon; that in those letters the Baron of Carondelet particularly recommended to those two commandants to adopt all possible means of peopling their respective districts, by attracting foreigners to them by the gratuitous concessions of lands; to encourage agriculture, establishments of dairy and grazing, the making of salt, raising mineral, and erecting mills, by granting lands and privileges calculated to insure their success. That he also recommended to said commandants to induce, if possible, all the poorer inhabitants of the villages to settle on the lands instead of living in indolence and idleness; to give to each head of a family a quantity of land in proportion to the number of persons in the family; and to each unmarried man, who wished to make a settlement, as much land as they should consider proportioned to his means. That this deponent was employed by the aforesaid commandants, and particularly by the commandant of St. Genevieve, to persuade the inhabitants of the different villages to make those settlements; that the deponent himself drew up for them a great number of their petitions for grants of land; that a considerable number of those inhabitants availed themselves of the bounty of the government, some of them having located themselves in the neighborhood of the lead mines; some on the banks of the streams or rivers in the vicinity of St. Genevieve; that all of the inhabitants did not locate. This deponent further saith that when, towards the end of the year 1802, he delivered up the office of recorder, at St. Genevieve, to Mr. Francis Vallé, for the purpose of attending personally to the deponent's establishments on Salt river, there were in the possession of this deponent about forty concessions of land which had not been taken out of his office by their respective owners, of whom some were old inhabitants, and others new settlers, coming from different parts of the United States of America. This deponent saith that, at that time, there was only one deputy surveyor for the district of St. Genevieve and of New Bourbon, Madden still lives, and one for the district of Cape Girardeau, Mr. Bartholomew Cousin, since deceased; that the deputy surveyors for the remainder of the province of Upper Louisiana were few in number; and that the expense, difficulty, and danger of surveying at a distance from the posts was very great; that the fee payable to the surveyor was four cents per arpent, exclusive of the fee to the principal surveyor for the plat of survey, and exclusive, also, of the wages and support, while employed, of the axemen and chain-carriers; that to all these expenses was to be added that of travelling and choosing the location; that, in few instances, the value of the land at that day was equal to the expense attending the location and survey; that money was very scarce in the province at that date, and that the circulating medium or currency was in shaved deer skins; that very few of the grantees were moneyed persons, or able, conveniently, to pay the expenses of their respective locations; that this deponent, in the year 1803, resided at Salt river, where he carried on his salt-making establishment; that from the above point he addressed letters to his friends and acquaintances, as well at St. Louis as at other places, informing them of the advantages which the surrounding country for thirty or forty miles around presented; that on the report so made by this deponent, those amongst them who had not located their grants became desirous of locating them in this part of the province; that some of them came in person to this deponent, and others wrote to him on the subject; that this deponent showed to them that it would be impossible to effect their locations and surveys unless a number of them should join together for that purpose; that the Indians, (savages,) appeared determined to oppose and prevent all white settlements in that part of the country, having recently committed several murders; that at the salt works of the deponent they had massacred three men; that they had burned one Bouvet in his own house, and had killed one man at Cap aux Gres, and several other white men on Cuivre river; that this deponent informed the persons who consulted him that, inasmuch as there existed at or near Salt river and Cuivre river considerable tracts of excellent land, they ought, several of them, to co-operate in their locations, so as to include some of those tracts sufficient for the formation of several establishments contiguous to each other; that they would then be enabled to effect their surveys, and to make their settlements, by affording to each other material assistance and succor; that the difficulty of procuring surveyors, and the danger from the Indians, evidently compelled them to take this course; that this deponent believes that, from these considerations, the surveys of various large tracts, including a number of grants of eight hundred arpents each, located in connexion with each other, were made; and that, if such a mode of location had not been adopted, but very few surveys could have been effected in that part of the province. This deponent further saith that he believes that if there had been a sufficient number of competent surveyors, and if the difficulties, dangers, and expenses of locating had not been so great, the whole of the concessions issued by the authorities in Upper Louisiana would have been surveyed previous to the 10th March, 1804, the date of the taking possession of Upper Louisiana by the government of the United States. This deponent saith that, under the Spanish government, at all times within the knowledge of the deponent, and whilst he was an officer or subject of the King of Spain, previous to the cession of Louisiana to the United States, grants of land, whether located and surveyed, or unlocated or unsurveyed, whether special or general, were objects of sale, transfer, and inheritance, and were liable to be seized and sold for payment of debts due either to private creditors or to the King of Spain; that the unlocated concessions were often more valuable than those actually located and surveyed; that this deponent, from the opportunities and means of information presented to him in his office of recorder, (greffier,) at St. Genevieve, and afterwards of deputy surveyor, he considers himself well qualified to form an opinion of the value of lands and concessions, at that date, in Upper Louisiana.

FRÉMON DELAURIERE.

Sworn to and subscribed before me, Wilson Primm, a justice of the peace within and for the county of St. Louis, this eighteenth day of November, eighteen hundred and thirty-three.

WILSON PRIMM, *Justice of the Peace, St. Louis county.*

Albert Tison's testimony.

Albert Tison maketh oath and saith that he has been an inhabitant of this country since 1793, when he first arrived in the province of Upper Louisiana; that he is well acquainted with all that relates to the value of public land, and the surveying and locating of concessions or grants made thereof by the Spanish government previous to the 10th day of March, 1804; that the expenses and difficulty of obtaining surveys of said lands were very great, and that in few instances the land surveyed was worth or could be sold for the cost of survey and location; that the expense of surveying a square league was at least between five and six hundred dollars, without taking into the account the expense of choosing the location, which was often difficult, and even dangerous; that the number of practical surveyors was very small in the province of Upper Louisiana; that, for the first time, in 1795, a principal surveyor was appointed for Upper Louisiana,

namely, Mr. Antoine Soulard; that, some time after, deputy surveyors were appointed for different districts, to wit: Mr. Story, for New Madrid, in or about 1798; Mr. James Madden, for St. Genevieve, in or about 1798; Mr. Bartholomew Cousin, in or about 1799 or 1800, for New Madrid; Mr. James Mackay, in or about the year 1796 or 1797. This deponent saith said Mackay was also commandant of the post of St. André and St. Charles, and, consequently, the range of his duty as deputy surveyor was very limited. This deponent saith the other deputy surveyors were appointed at intervals between 1799 and 1803, and that their names were as follows: James Rankin, H. —. Morison, John Ferry, and Frémon Delauriere. This deponent saith that there was also a deputy surveyor named Bouvet, who made a few surveys north of the Missouri, and who, about the end of the year 1802, or in the beginning of the year 1803, was taken and burnt to death by the Indians, on the Salt river, in the county now called Ralls county, in the State of Missouri. This deponent verily believes that if the expense, difficulty, and danger of surveying previous to the treaty of cession to the United States, on the 10th March, 1804, had not been so great, the whole of the grants of land made by the Spanish government would have been located and surveyed. This deponent saith that, in consequence of the scarcity of surveyors and the danger and difficulty of surveying, a party was obliged to wait sometimes as long as two years before he could have his survey executed. This deponent saith that he was himself driven off by the Indians in the month of December, 1803, while endeavoring to effect a survey in that part of the province included in Pike county, and in the neighborhood of Salt river. This deponent saith that he lived in the family of Lieutenant Governor Zenon Trudeau during two years and half, and was attached to the administration of Lieutenant Governor Delassus from the commencement to the end of his government in Upper Louisiana. That this deponent knows, from his own personal knowledge, that it was the custom of those lieutenant governors to date their concessions of land on the day of the date of the petition, or the day or two after said date, although in many cases the petitions had been dated and presented as far as two years or more previous to the issuing of the concession; that, in general, the lieutenant governor, Don Zenon Trudeau, wrote his grants himself, and that, in general, the grants signed by Lieutenant Governor Delassus were written by the principal surveyor, Antoine Soulard, or by other persons authorized to draw them up.

ALBERT TISON.

Sworn to and subscribed before me this nineteenth day of November, one thousand eight hundred and thirty-three.

PETER FERGUSON, *Justice of the Peace, county of St. Louis.*

Copy of a letter from Frémon Delauriere to Antoine Soulard, dated Saline, February 15, 1806.

My Dear Soulard: I avail myself of this opportunity to send you the returns of the surveys I have made. I start to-morrow to finish what remains, in spite of the alarms caused now and then by the Indians; but at all events we shall be five men, well armed, and I hope that we shall not be taken so unawares that we cannot defend ourselves; besides, it must be done, Indians or no Indians. In places so remote, and without direct communication with the settlements, I do not know when I shall be able—— [Here the paper is torn off and missing.]

yet about eight days' work, and it would be already done if I had not been obliged to come back on account of the Indians the first time I went to survey the Bay de Charles. By this same opportunity I write to Labeaume to send me a boat. If there is anything new in your quarter, let me know by that opportunity; you will confer an obligation on one who is always your friend and faithful deputy.

FRÉMON DELAURIERE.

Charles Frémon Delauriere's testimony in the case of François Saucier.

Charles Frémon Delauriere, being duly sworn, says that the survey already produced is one of those included among the surveys mentioned in the above letter; that the survey was executed at the time it bears date; that there was great difficulty and danger in executing surveys; that he was twice repulsed by the Indians, and that the third time he went up he could not execute several of the surveys, being prevented by Indians of the Sac and Fox nations, although he and his companions were well armed; that surveyors were very scarce, and it was difficult to procure any one to take a survey; that there was not half the number of surveyors necessary to execute the surveys that were then to be made.

Testimony of Colonel Baptiste Vallé in the case of Marie Louise Vallé Villars.

St. Genevieve, *Missouri, October* 23, 1832.

Colonel Baptiste Vallé, senior, personally appeared before Lewis F. Linn, one of the commissioners appointed finally to settle and adjust the land claims in Missouri, and authorized by the commissioners to receive testimony in this behalf. Said Vallé, being duly sworn, deposeth and said that he knew of a concession to Marie Louise Villars for seven thousand and fifty-six arpents of land on the waters of the Saline; that he knew of the intendant or governor of Lower Louisiana sending up instructions to the lieutenant governor of Upper Louisiana directing that the survey of Peyrouse should be run in such a way as to respect the concessions of Marie Louise Villars and François Vallé; that said concessions were given to the Rev. James Maxwell, vicar of Upper Louisiana, to take to New Orleans for the purpose of being laid before the intendant; that he understood and believes that they were either lost by the said Maxwell or left in some of the offices for confirmation.

Question by the commissioner. Do you know or believe that these concessions were antedated?

Answer. No.

Question by the commissioner. Have you any knowledge or reason to believe that any Spanish or French concessions were antedated?

Answer. No; for when I was in New Orleans, during the existence of the Spanish government, the Baron de Carondelet told me that if I wanted any lands in Upper Louisiana to make out a list, and he would grant them.

Question by the commissioner. Whilst you were at New Orleans, in your conversations with the Baron de Carondelet did you understand from him that the power to grant lands by the sub-delegates was denied?

Answer. No; on the contrary, when he pressed me to accept lands for myself and family, I informed him that the sub-delegates had given me and my family grants of land; to which he replied, "if you have not enough, ask for more."

J. BTE. VALLÉ.

Sworn to and subscribed the day and year first above written, before L. F. Linn, land commissioner.

L. F. LINN.

No. 1.—GABRIEL CERRÉ, *claiming* 800 *arpents of land.*

To the Lieutenant Governor of Illinois:

SIR: Gabriel Cerré, merchant of this town of St. Louis, appears before you, and says that being desirous to establish a stock farm at the saline of Maramec, which is situated at about seven leagues from this said town, on the north bank of the above-mentioned river, therefore he humbly prays that you will condescend to grant to him the quantity of land which it is customary to grant to those who wish to establish stock farms in this province, and that the tract which he solicits for shall have its principal front on the aforesaid bank of said river, and the direction of its depth from the river to the hills of said saline; favor which he hopes to deserve of you.

CERRÉ.

ST. LOUIS OF ILLINOIS, *October* 10, 1782.

Don Francisco Cruzat, lieutenant colonel of infantry, commandant and lieutenant governor of the western part of Illinois and its districts:

Cognizance being taken of the foregoing memorial, presented by Don Gabriel Cerré, an inhabitant of this town of St. Louis, dated October 10 of this present year, I have conceded to the said Gabriel Cerré, as a property belonging to him, his heirs, or assigns, a tract of land, of eight arpents front by forty in depth, at the saline of the river Maramec, situated at about seven leagues from this said town, on the north bank of the aforesaid river, having its first front on the bank of said river, and the direction of its depth to the hills of the aforesaid saline, that he may thereon establish the stock farm he solicits for, in the space of three years; and, in case he does not do it, said tract to remain incorporated to the royal domain, and also, at all times, to be subject to the public charges and others which it may please his Majesty to impose.

Given in St. Louis of Illinois, October 12, 1782.

FRANCISCO CRUZAT.

To Don Zenon Trudeau, lieutenant colonel by brevet, captain of the stationary regiment of Louisiana, and commandant of the western part of Illinois:

SIR: I have the honor humbly to represent to you that, having obtained from Mr. Francisco Cruzat (as is obvious by the title here annexed) a concession for eight arpents front by forty in depth, on the banks of the river Maramec, and having improved with success a saline that is thereon, having raised a great quantity of cattle and considerable crops, and not having been able at the time to have my boundaries fixed, as there was no surveyor, and now being desirous to have these things regulated, to avoid all difficulties which might take place henceforward, may it please you to order the surveyor of the government to fix my boundaries, and to deliver to me his certificate of survey. Having made a mature examination of the localities, I humbly pray also that you will grant to me twelve arpents more in front, which will make twenty arpents, and permit me to take my depth of forty arpents in following the course of the said river Maramec, as, at a distance from said river, the said lands are uninhabitable; and I do assure you that in this way it will carry prejudice to no one. Your petitioner will observe to you that, at this present moment, he has on said farm upwards of eighty horned cattle, a farmer, two negroes, and hired men who work there daily; he dares hope that, owing to your wishes to help industry, you will grant to him what he solicits; favor which he expects of your justice.

CERRÉ.

ST. LOUIS, *January* 10, 1798.

The surveyor of this jurisdiction will set boundaries to the land of the petitioner in the same form as it is granted to him by his title, and will add to it the twelve arpents in front by forty in depth which he asks for to enlarge his farm, as it is obvious to me that they belong yet to the King's domain, and for which the petitioner shall have to solicit the concession from the governor general, as soon as said surveyor shall have delivered a plat and certificate of survey.

ZENON TRUDEAU.

A true translation.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date.	By whom granted.	By whom surveyed, date, and situation.
1	Gabriel Cerré, by Pascal L. Cerré, as devisee.	800	Two concess'ns, one dated October 12, 1782, the other January 10, 1798.	F. Cruzat and Z. Trudeau.	James Rankin, February 27, 1806, and certified by Ant. Soulard, same date. On the Maramec, district of St. Louis.

Evidence with reference to the minutes and records.

August 30, 1806.—The board met pursuant to adjournment. Present: John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, esqs.

Pascal Cerré, as devisee of Gabriel Cerré, claiming eight hundred arpents of land situate on the Maramec, district of St. Louis, produces a duly registered concession from François Cruzat for eight by forty arpents, dated October 12, 1802, (1782,) together with an order of survey for the same, with an addition of twelve by forty arpents, to be included in the same survey, said order dated January 10, 1798, and signed Zenon Trudeau.

Auguste Chouteau, being duly sworn, says that the said Gabriel Cerré settled the said tract of land in the year 1782, and that the same has been actually inhabited and cultivated to this day. The board confirm to the said claimant the said tract of eight hundred arpents, as per the said concessions.—(See minutes No. 1, pages 512, 514, and 515.)

Friday, December 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Pascal Cerré, devisee of Gabriel Cerré, claiming eight hundred arpents of land.—(See book No. 1, page 514.) Concession from Cruzat, dated October 12, 1782. It is the opinion of Clement B. Penrose that this claim ought to be confirmed. It is the opinion of John B. C. Lucas that eight by forty arpents ought to be confirmed. Frederick Bates forbears giving an opinion.—(See minutes No. 5, pages 540, 544, and 545.)

October 5, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

Pascal Cerré, claiming, as devisee of Gabriel Cerré, eight hundred arpents of land situate on the Maramec, district of St. Louis.—(See book No. 1, page 514, and book No. 5, page 544.)

The two original concessions being produced, (see Livre Terrein, No. 4, page 6,) one bearing date the 12th of October, 1782, signed by Francisco Cruzat, the other on the 10th of January, 1798, signed by Zenon Trudeau; was also produced a paper purporting to be the survey of the same, signed by James Rankin, deputy surveyor, and by Antoine Soulard, surveyor general.—(See book A, pages 532 and 533.)

M. P. Le Duc, having been duly sworn, saith that the signature to the first petition is the handwriting of Gabriel Cerré, and the signature to the concession is the handwriting of Francisco Cruzat; that the signature to the second petition is the handwriting of the said Gabriel Cerré, and the signature to the decree of concession is the handwriting of Zenon Trudeau; that the signatures to the aforesaid surveys are the handwriting of the said James Rankin and Antoine Soulard.

October 31, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Gabriel Cerré, claiming 800 arpents of land, (see page 2 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said Gabriel Cerré, or his legal representatives, according to the concession.—(See book No. 6, page 286.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 2.—Pascal Cerré's *petition and concession.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Pascal Leon Cerré, sub-lieutenant of militia, father of a family, and owner of several slaves, has the honor of representing to you that, having obtained yet no concessions, he would desire to enjoy the same favor as all the other inhabitants of the country, and participate to the bounties which his Majesty diffuses with generosity amongst all his subjects; consequently, and as owner of a great quantity of cattle, he would wish to establish a considerable stock farm, distant enough from our settlements not to give umbrage to anybody. To obtain his object he has the honor humbly to pray that you will have the goodness to grant to him, in full property, a league square of land in superficie, or seven thousand and fifty-six arpents, to be taken in two different places, situated as follows: the half of said quantity, or three thousand five hundred and twenty-eight arpents, to be taken at the place commonly known by the name of the great source of the river Maramec, at about three hundred miles from its mouth, so as to include the said sources; the other half, or three thousand five hundred and twenty-eight arpents, at some distance from the first, at the upper part of the headwaters of the Gasconade, and of those of the fork of the Maramec, known by the name of La Bourbeuse (Muddy.) The said tracts of land being only fit for the establishments projected by your petitioner, who hopes his fidelity, and that of all his family, to the government, will be titles, in your opinion, which will contribute to the fulfilment of the favor which he hopes to obtain of your goodness and justice.

St. Louis of Illinois, November 5, 1799.

P. L. CERRÉ.

A true translation. JULIUS DE MUN.

ST. LOUIS OF ILLINOIS, *November* 8, 1799.

Whereas the petitioner is one of the most ancient inhabitants of this country, whose known conduct and personal qualities are recommendable, and being convinced of the truth of what he exposes in his petition, I do grant to the petitioner the land which he solicits; and as it is situated in a desert where there is no settlement, and at a considerable distance from this town, he is not compelled to have it surveyed immediately, but as soon as some one settles on said place, in which case he must have it surveyed without delay; and Don Antonio Soulard, surveyor general of this Upper Louisiana, will take cognizance of this title for his own intelligence and government in the part which concerns him, so as to enable the interested, after the survey is executed, to solicit the title in due form from the intendant general of these provinces of Louisiana.

CARLOS DEHAULT DELASSUS.

Registered by order of the lieutenant governor, pages 15 and 16 of book No. I, of titles of concessions.

SOULARD.

NEW ORLEANS, *April* 25, 1798.

SIR: Your letter of the 7th of last March has been delivered to me. Yes, sir, it is with pleasure that I have learnt by the letter which you have written to Mr. Zenon Trudeau on the subject of your journey to Canada, which letter has been forwarded to me, that you had returned to St. Louis. No one better than myself can feel how many inconveniences you must have experienced in this journey, and how many difficulties you had to surmount, and that it required nothing less than your intelligence and knowledge, your activity, firmness, and courage, to extricate you from the embarrassments into which your zeal for the service of the King, and your attachment to our government, precipitated you.

Penetrated with this conviction, and knowing how to appreciate your merit, your uncommon disinterestedness, and the services which you have rendered, and which, I am persuaded, you will always be disposed to render to the King, you will find me at all times ready to seize the occasion of testifying to you how much I do desire to be of some utility to you, and making it available in case of need.

With respect to the affair between you and Mr. Lorimier, of which a statement has been submitted to me by Mr. Zenon Trudeau, it is with very sensible pain that I see myself compelled to announce to you that my judgment upon it will not be, perhaps, exactly conformable to your wishes. The immutable principles of justice, whatever may be the interest I take in you in my inward thoughts, does not permit me to pronounce a decision different from that which will be officially communicated to you by the lieutenant governor, Don Zenon Trudeau. You have too sound an understanding, and too much discernment, not to comprehend that a public man ought never to suffer his affections or his feelings of private friendship to make him deviate from the path which his reason points to him as that of equity and impartiality. On all other occasions put my friendship to the test, and reckon on the attachment of him who has the honor to be, with all the consideration which is due to you on so many accounts,

Sir, your very humble and very obedient servant,

MANUEL GAYOSO DE LEMOS.

Monsieur GABRIEL CERRÉ.

A true translation.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted	By whom surveyed, date, and situation.
2	Pascal L. Cerré..	7, 056	Concession dated the 8th November, 1799.	Charles Dehault Delassus.	To be surveyed in two parts or halves, the one on the Big Spring of the river Maramec, so as to include said spring, and the other at the fall of the forks of the Gasconade and those of the Maramec, called the Muddy.

Evidence with reference to the minutes and records.

September 15, 1806.—Pascal L. Cerré, claiming a tract of a league square, to be surveyed in two parts or halves, the one on the Big Spring of the river Maramec, so as to include said spring, and the other at the fall of the forks of the Gasconade and those of the Maramec, called the Muddy, produces a concession from Charles Dehault Delassus, dated the 8th November, 1799.

Anthony Soulard, being duly sworn, says that he wrote the aforesaid concession or decree of the lieutenant governor, but does not recollect if it was issued at the time it bears date; that a letter was addressed to Gabriel Cerré, the father of claimant, by the governor general, Gayoso de Lemos, dated April 25, 1798, "wherein he acknowledges the many services he has rendered to government, and his claim to the generosity of the same;" that the lieutenant governor, on seeing said letter, inquired of him in what manner he might reward him; that the said Gabriel Cerré replied that he was already advanced in years, and did not want for lands, having already a sufficiency of the same, but recommended his son, the claimant, who had not then received any grant for land, to the bounty of government; and further, that said claimant was, in the year 1798, the head of a family.—(See minutes No. 2, pages 30 and 31.)

Thursday, September 28, 1810.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners. Pascal L. Cerré, claiming one league square of land.—(See book No. 2, page 30.) It is the opinion of this board that this claim ought not to be confirmed.—(See book No. 4, pages 516 and 517.)

October 5, 1832.—The board met. Present: L. F. Linn and F. R. Conway. Pascal L. Cerré, claiming a tract of land of a league square, to be surveyed, &c.—(See book No. 2, page 30; book No. 4, page 516;

record book B, pages 512 and 513.) M. P. Le Duc, being duly sworn, saith that the signature to the petition is the handwriting of the claimant, and that the signature to the concession is the handwriting of Carlos Dehault Delassus.

The claimant also produces a paper purporting to be an original letter from Gayoso de Lemos, late governor of Louisiana, bearing date the 25th day of April, 1798. M. P. Le Duc saith that the signature to the said letter is the handwriting of said Gayoso de Lemos.—(See book No. 6, page 3.)

October 31, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison and F. R. Conway, commissioners. Pascal L. Cerré, claiming 7,056 arpents of land.—(See page 3 of this book.) The board are unanimously of the opinion that this claim ought to be confirmed to said Pascal L. Cerré, or to his legal representatives, according to the concession.—(See book No. 6, page 287.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 3.—JAMES MACKAY, *claiming* 30,000 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of said province:

James Mackay, captain commandant of the settlement of St. André, of Missouri, has the honor to represent that during the years 1795 and 1796 he made (in consequence of the commission sent to him to this effect, by his excellency the Baron de Carondelet, governor general of these provinces, which document is here annexed) a voyage of discovery to the upper and unknown parts of Missouri, from which voyage he has brought memoirs, and particularly a map, such as never appeared before of this unknown part of the world; which papers he has himself delivered to his excellency Don Manuel Gayoso de Lemos, governor general of these provinces, who, in consequence of his services, has granted to him the rank he holds now, and that of commandant of St. André, with the permission to make choice of a considerable quantity of land in this Upper Louisiana, and the assurance, as a reward for his services, that he should be proposed to the King for a grade in the army; this could not be effected on account of the war. Therefore, your petitioner being willing to establish himself, and not having enjoyed any of the favors which have been promised to him, commandant, with a very small salary, of a settlement which gives him a great deal of occupations, he hopes of your justice that you will be pleased to grant to him, in full property for the establishment of farms, and considerable stock farms, thirty thousand arpents of land, in superficie, to be taken on the vacant lands of his Majesty's domain, in one or several parts, at his choice. The distance of said lands from the settlements, and their known little value, are reasons which will lessen, in your opinion, the importance of the favor which your petitioner expects of your justice, which favor cannot give him any hopes of utility but at a very remote time. Full of confidence in the informations which must have been given to you upon his services and conduct, by his excellency the governor general of these provinces, and by your predecessor, Don Zenon Trudeau, to whom your petitioner has delayed, by divers reasons, to submit his demand, he hopes to obtain the fulfilment of it, of your equity and justice.

JAMES MACKAY.

ST. LOUIS, *October* 12, 1799.

ST. LOUIS OF ILLINOIS, *October* 13, 1799.

Cognizance being taken of the foregoing petition presented by the captain of mounted dragoons of militia, James Mackay, commandant of the settlement of St. André of this dependency; being well satisfied of the truth of what he advances, and due regard being paid to the respectable recommendations which have been made to me of this officer by Don Manuel Gayoso de Lemos, ex-governor general of these provinces, and by my predecessor, Don Zenon Trudeau, I do grant, as a reward for his good services, for him, his heirs, or others that may represent his right, the land which he solicits, if it is not prejudicial to any person; and the surveyor, Don Ant. Soulard, shall put the petitioner in possession of the quantity of land which he asks for in different (various) parts of the royal domain; and when this is done, he shall draw a plat which he shall deliver to the party, with his certificate, that said party may use it to obtain the concession and title in due form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Don Ant. Soulard, surveyor general of Upper Louisiana.

I do certify that on the 25th of May, of last year, (in consequence of the decree here annexed of the lieutenant governor and sub-delegate of the fiscal department, Don C. B. Delassus, dated October 13, 1799,) I have transported myself on the land of James Mackay, to survey it, according to his petition, for 30,000 arpents of land, of which quantity I have only measured 13,835 arpents, described in the above figurative plat, the interested party having desired it so, reserving to himself the right (as it is mentioned in his petition and ordered by a superior decree of the lieutenant governor) to choose the complement of his concession, in one or more parts, in the vacant lands of the royal domain; which measurement has been executed in presence of the proprietor and bordering neighbors, with the perch of Paris, of eighteen feet in length, as it is customary in this province of Louisiana, and without paying attention to the variation of the needle, which is 7° 30′ E., as is evident by the above figurative plat. This land is situated at about six miles west of the river Mississippi, eighteen to the northwest of St. Charles, and fifteen from the river Missouri,

bounded as follows: to the north and east, by vacant lands of the royal domain; west, by lands of C. D. Delassus; and south, by lands of Adam Somalt and vacant lands of the royal domain. In testimony whereof, I have given him the present, with the figurative plat here above, in which are indicated the dimensions, and the natural and artificial bounds which surround said land.

ANTONIO SOULARD.

ST. LOUIS OF ILLINOIS, *March* 8, 1802.

NEW ORLEANS, *May* 20, 1799.

SIR: It is with great pleasure that I have received your letter, to which I should like to answer more at large, but I find myself so much overburdened with business that it is out of my power to entertain myself with you as long as I would wish; but a boat has just arrived to-day, which is to start back next week, and by it I shall write to you.

I see with pleasure the arrangements you have taken, opening roads and establishing good regulations of military and civil police, in the view of aggrandizing your post.

By this opportunity I particularly recommend you to Mr. Delassus.

Poor Evans is very ill; between us, I have perceived that he deranged himself when out of my sight, but I have perceived it too late; the strength of liquor has deranged his head; he has been out of his senses for several days, but, with care, he is doing better, and I hope he will get well enough to be able to send him to his country. I have proposed to court a very important project, in which you shall be employed.

Be assured that I am attached to you, and that I will not forget you.

I am, with esteem, your very humble servant,

MANUEL GAYOSO DE LEMOS.

Monsieur JAMES MACKAY.

MY DEAR MACKAY: Mr. Jones, bearer of this, has come to my house by chance, an accident having happened to him before my door; and this gives me an opportunity of saying two words to you in answer to your letter of August 13, which has been a long while delayed in reaching me. I tell you, then, that I can certify that I have conceded to you a saline in the Missouri, but it is impossible for me to say neither the place of the said river nor the number of arpents for which the said concession was granted. I would fail in what I owe to myself, as well as to the tribunal before which you are to lay my affidavit, if I said differently, without having before my eyes the decree I have signed. A lapse of time, so long as the one that has passed since that transaction, does not leave, in the memory of a man so old as I am, the impression of things upon which he believed he never would have to think any more. Besides, and you know it well, business was transacted for a government which dispensed us with great formalities, which were considered as onerous to the inhabitants. Therefore I have not registered my decree relating to this saline, but it must have been done at the seat of the general government if the said decree has been approved of. I have been more fortunate in the affair concerning Mr. Williams. Why? Because he had some difficulties with Vincent Bouis, and that, on that very head, I wanted to justify my own conduct by an official letter, of which I have yet a copy. As I am to write to you very soon, and that for the present I have but a moment to dispose of, I confine myself to these few words, adding only that we always love you; that we do speak of you often and with pleasure, and but a few minutes ago my decrepit wife was saying, ha! if I could make the journey by land, like Mr. Jones, with what eagerness would I go and see those I love in Illinois! As to me, my friend, I say just as much. I see the end of my term approaching; my brother, who lately died at the age of 66 years, was the oldest person I have known in my family; not one has ever passed 60 years, and I am 59 and upwards.

My letter to Soulard could not contain loves and compliments to Mr. and Madame Chouteau; be you our interpreter near them; we love and cherish them more than ever. We say the same for you, your dear wife, and small family. All yours.

Your friend and servant,

ZENON TRUDEAU.

Captain JAMES MACKAY, *St. Louis.*

Truly translated. St. Louis, October 16, 1832. JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
3	James Mackay, by his heirs.	30, 000	Concession, October 13, 1799.	Carlos Dehault Delassus.	13,835 arpents, by Antonio Soulard, May 25, 1801, 18 miles northwest of St. Charles; 10,340 arpents, by Mackay, February 7, 1803, on a fork of Maramec, called Muddy; 5,280 arpents, by Mackay, December 20, 1804, on the Missouri; the two surveys by Mackay were recorded by Soulard, surveyor general, February 28, 1806.

Evidence with reference to the minutes and records.

July 22, 1806.—The board met agreeably to adjournment. Present: The honorable J. B. C. Lucas, Clement B Penrose and James L. Donaldson, esquires.

James Mackay, claiming 30,000 arpents of land, produces a concession from Charles D. Delassus, dated the 13th October, 1799; a survey of 13,835 arpents on the river Cuivre, taken May 25, 1801, and certified 8th March, 1802; a survey of 545 arpents, situated on same river, taken 29th December, 1802, and certified 28th February, 1806; another survey of 5,280 arpents, situate on the Missouri, taken the 20th December, 1804, and certified the 28th of February, 1806; and lastly, a survey of 10,340 arpents, taken the 7th February, 1803.

George Faillis, being duly sworn, says that, in the year 1799, one John Wealthy built a cabin on a small piece of land which he fenced in; that he lived on the same for about one year, when he made a present of his improvement to one Keitchley, who, having remained on it until Christmas of the year 1801, gave it to one Rhode, who afterwards gave it to witness; that the same was afterwards surveyed in by claimant, in consequence of a purchase from the said Rhode; that he, the witness, never heard of a concession for the said tract of land, and that the same was surveyed after his, the witness's, removal from the same; and, further, that the said small improvement was surveyed in the aforesaid tract of ——, on the ——.

The board reject this claim, and require further proof. Thereupon the said claimant produced a passport from Zenon Trudeau to him, as agent of the Commercial Company of the river Missouri, on a voyage of discovery up said river, undertaken by the orders of the Baron de Carondelet, and which was to last six years; and also a letter from Don Manuel Gayoso de Lemos, the intendant general at New Orleans, dated the 20th May, 1799, wherein he much approves of the conduct of claimant as commandant, commends the steps taken by him for the opening of roads and establishing good police regulation, both military and civil, with the view to the aggrandizement of his post; and informing him, further, that he has recommended him very particularly to the lieutenant governor of the province, Charles D. Delassus.—(See book No. 1, pages 415 and 416.)

July 31, 1807, 3 *o'clock*.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose and Frederick Bates, esquires.

James Mackay claiming 30,000 arpents of land. The agent of the United States objects to the aforesaid concession on the grounds of its being antedated, and otherwise fraudulent. He also objects to two surveys made on part of the aforesaid concession: one for 13,835, the other for 10,340, on the grounds aforesaid. Further proof is required of the party.—(See book No. 3, page 21.)

November 4, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

James Mackay claiming 30,000 arpents of land.—(See book No. 1, page 415; book No. 3, page 21.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 186.)

October 5, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

James Mackay's heirs, claiming 30,000 arpents of land.—(See book No. 1, page 415; book No. 3, page 21; book No. 4, page 186; record book B, pages 435, 436, and 437.) Produces a paper purporting to be a concession of the same, and certificates of surveys; one for 13,835 arpents, dated 8th March, 1802, the survey executed 25th May, 1801; another for 10,340 arpents, dated 28th February, 1806, survey executed the 7th of February, 1803, and signed by Antonio Soulard; and a third for 5,280 arpents, executed the 20th of December, 1804, and certified by Antonio Soulard, as received for record on the 28th of February, 1806. Also a paper purporting to be an original letter from Manuel Gayoso de Lemos, governor of Louisiana, to James Mackay, dated 20th May, 1799. Also a paper purporting to be an affidavit of Antonio Soulard, taken before F. M. Guyol, a justice of the peace for the county of St. Louis, dated the 5th December, 1817, authenticated on the 15th December, 1817, under the great seal of the Territory of Missouri, by Frederick Bates, exercising the government of said Territory. Also a paper purporting to be an original letter from Zenon Trudeau to said Mackay.

M. P. Le Duc, being duly sworn, saith that the signature to the decree of concession aforesaid is the handwriting of Lieutenant Governor Carlos Dehault Delassus; that the signature to the first survey is the handwriting of Antonio Soulard; that the signature to the survey of 10,340 arpents is the handwriting of Antonio Soulard; that the signature to the survey of 5,280 arpents is the handwriting of Antonio Soulard; that the signature to the said letter of M. Gayoso de Lemos is the handwriting of the said M. Gayoso de Lemos; that the signatures to the affidavit are the handwriting of Antonio Soulard, of F. M. Guyol, and Frederick Bates; that Antonio Soulard died about six or seven years ago; that the signature to the letter of Zenon Trudeau, above mentioned, is the handwriting of Zenon Trudeau.—(See book No. 6, pages 3 and 4.)

November 27, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

In the case of James Mackay, claiming 30,000 arpents of land. Charles Frémon Delauriere, being duly sworn, saith that the signature to the original concession is in the proper handwriting of C. D. Delassus, and the signature to Mackay's petition is in the proper handwriting of said Mackay; that he was well acquainted with said Mackay; that he was an officer who stood very high in the estimation of the Spanish government, and was looked upon as a very useful man to the country; that he was commandant of St. André, and that the only salary he received as such was hardly sufficient to pay for the stationery; that he recollects his return from New Orleans, where it was understood he had been to make his report to the general government of his voyage of discovery in the western part of Upper Louisiana, towards the Pacific ocean; that he continued commandant of St. André till the cession of this country to the United States; that he acted also as deputy surveyor to Antonio Soulard.

Albert Tison, being duly sworn, saith that said James Mackay was also commandant of St. Charles; that said district of St. Charles comprehended then all the country north of the Missouri, with the exception of the small district of Portage des Sioux.

Charles Frémon Delauriere and Albert Tison prove the signature to the letter of Zenon Trudeau, heretofore presented in evidence in this case. Frémon Delauriere proves the handwriting of Manuel Gayoso de Lemos to a letter dated May 20, 1799; that he, said Delauriere, being a public officer, had occasion to see it often. He also proves the signature of Antonio Soulard to an affidavit dated December 5, 1817, and to three plats of surveys.—(See book No. 6, pages 53 and 54.)

June 15, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of James Mackay, claiming 30,000 arpents of land, (see pages 3 and 53 of this book,) claimant produces a paper purporting to be an original commission, dated May 1, 1798, from Manuel

Gayoso de Lemos, then governor general of Louisiana, appointing James Mackay captain of the first company of militia in Missouri.—(See book 6, page 176.)

October 31, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

James Mackay, by his heirs, claiming 30,000 arpents of land.—(See page 3 of this book.)

The board, after a minute examination of the original papers, see no cause to entertain the belief that they are fraudulent or antedated, as urged against the confirmation by the United States agent before the former board. They are unanimously of opinion that this claim ought to be confirmed to said James Mackay, or his legal representatives.—(See book No. 6, page 287.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 4.—JACQUES ST. VRAIN, by J. SMITH, T., *claiming* 10,000 *arpents of land.*

To the Baron de Carondelet, knight of Malta, brigadier of the King's armies, governor general, vice patron of Louisiana and western Florida, and inspector of the troops in said provinces, &c.:

MY LORD: Jacques Ceran Delassus de St. Vrain, formerly an officer in the French royal navy, with all the respect due, has the honor to represent to you and says, that having been compelled to emigrate to the United States by circumstances unfortunately too well known; having lost his fortune and station, he has followed his family to St. Genevieve, and associated himself to its fate, which your generous goodness and protection has taken care to alleviate. The petitioner, since that period, has had the good fortune to render himself useful to the government which has given him such a kind reception, in doing all his efforts to show his zeal, his activity, and devotedness against a party of Frenchmen who had dared to threaten the Spanish possessions. The knowledge of mineralogy which the petitioner possesses has determined his father to yield up to him the contract he has made with the government for furnishing a certain quantity of lead; and in order to fulfil with more facility the conditions made by his father with the intendant, to satisfy the government, and to secure to himself a competency which may in future afford him an honorable existence, the petitioner prays you to grant to him and his heirs ten thousand arpents of land in superficie, with the special permission to locate them in separate tracts on various mines of whatever nature they may be, on mill seats, and, finally, on all places which may appear advantageous to his interest, without, however, being in the obligation to improve them, which at the present he could not do with success, as those several explorations would require great expenses, and because those lands are to be taken in places distant from the population and exposed to the incursions of the Indians. These are favors which the petitioner presumes to hope from your generous goodness and justice.

J. DE ST. VRAIN.

ST. GENEVIEVE, *November* 10, 1795.

NEW ORLEANS, *February* 10, 1796.

Granted.

EL BARON DE CARONDELET.

Truly translated, St. Louis, January 21, 1833, from book C, pages 336 and 337.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
4	Jacques St. Vrain, by his assignee, J. Smith, T.	10,000	Concession, 10th February, 1796.	The Baron de Carondelet.	

Evidence with reference to minutes and records.

August 30, 1806.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, esquires. James St. Vrain, claiming 10,000 arpents of land, produces a concession by the Baron de Carondelet, dated at New Orleans, the 10th February, 1796, in these words: *Concedido.* The petition stating that the claimant may survey the said land in different tracts, of such size as may best suit him, when to him convenient, and wherever he may deem it most suitable to his interest, whatever may be the nature of the soil, either saline or mine land, mill seats, or other lands, provided the same be vacant.

Louis Labeaume, being duly sworn, says: Claimant being going down to New Orleans in the year 1797, he left his business and papers to the charge of the witness, and that the aforesaid concession was then among those papers left to his charge.

Auguste Chouteau, being duly sworn, says that he knows the handwriting of the Baron de Carondelet, having seen him write often, and that the signature to the said decree is his own handwriting. Anthony Soulard, being also duly sworn, says that the concession or decree aforesaid, to wit: *Concedido,* is in the handwriting of the secretary of government, but that the signature is the Baron de Carondelet's own handwriting.—(See book No. 1, page 514.)

December 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

John Smith, T., assignee of Jacques St. Vrain, claiming 10,000 arpents of land.—(See book No. 1, page 514.) Original papers not produced.

The record of the concession much compressed, thirty-three words are interlined with different ink;

the words Louis Labeaume, apparently the heading of said Labeaume's notice of claims, occupy one-third of the paper in the direction which four lines of the record of said concession stand in; so that two-thirds of the said paper, in the direction of the said lines, is covered on each side with the said four lines, and the remaining one-third in the middle is occupied by the said words Louis Labeaume. It appears from the records that John Smith, T., claims under this concession, as follows: 1,000 arpents at a place called the New Diggins, about two miles from the Mine à Breton; a place known by the name of Mine à Robina, 300 arpents; on the branch above Renauld's mine, 300 arpents; 300 arpents, including Doyet's mines; 200 arpents on the first branch emptying into the mine fork on the south side, above its junction with Big river; 200 arpents, including a place called McKee's Discovery, about one and a quarter mile from the last-mentioned place; 50 arpents, including a mill seat on the second creek emptying into Big river, above the junction of the mineral fork on the west side. It is the opinion of a majority of the board that this claim ought not to be confirmed.

Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 540.)

October 5, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners. John Smith, T., assignee of Jacques St. Vrain, claiming 10,000 arpents of land.—(See book C, (record,) pages 336 and 337; book D, page 57, for deed. For testimony, see minutes, book No. 1, page 514; No. 5, page 540.)

The claimant files a paper purporting to be original depositions taken in the case of J. M. White, in the district court of the United States, in support of said claim; also, depositions taken in the case of Thomas A. Smith, guardian, against the United States.—(See book No. 6, page 6.)

October 9, 1833.—The board met pursuant to adjournment. Present: Lewis F. Linn, A. G. Harrison, F. R. Conway, commissioners.

In the case of St. Vrain, by John Smith, T., claiming 10,000 arpents of land.—(See page 6 of this book, No. 6.)

John Scott, aged about 51 years, being duly sworn, says that in the year 1810 he was employed by John Smith, T., as his agent and attorney, to attend at St. Louis with the concession to said St. Vrain, named in the deposition of Joseph Pratte, and to file the same for record with the recorder, and to attend to the claim before the board of commissioners; and for that purpose he had put in his hands and possession the original concession from the Baron de Carondelet to said St. Vrain for 10,000 arpents of land, together with the petition preceding the grant; and that both the petition and the grant were written in a fair, intelligible hand, entirely free and clear of all blots, erasures, and interlineations; and that he verily believes, if the record of the said petition and grant presents any other aspect than those of a fair, clear, and intelligible paper, it must be entirely owing to the mistake, negligence, or want of room or accuracy in the person who may have committed or placed the same of record.

The following testimony was taken before Lewis F. Linn, esq., on the 3d of May last:

STATE OF MISSOURI, *county of Perry:*

Joseph Pratte, witness, aged about 59 years, being duly sworn as the law directs, deposeth and saith that he has had in his hands and possession, and frequently seen and examined, the original petition and grant aforesaid, from the Baron de Carondelet to said St. Vrain, both before and after the same was sold and transferred by said St. Vrain to John Smith, T., and that both the petition and the grant were written in a fair, intelligible hand, entirely clear of all blots, erasures, or interlineations; and that he verily believes, if the record of the said petition and grant presents any other aspect than that of a fair, clear, intelligible paper, it must be entirely owing to the mistake, negligence, or want of accuracy in the person who may have committed or placed the same of record.

JOSEPH PRATTE.

Sworn to and subscribed May 3, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 271.

October 31, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners. Jacques St. Vrain, by his assignee, John Smith, T., claiming 10,000 arpents of land.—(See page 6.) The board remark that they are satisfied that there existed such concession, which was presented to the former board, as appears from their minutes, and then no objections made to it; they are also satisfied that the interlineations, mentioned in said minutes as existing in the record of said concession, are merely the completing of words abbreviated by the recorder for want of room. The board are unanimously of opinion that this claim ought to be confirmed to said Jacques St. Vrain, or his legal representatives, according to the concession.—(See book No. 6, page 287.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 5.—DAVID DELAUNAY, *claiming* 800 *arpents.*

To Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana, &c.:

SIR: David Delaunay, Frenchman, formerly an inhabitant of the island of St. Domingo, has the honor of representing to you that the disasters which desolated his country obliged him at first to emigrate to the Spanish side of said island, where he found, as well as his countrymen, all the assistance which suffering humanity has the right to expect of a generous nation. A series of misfortunes obliged him to come to the American continent, where, a short time after his arrival, he heard of the advantages made by the Spanish government to foreigners who came to fix themselves in Louisiana; he believed in these reports so much more readily, having already experienced in his disasters the generous protection of this same government. Penetrated with this confidence which is inspired by favors, and desirous more than ever to identify himself to the Spanish nation in becoming a subject of his Majesty, he came to St. Genevieve of Illinois with his wife, where, having the project to form an establishment, he has the honor

to supplicate you to grant to him a concession of 800 arpents in superficie, to be taken in a vacant place of his Majesty's domain.

Your petitioner presumes to offer to the government the assurance of his sincere fidelity, and hopes that this just statement of the events which have brought him here will be a sufficient title, in your opinion, sir, to obtain the favor which he solicits of your justice.

D. DELAUNAY.

St. Genevieve, *January* 15, 1800.

St. Louis of Illinois, *January* 18, 1800.

As it is evident that the petitioner has more than the means and number of hands *(populacion)* necessary to obtain the concession which he solicits, I do grant for him and his heirs the land which he petitions for, if it is not prejudicial to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks for, in a vacant place in the royal domain; and when this is done, he shall draw a plat of survey which he shall deliver to the party with his certificate, to be used by him in obtaining the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of land belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land of 800 arpents was measured, the lines run and bounded, in favor and in presence of David Delaunay, with the perch of the city of Paris, of eighteen French lineal feet of the same city according to the agrarian measure of this province; which land is situated on the river Maramec, twenty miles southwest of St. Louis, bounded to the N.NE., E.SE., and S.SW. by vacant lands of the royal domain, and to the W.NW. by lands belonging to Gregoire Sarpy; which survey and measurement were executed without paying attention to the variation of the needle, which is 7° and 30′ east, as is evident by the figurative plat here above, in which are noted the dimensions and directions of the lines and other boundaries, &c.; which survey was executed by virtue of the decree of the lieutenant governor and sub-delegate of the fiscal department, Don Carlos Dehault Delassus, dated January 18, 1800, which is here annexed. In testimony whereof, I do give the present with the figurative plat above, drawn in conformity with the survey executed by the deputy surveyor, Don Juan Terrey, dated January 3, 1804, who signed the minutes, which I do certify.

ANTONIO SOULARD, *Surveyor General.*

St. Louis of Illinois, *April* 15, 1804.

Truly translated. JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
5	David Delaunay.	800	Concession, January, 18, 1800.	Charles Dehault Delassus.	John Terrey, January 3, 1804; certified by Soulard, April 15, 1804. On the Maramec, district of St. Louis.

Evidence with reference to minutes and records.

May 2, 1806.—The board met agreeably to adjournment. Present: The Hon. J. B. C. Lucas, and Clement B. Penrose, esq. David Delaunay, claiming 800 arpents of land situate on the waters of the *river Renaud, district of St. Charles,* (Renaud's fork, a branch of the Maramec, district of St. Louis,) produces a concession from Charles D. Delassus, without any condition expressed in the same, dated the 8th (18th) January, 1800, and a survey of the same taken the 3d of January, and certified April 15, 1804.

Anthony Soulard, being duly sworn true answers to give, &c:

Question. Were you the surveyor of Upper Louisiana under the Spanish government?

Answer. Yes.

Question. Was it any part of the duties imposed on you by the Spanish law and the functions of your office to obey the orders of the lieutenant governor of the province, without any regard to their legality or illegality?

Answer. Yes; the lieutenant governor was accountable for it.

Question. From whom did you derive your appointment?

Answer. From the governor general of Lower Louisiana, Baron De Carondelet.

Question. Is that your handwriting? (showing him the aforesaid concession.)

Answer. I believe it is.

Question. Do you recollect when that was written, and is it your belief that it was written at the time it bears date?

Here the witness refused to answer; whereupon he was asked by the board whether he meant to give similar answers to the questions in all similar cases, and answered yes. The board not being still satisfied, required further proof of the date of the above concession, which not being adduced, they reject this claim.

The same, claiming 7,056 arpents of land situate in the district of St. Charles, produces a concession from Charles Dehault Delassus, without any condition expressed in the same, dated May 9, 1800, and a

survey of the same, dated December 25, 1800, and certified January 20, 1804. The same questions were here put to Anthony Soulard, who gave the same answers. The board not being still satisfied, required further proof of the date of the above concession, which was not adduced. (This claim of 7,056 arpents was subsequently confirmed by F. Bates, recorder.—See Bates's Decisions, page 40.) James St. Vrain was, in the above two claims, sworn, who said that the above concessions were granted at the time they bear date; that Charles D. Delassus, his (the witness's) brother, informed him that he had been instructed by Gayoso to grant lands to such respectable French emigrants as should come to this country; that claimant arrived at St. Genevieve towards the latter end of 1799; that he (the witness) being then there with Delassus, the then lieutenant governor, this last informed him (the witness) that he wished much to have claimant at St. Louis, and requested of him (the witness) that he would endeavor to persuade claimant to go to that place, informing him at the same time that he had it in his power to do much for him, and that he would reward him in lands, having received orders to that effect.

The board are satisfied, from passports produced then, that claimant was, prior to his coming to this country, a Spanish officer, and was recommended as such. They reject this claim.—(See book No. 1, page 269.)

August 18, 1810.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners. David Delaunay, claiming 800 arpents of land.—(See book No. 1, page 269.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 464.)

October 5, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners. David Delaunay, claiming 800 arpents of land, (see book No. 1, page 269, and book No. 4, page 464; record book C, pages 247 and 248,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated January 18, 1800, and a survey of the same, taken January 3, 1804, certified April 15, 1804, and signed by A. Soulard, surveyor general.

M. P. Le Duc, duly sworn, saith that the signature to the said concession is the handwriting of C. D. Delassus; that the signature to the certificate of survey is the handwriting of A. Soulard.

October 31, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners. David Delaunay, claiming 800 arpents of land.—(See page 5 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said David Delaunay, or his legal representatives, according to the concession.—(See book No. 6, page 288.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 6.—RICHARD CAULK, *claiming* 4,000 *arpents.*

To Don Carlos Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and commandant-in-chief of Upper Louisiana, &c.:

Richard Caulk, syndic of the settlement of St. André, formerly an inhabitant of the United States, settled on this side several years with his father-in-law, Lawrence Long, and having both of them concurred (at the desire manifested to them by your predecessor, Don Zenon Trudeau) to a large emigration to this side, has the honor of representing to you that in several cases he has been employed by the government in expeditions against the Indians; that he is the only one who, in his capacity of syndic, has always been charged with the command of the settlement of St. André in the absence of Captain Mackay, commandant of said settlement, and that, in consideration of his gratuitous services, that were often painful and onerous to your petitioner, your predecessor had made to him the promise of a large concession of land as a reward for his services, which fact is known by Captain Mackay.

Full of confidence in your justice, he hopes that you will be pleased to ratify said promise, as tending to prove the gratitude of the government towards a zealous subject who has been fortunate enough to give proofs of his zeal; therefore, he has the honor to supplicate you with respect to have the goodness to grant to him, in full property, four thousand arpents of land in superficie, to be taken in one or several parts of the vacant domain, at his choice. The petitioner having given proofs of his fidelity, can assure you that he desires sincerely to find the occasion of manifesting it at all times that his services may be of utility to the security of the country he inhabits, and to the good of the service of his Majesty.

RICHARD CAULK.

ST. ANDRÉ, *November* 30, 1799.

Be it referred to the commandant-in-chief, with information that all that is exposed here above is true; and that the petitioner has rendered many services to the settlements on the frontiers of this country; and that he is worthy in every respect of the confidence and protection of the government, and of the favor which he solicits.

SANTIAGO MACKAY.

ST. ANDRÉ, *November* 30, 1799.

ST. LOUIS OF ILLINOIS, *December* 5, 1799.

Cognizance being taken of the above petition, and of the informations of the commandant of St. André, Captain Don Santiago Mackay, considering the circumstances of his character, and what he exposes being an excepted case, in virtue of his merits and of his good services I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks in one or two vacant places of the royal domain; and, this done, he will draw a plat, which he will deliver to the party, with his certificate, to serve him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

A true translation. St. Louis, October 17, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
6	Richard Caulk.	4, 000	Concession Dec. 5, 1799.	Carlos Dehault Delassus.	James Mackay, December 17, 1804; certified by Soulard October 30, 1805, on river Calumet.

Evidence with reference to minutes and records.

July 22, 1806.—The board met agreeably to adjournment. Present as before, to wit, J. B. C. Lucas, Clement B. Penrose, and James L. Donaldson, esquires. The same, to wit, Richard Caulk, claiming 4,000 arpents situate on the river Calumet, district of St. Louis, produces a concession from Charles D. Delassus, dated December 5, 1799, and a survey of the same, taken December 17, 1804, and certified October 30, 1805. James Mackay, being duly sworn, says that the aforesaid Thomas Caulk was for some years syndic of the Bonhomme settlement, in which capacity he received no compensation, and that he, the witness, verily believes that the aforesaid concession was granted him as a compensation for the same. The board require further proof, and reject this claim.—(See book No. 1, page 418.)

September 21, 1808.—Board met. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates. Richard Caulk, claiming 4,000 arpents of land situate on the river Calumet, district of St. Charles. Laid over for decision.—(See book No. 3, page 259.)

June 12, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners. Richard Caulk, claiming 4,000 arpents of land.—(See book No. 1, page 418; book No. 3, page 259.) The board believe that there is a mistake made in the taking of the testimony of James Mackay in this claim; that the name of Thomas Caulk in said testimony was intended to have been Richard Caulk. It is the opinion of this board that this claim ought not to be confirmed.—(See book No. 4, page 376.)

October 5, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners. Richard Caulk, claiming 4,000 arpents of land, (see record book C, pages 120 and 121; book No. 1, page 418; book No. 3, page 259; and book No. 4, page 376,) produces affidavit of James Mackay, sworn to before Jeremiah Connor, October 25, 1819; also an affidavit of Antoine Soulard, sworn to before F. M. Guyol, a justice of the peace, October 26, 1819; also the affidavit of Thomas Caulk, sworn to and subscribed before William Long, a justice of the peace, October 21, 1819; also an affidavit of Martin Wood, taken before Benjamin Cottle, a justice of the peace, September 28, 1819; also a paper purporting to be a concession, dated December 5, 1799, granted by Charles Dehault Delassus, and a survey made December 17, 1804, and certified October 30, 1805, by Antoine Soulard, surveyor general.

M. P. Le Duc, being duly sworn, saith that the signature to the decree of concession is the handwriting of C. D. Delassus, lieutenant governor; that the signature to the survey is the handwriting of Antoine Soulard, surveyor general of Louisiana; that the signatures to the affidavits of Mackay and Soulard are in their proper handwriting.—(See book No. 6, page 6.)

October 31, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners. Richard Caulk, claiming 4,000 arpents of land.—(See page 6 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said Richard Caulk, or his legal representatives, according to the concession.—(See book No. 6, page 288.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 7.—M. P. Le Duc, *claiming* 7,944 *arpents.*

To Don Carlos Dehault Delassus, lieutenant colonel in the armies of his Majesty, lieutenant governor of Upper Louisiana, dependencies, &c.:

Mary Philip Le Duc, who has had the honor, sir, to inspire sufficient confidence to the government as to be employed by Mr. Portill, and again, for the present, by yourself, both acting as heads of the said government, as well at New Madrid as at this post, since your arrival, having shown his zeal and attachment in doing the functions of interpreter of the English language, there being no one particularly appointed to that place, and it being known to you, sir, that he has made it his duty to fill said place without getting any remuneration, the petitioner presumes to pray you, sir, to be pleased to grant to him 15,000 arpents of land in superficie, to be taken on the left side of the Missouri, on a vacant place of his Majesty's domain, in the view of establishing, in process of time, a stock farm on the said lands, and to make thereon improvements corresponding to a farm; also, in the view to secure for the future a real estate, in order to maintain his numerous family, and which may shield him from adversities, which are too frequently experienced in the other branches of industry. The petitioner, having no other views but those of continuing to live as a peaceable and faithful subject of his Majesty, and be submissive to the generous government whose benevolence he has already experienced, hopes that you will do him the favor to take his demand into consideration in a manner favorable to the accomplishment of his wishes, pledging himself to have the necessary works done as soon as you will permit him not to be assiduously ready to interpret when, by your orders, he is required to do so.

M. P. LE DUC.

St. Louis of Illinois, *December* 30, 1799.

ST. LOUIS OF ILLINOIS, *January* 7, 1800.

Considering that the petitioner has been a long time settled in this country, that his known conduct and personal merit are recommendable, being satisfied to evidence as to the truth of what he states in his petition, and that he possesses more than the means sufficient to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, in case it is not prejudicial to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks in the place indicated; and this being done * * * (here is an omission) * * * * the same to the party with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land of 15,000 arpents in superficie was measured, the lines run and bounded, in favor and in presence of Mr. Mary Philip Le Duc. Said measurement was taken with the perch of the city of Paris, of 18 French feet lineal measure of the same city, conformably to the agrarian measure of this province. Said lands are situated at about 65 miles to the north of St. Louis; bounded to the N.NW. by lands of Don Pedro Provenchere; S.SE. by lands of Don Pedro Janin; S. by land of Alberto Tison, and SE. by that of Lewis Delisle; E.NE. by land of David Delaunay, and E.SE. by that of Lewis Brazeau; S.SW. by land of André Landreville, and W. by that of Mrs. Widow Dubreuil. The said survey and measurement were executed without regard to the variation of the needle, which is 7° 30′, as it is evinced in the foregoing figurative plat, on which are noted the dimensions, courses of the lines, other boundaries, &c. Said survey was executed by virtue of the decree of the lieutenant governor and sub-delegate of the Royal Fisc, Don Carlos Dehault Delassus, dated 7th January, 1800, which is here annexed; and in order that the whole may be available according to law, I do give the present, with the foregoing figurative plat, drawn in conformity with the operations of survey, executed by the deputy surveyor, Mr. James Rankin, on the 18th February, 1804, who has signed on the minutes, which I do certify.

ANTONIO SOULARD.

ST. LOUIS OF ILLINOIS, *March* 5, 1804.

Truly translated from record book C, page 444. St. Louis, January 17, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
7	M. P. Le Duc.....	7,944	Concession for 15,000 arpents, January 7, 1800.	Carlos Dehault Delassus.	James Rankin, February 18, 1804; certified by Soulard, March 5, 1804, 65 miles north of St. Louis, district of St. Charles.

Evidence with reference to minutes and records.

May 3, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose and James L. Donaldson, esquires. Marie P. Le Duc, claiming 15,000 arpents of land situate in the district of St. Charles, produces a concession from Charles D. Delassus, dated January 7, 1800, and a certificate of survey of the same, dated 5th March, 1804.

The board applies to this claim the questions put to Anthony Soulard, page 270, and his answers to the same.

Louis Labeaume, being duly sworn, says that claimant arrived in the country in the year 1792, and took his residence at New Madrid; that about the end of 1793 he was employed by government in the arrangement and regulating of the militia of that place; that he remained so for about twelve months, and never received any compensation for the same; that government was then in daily expectation of an attempt of the French to invade the country, and preparing to oppose them; that he afterwards was employed by government in writing and translating; that he never did receive any compensation for his services in that capacity; that witness, on his return from New Orleans in the year 1796, found said claimant in Charles D. Delassus's employ, the said Delassus being then commandant of New Madrid; that the said Delassus having come to St. Louis and taken the command of that post, claimant followed him, and was by him employed as his private secretary, for which witness believes he received some compensation, but cannot tell what it was.

Auguste Chouteau, being also sworn, says that he knew claimant in the year 1799; that he was then employed with the lieutenant governor, Charles D. Delassus, both on public and private business, and acted then as his interpreter; that Delassus sent him to New Madrid on public business; and, further, that the lieutenant governor, Delassus, informed him, the witness, prior to his, the claimant's, arrival at this place, that he would interfere with government in his favor.

Albert Tison, being also sworn, says that he knew the above claimant at New Madrid, when in the employ of Delassus; that claimant did, sometime towards the latter end of 1799 or the beginning of 1800, show him, the witness, a concession, which he informed him he had received from the lieutenant governor;

that a few days afterwards he again saw the said concession; that the quantity therein specified was that above claimed; and that he verily believes it the one showed him by claimant at the time above mentioned.

The board reject this claim; they are, however, satisfied that the concession is neither antedated nor fraudulent.—(See book No. 1, page 274.)

July 25, 1807.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose and Frederick Bates, esquires. Mary P. Le Duc produced a concession for 15,000 arpents of land from Charles D. Delassus, dated 7th January, 1800. On the suggestion of the agent of the United States that there had been an erasure in the above concession, this case was laid over, to enable the claimant to produce further proof.—(See book No. 3, page 11.)

October 8, 1808.—Board met. Present: The honorable Clement B. Penrose and Frederick Bates. Marie Philipe Le Duc, claiming 15,000 arpents of land, produces to the board the concession for the same before produced.

The board, on a re-examination of the erasure alleged to have been made in the concession, are of opinion that the same was given at the time it bears date, 7th January, 1800. Laid over for decision.—(See book No. 3, page 284.)

October 30, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners. Mary P. Le Duc, claiming 15,000 arpents of land, situate in the district of St. Charles.—(See book No. 1, page 274; book No. 3, pages 11 and 284.) It is the unanimous opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 182.) *Nota.*—For the confirmation of 7,056 arpents out of these 15,000, see Bates's Decisions, page 38.

October 6, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners. M. P. Le Duc, claiming 7,944 arpents of land, being the balance of 15,000 arpents granted for services, (see record book C, pages 443 and 444,) the quantity of 7,056 arpents of said claim having already been confirmed. In support of said claim, the claimant refers to the evidences produced before the late board of commissioners.—(See minute books No. 1, page 274; No. 3, pages 11 and 284; and book No. 4, page 182.) And for the confirmation aforesaid, see the report of the late recorder of land titles and the laws of Congress, 2d section of land laws, No. 290, pages 699 and 700.—(See book No. 6, page 8.)

March 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners. In the case of M. P. Le Duc.—(See page 8 of this book, No. 6.) Claimant produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 7th January, 1800. Also a plat of survey taken 18th February, and certified by A. Soulard 5th March, 1804. Charles Frémon Delauriere, being duly sworn, says that the signatures to the concession and plat of survey are in the respective handwriting of C. D. Delassus and of A. Soulard. Albert Tison, duly sworn, says the same.—(See book No. 6, page 113.)

November 1, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners. M. P. Le Duc, claiming 7,944 arpents of land, it being the balance of 15,000 arpents, of which 7,056 have been confirmed.

The board are unanimously of opinion that this claim of 7,944 arpents, being the balance of the said 15,000 arpents, ought to be confirmed to the said M. P. Le Duc, or his legal representatives, according to the concession. The board, after examining minutely the original concession produced in this case, see no cause to support the suggestion made by the agent of the United States, before the former board, of there being an erasure in the same.—(See book No. 6, page 288.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 8.—JAMES MCDANIEL, *claiming* 1,800 *arpents.*

To Don Zenon Trudeau, brevetted lieutenant colonel, captain in the stationary regiment of Louisiana, and lieutenant governor of the western part of Illinois:

James McDaniel, formerly an inhabitant of the United States of America, and residing in this country since upwards of one year, has the honor to observe that he is temporarily established, with your permission, on a tract of land situated in the Pointe du Missouri (Missouri bottom;) that, considering his views of establishment, he has not thought the place fit for the object intended; therefore he supplicates you to grant to him, as you had already permitted him, a tract of land of 1,800 arpents in superficie, which he will select in a vacant place, where it shall not be prejudicial to any person. The petitioner presumes to expect this favor of your justice, and of the encouragement which every day you give to farmers.

JAMES McDANIEL.

ST. LOUIS OF ILLINOIS, *February* 1, 1798.

ST. LOUIS OF ILLINOIS, *February* 1, 1798.

The surveyor, Don Antonio Soulard, shall put the party interested in possession of the land he solicits, and afterwards shall make out a plat of his survey, in order to serve to solicit the concession from the governor, who shall be informed that the petitioner deserves the favor which he solicits.

ZENON TRUDEAU.

Truly translated. St. Louis, November 23, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
8	James McDaniel, by his assignee, James Mackay.	1,800	Concession, February 1, 1798.	Zenon Trudeau..	Anthony Soulard, —— 29, 1802; certificate by said Soulard, dated March 15, 1803, on River des Peres.

Evidence with reference to minutes and records.

St. Louis, December 16, 1813.—James Mackay, assignee of James McDaniel, claiming 1,800 arpents of land on River des Peres. Notice also a paper purporting to be a receipt of James L. Donaldson, late recorder of land titles, dated February 28, 1806; on which receipt the concession of said McDaniel is the 6th. Antoine Soulard, duly sworn, says that he has seen, held, and read, in 1798, a concession from Zenon Trudeau, late lieutenant governor, to James McDaniel for 1,800 arpents of land on River des Peres. Witness further states that he has a knowledge that the concession was entered by claimant with the late recorder for record.—(See recorder's minutes, page 80.)

St. Louis, June 2, 1818.—This day James Mackay, by Colonel Lawless, his attorney, as authorized by act of Congress of 20th April last, entitled "An act for the relief of James Mackay, of the Missouri," filed in this office a writing, purporting to be a warrant of survey or concession from Zenon Trudeau, lieutenant governor of the late Spanish province of Upper Louisiana, called western part of Illinois, bearing date February 1, 1798, for 1,800 arpents of land granted to James McDaniel, in the following words and figures, to wit, &c. Afterwards, to wit, on the 12th day of June, 1818, being the day assigned for the presentation of subordinate evidences, both written and oral, the said James Mackay appeared personally, accompanied by his attorney, and presented, in support of the claim, a writing, purporting to be a plat and field-notes of the said land on the River des Peres, in the following words and figures, to wit, &c. A writing, purporting to be a receipt of James L. Donaldson, late recorder of land titles, for sundry papers in relation to sundry claims of the said James Mackay, in which receipt there is found enumerated, among others, the first concession, or paper purporting to be a concession, to said James McDaniel; also deed from McDaniel to Mackay.—(Book B, page 433.) General Bernard Pratte, being duly sworn, says, after examining the concession to McDaniel, as above stated, that the body of concession, to wit, the requête and the decree, is in the handwriting of Antoine Soulard, and that the signature to the decree is in the proper handwriting of Zenon Trudeau, late lieutenant governor. Antoine Soulard, duly sworn, says that the requête was written by himself, (the witness,) and that he, the witness, saw the late lieutenant governor, Zenon Trudeau, subscribe his own proper name to the decree or order of survey. Witness further states that more than one year past, walking up the street with James Mackay, when near the tavern of Peebles, the said Mackay observed that he would go in and inquire for letters which he expected from his son. On coming out, he held in his hand a letter, which, when opened in presence of witness, was found to be anonymous, and to enclose the concession to James McDaniel for 1,800 arpents of land, and which concession has already been said to have been mislaid by the late recorder of land titles, or stolen from his office in the year 1806, which said letter is now presented by witness, and is in the following words and figures, &c.—(See recorder's minutes, page 163.)

October 6, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

James McDaniel, by his assignee, James Mackay, claiming 1,800 arpents of land on River des Peres, (see record book E, page 358, recorder's minutes, pages 80, 163, and 164,) produces a paper purporting to be a concession from Zenon Trudeau, lieutenant governor, dated February 1, 1798; also a plat and certificate of survey of same, executed the 29th, (month not mentioned,) 1802, and certified by A. Soulard, March 15, 1803. Also a report made by Frederick Bates, late recorder of land titles, to Josiah Meigs, Commissioner of the General Land Office, together with the accompanying documents, marked A, B, C, D, and E. Also a paper purporting to be an original letter from Gabriel Long, dated October 29, 1818. M. P. Le Duc, duly sworn, saith that the signature to the concession above mentioned is the handwriting of Zenon Trudeau; that the signature to the survey above mentioned is the handwriting of A. Soulard; and that the signature to the letter above mentioned is the handwriting of Gabriel Long.—(See book No. 6, page 9.)

November 1, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

James McDaniel, claiming 1,800 arpents of land.—(See page 9 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said James McDaniel, or his legal representatives, according to the concession.—(See book No. 6, page 289.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 9.—Old Mine concession.

Don Carlos Dehault Delassus, lieutenant colonel of the stationary regiment of Louisiana, lieutenant governor of the western part of said province:

The undersigned inhabitants, of whom the greatest part are natives of the country, and the rest Canadians and Frenchmen, settled since several years at the place known by the name of Vieille mine, (Old mine,) situated on one of the forks of the river Renault, at the distance of sixty miles of the village of St. Genevieve, and at about nine miles of the village of Mine à Breton, have the honor of representing to you that their confidence in the reiterated promises of their chiefs, and in the generosity of the government, has kept them in such a state of security that they have delayed till this day to make the necessary

demands to obtain the titles of the land they cultivate and improve since a number of years. The publication of your official note, dated May 18, of this year, addressed to the commandant of the post of St. Genevieve, by which we have learnt the retrocession of this colony to France, which news made us acquainted with the precarious state of our properties, and has caused us to take the step we are taking to-day before you, hoping of your justice that it will not belie in anything the long series of favors which have been accumulated upon us by the Spanish government, and that you will give us, in these last moments, a shining mark of your justice in condescending to acquiesce with our respectful representations. Therefore the thirty-one heads of families undersigned have the honor to supplicate you to have the goodness to grant to them, at the same place where they claim, a quantity of land corresponding to their population, according to the last regulation made on this subject by his lordship the late governor general of these provinces, Don Manuel Gayoso de Lemos, for the said quantity, corresponding to the number of individuals composing the said families, to be divided in equal portion to each of them, and to be allotted by chance according to the dispositions they shall take among themselves, with the approbation of their respective commandant, Don François Vallé, as well as with the surveyor of this Upper Louisiana. The said undersigned engaging themselves beforehand to assure you that no contest shall trouble the good harmony which reigns among them in the said division; to obtain which more surely, they hope that if you condescend to grant them their demands, you will be pleased to order the total survey of the quantity of land which will correspond to them, according to which a certificate of survey will be expedited, to serve to the said inhabitants to claim their title in form from whom it may concern. The said plat of survey shall have to be divided, according to the above-mentioned agreement, in as many equal portions, which shall all be numbered, and each of the said inhabitants will have to be put in possession of a figurative plat of the part of land which shall fall to him by lot, with the attestation of the surveyor, to serve to each of them as a proof of property; precautions which they believe they ought to take to be able to avoid henceforward difficulties which might take place among themselves.

The said undersigned inhabitants have the honor of reiterating their supplications, and of representing to you that this same concession was promised to them by your predecessors since a number of years, and that the great confidence they had in these same promises are the only wrongs they are guilty of; truth which can be attested to you by our worthy respective commandant, Don François Vallé, to whose information we do recommend ourselves with the same confidence, which causes us to believe that you will be pleased to grant to us the concession for the quantity of land corresponding to the totality of the population of the families of the undersigned, at the same place where they claim, to enjoy in full property the part which will fall to each by lot, and exercise their industry as well in agriculture as in digging lead mineral, which might be found on said land. The undersigned, having no other views but to live as peaceable and submissive farmers, presume with confidence to hope everything of your justice.

Charlean Bozé.	Louis Boyer, his ⋈ mark.
Hypolite Robert.	Louis Lacroix, his ⋈ mark.
Charles Robert, his ⋈ mark.	Bazil Vallé, his ⋈ mark.
Widow Colmant, her ⋈ mark.	J. Guibourd.
Maniche, his ⋈ mark.	François Thibaut, his ⋈ mark.
Blay, his ⋈ mark.	Jacob Boisse, his ⋈ mark.
Antoine Govereau, his ⋈ mark.	Jos. Bequet, his ⋈ mark.
Pierre Bte. Boyer, his ⋈ mark.	François Milhomme, his ⋈ mark.
Bernard Colmant, his ⋈ mark.	James Roxe.
Alexandre Duclos, his ⋈ mark.	N. Boilvin.
Amable Partnay, his ⋈ mark.	Jh. Pratte.
Joseph Boyer.	Pierre Martin, his ⋈ mark.
John Porter.	François Bte. Vallé.
Manuel Blanco.	P. Charles.
Bapt. Placet, his ⋈ mark.	Aug't Vallé.
Jean Robert, his ⋈ mark.	Amable Pasenute, his ⋈ mark.

ST. GENEVIEVE, *May* 25, 1803.

Be the present petition transmitted to the lieutenant governor, with information that the allegations of the petitioners are in all and every part conformable to the most exact truth; that they are worthy of obtaining the favor which they beg of your justice; that the tract of land they ask makes a part of his Majesty's domain; that the proposed settlement can be but advantageous to the country in general, and that the total population of the families of the undersigned is composed of the following number of individuals: heads of families, 31; women, 13; children, 72; slaves, 18. The knowledge I have acquired of the locality and of the character of the interested lead me to recommend them particularly to your justice, as I consider them worthy of obtaining from the government the favor they solicit for with respect.

FRANCISCO VALLÉ.

ST. GENEVIEVE, *May* 25, 1803.

ST. LOUIS OF ILLINOIS, *June* 4, 1803.

Cognizance being taken of what is advanced in this memorial, dated May 25, of this year, supported by the information of the Captain Don Francisco Vallé, commandant of the town of St. Genevieve, and by his official note of same date. Considering the authenticity of the said informations, besides the fidelity and affection which these inhabitants have always manifested, so much so, that at all times they deserved praises from the authorities, and the miserable state in which the interested would find themselves, if, in these circumstances of effectuating the delivery of the colony, they had no title to prove the antiquity of their properties, I do grant to them in full property for them and their heirs, in the same place they inhabit and cultivate since many years, which properties were assigned to them by my predecessors, as follows: Four hundred arpents in superficie for each of the thirty-one families that have signed, which will make the quantity of twelve thousand four hundred arpents in superficie, which quantity shall be surveyed in a square form, if possible, and no one of these concessions shall be taken separately, but (the whole tract) shall be divided in thirty-one parts of 400 arpents each, which, after being surveyed, and figurative plats

executed, shall be numbered and drawn by lot in presence of Don Francisco Vallé, or another officer commissioned by him to represent him at the said drawing, and the drawing of numbers shall begin by the first settled in said place, and will follow successively to the last one settled; and the surveyor general of this Upper Louisiana, Don Antonio Soulard, will execute the survey according to what is specified in this decree, and conforming himself to what is asked by the interested in the above petition, observing, as to what relates to the expediting of plats and certificates, that this concession must not be prejudicial to any other that has been already surveyed; and the said operations being done, and certificates of survey delivered to the interested, as I have been informed (by the intendant of these provinces, Don Juan Ventura Morales, in his official note dated December 1, of last year,) that, on account of the death of the assessor of the intendancy, the tribunal of land was shut until a new order is received, the said interested will have to wait for this new order to the said tribunal of the intendancy, (to which alone belongs, by order of his Majesty, the granting of all classes of lands belonging to the royal domain,) to obtain the title in form; in the meanwhile the interested will possess it quietly.

CARLOS DEHAULT DELASSUS.

A true translation of the original Old Mine concession.

JULIUS DE MUN.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that I have run the lines, measured and bounded a tract of land of twelve thousand four hundred arpents and forty perches in superficie, in favor and in presence of the thirty-one heads of families who have signed the petition here annexed; said tract to be hereafter divided in thirty-one concessions of four hundred arpents each, according to the tenor of the proprietors' petition, and to what is ordered by superior decree of the lieutenant governor; which lines of division have not been run on account of the taking of possession and of the order which has been forwarded to me by the captain of artillery of the United States of America, Amos Stoddart, first civil commandant of Upper Louisiana, intimating to me to suspend all sorts of operations of survey on said tract until I receive new orders; and as I am obliged, by my private agreement with the said settlers, to have their lands bounded and divided in thirty-one concessions of four hundred arpents each, according to their demand in the above-mentioned petition, and as it is ordered by the lieutenant governor, as soon as I shall be authorized by the government I will conclude faithfully the said operation. The foregoing survey has been executed with the perch of the city of Paris, of eighteen French feet, lineal measure, of the same city, according to the agrarian measurement of this province. Said land is situated at about fifty miles to the W.NW. of the post of St. Genevieve. Bounded as follows: to the north by lands of F. Tayon; south, in part by lands of Elias Bates, Augustin Chouteau, son of Don Pedro, and by vacant lands of the royal domain; to the east and west by said vacant lands of the royal domain. Said survey and measurement was executed without regard to the variation of the needle, which is 7° 30′, as is evident by the figurative plat here above, in which are noted the dimensions, directions of the lines, other boundaries, &c. Which survey was executed in virtue of the decree of the lieutenant governor and sub-delegate of the fiscal department, Don Carlos Dehault Delassus, dated June 4 of last year, here annexed. In testimony whereof I do give the present, with the figurative plat above, drawn in conformity with the survey, executed by the deputy surveyor, Don Thos. Maddin, dated February 3 of this present year, and signed by him on the minutes, which I do certify.

ANTONIO SOULARD, *Surveyor General.*

St. Louis of Illinois, *March* 15, 1804.

A true translation. October 17, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
9	Alexander Duclos, by his assignees, John Smith, T. & Co., and thirty other claimants, each for 400 arpents.	420	Concession for 12,400 arpents, granted to thirty-one heads of families. June 4, 1803.	Carlos Dehault Delassus.	The 12,400 arpents by Thos. Maddin, Feb'ary 3, 1804. The 31 divisions by said Maddin, Dec. 20, 1805, certified by Soulard, Feb. 25, 1806.

Evidence with reference to minutes and records.

October 22, 1808.—Board met. Present: the Hon. Clement B. Penrose and Frederick Bates.

John Smith, T. & Co., assignees of Alexander Duclos, claiming 420 acres (arpents) of land situate as aforesaid (to wit, at the Old Mine, district of St. Genevieve,) produces as aforesaid, (to wit, a concession from Charles Dehault Delassus, lieutenant governor, as a special permission to settle to thirty-one inhabitants,) the same concession wherein Alexander Duclos is found to be one of the thirty-one inhabitants; also the plat aforesaid, in which plat said Duclos is No. 7. A deed of transfer from said Duclos to claimants, dated August 24, 1805.

Peter Boyer, sworn, says Alexander Duclos was settled in the village of Old Mines, and inhabited and cultivated a part of said tract of 12,400 arpents five years ago, and for three years. Laid over for decision.—(See book No. 3, page 313.)

December 21, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Smith, T. assignee of Alexander Duclos.—(See book No. 3, page 314.) It is the opinion of

Clement B. Penrose, commissioner, that this claim ought to be granted, being embraced by the 2d section of the act of 2d March, 1805, and claims with as slight testimonies have been granted. It is the opinion of John B. C. Lucas, commissioner, that this claim ought not to be granted, because the testimony of Peter Boyer concerning the inhabitation and cultivation of Alexander Duclos is indefinite, and does not apply more to the part of the connected plat to which his claim refers than to any other part of the 12,400 arpents represented by the connected plat. Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 530.)

October 5, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

John Smith, T. & Co., assignees of Alexander Duclos, claiming 420 acres of land.—(See book No. 3, page 313; book No. 5, page 530; record book D, page 73.) Produces a paper purporting to be the original survey for 12,400 arpents, taken the 3d of February, and certified the 15th of March, 1804, signed Antoine Soulard, surveyor general; said survey not heretofore recorded.

M. P. Le Duc, duly sworn, saith that the signature to the aforesaid survey is the handwriting of said Antoine Soulard.

The said claimant also files a paper purporting to be original depositions taken in behalf of said claimant before the district court of the United States.

November 20, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

Old Mine concession for 12,400 arpents of land.—(See book D, page 67, and following; record of survey, book D, page 73; for testimony see book 5, page 530.)

The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

STATE OF MISSOURI, *county of St. Genevieve:*

The inhabitants of the Old Mine, 31 in number, and their heirs and representatives, each claiming 400 arpents of land, situated at a place called the Old Mine, in the former district of St. Genevieve, now the county of Washington. When Joseph Pratte, in his own right, and Joseph Pratte, under Antoine Govereau, and Walter Wilkinson, under Bazil Vallé, and Charles C. Vallé, in his own right, and François B. Vallé, in his own right, and St. Germine Beauvis, under Thomas Ross, and the heirs and legal representatives of Jacques Guibourg, and Bartholomew St. Germine, under Bte. Placet, produce the original concession, dated the 4th day of June, in the year 1803, granted on the petition of the said inhabitants, dated the 25th of May, 1803, and granted and signed by Charles Dehault Delassus, lieutenant governor of Louisiana. The claimants also produce general and particular plats of survey made according to law—made by the proper authorities under the Spanish and American governments. When Pascal Detchmendy, who is aged 71 years, being produced, and duly sworn as the law directs, deposeth and saith that he came to this country in the year 1796, and that he has remained in the country ever since; that he is well acquainted with the handwriting and signature of Charles Dehault Delassus, who was, at the date of this grant or concession, the lieutenant governor of Upper Louisiana; that he has frequently seen him write his name, and that the name and signature to the said concession, dated the 4th day of June, 1803, is the proper handwriting of the said Charles Dehault Delassus, and the body of the said concession is in the handwriting of Antoine Soulard, then surveyor general of Upper Louisiana. This deponent further states that he knows personally (for he was frequently on the land granted, as he traded to said place,) that the land conceded to each of the claimants here above stated was taken possession of by them in person, or by some person for them and for their use and in their behalf; and this deponent further says that he knows that the land aforesaid conceded to each individual was not only taken possession of as aforesaid, but that many of the tracts were actually inhabited and cultivated by the concessioners in person, or by some person for them or under them, from the date of the concession aforesaid till the present time; and this deponent further states that as early as the year 1797 he made application to Zenon Trudeau, who was then lieutenant governor of Upper Louisiana, for a grant of land at this very place, and that said Zenon Trudeau refused him the grant, stating as his reason for refusing that the said land was already promised to the said inhabitants of the Old Mine, and would be granted to them so soon as they should make the application in form; and this deponent further states that he knows that each of the original concessioners aforesaid were at the date of the concession aforesaid actual inhabitants and citizens of this country, and that the others, in general, continued inhabitants during their lives, and that the present claimants are all citizens and residents of this State; and this deponent further states that he has been informed from a source entitled to credit that Moses Austin asked for and wanted a grant for the same land aforesaid, and was refused by the Spanish authorities for the same reasons that this deponent was refused.

P. DETCHMENDY.

Sworn to and subscribed before me, the subscriber, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust land claims in Missouri, this 29th day of October, 1832.

L. F. LINN.

[Translation.]

In the year 1800, on the 4th of January, I have supplied the ceremonies of baptism to Charles François Pierre Auguste Vallé, legitimate son of François Vallé, civil and military commandant of St. Genevieve, and of Marie Carpentier, his wife, born on the 5th of March of the preceding year, and sprinkled (ondoyé) the same day. The godfather has been Don Carlos Auguste Delassus, lieutenant governor of Illinois, the godmother, Miss Julia Vallé, who have signed with us.

MAXWELL, *Curate.*

I, the undersigned, priest officiating at the Old Mine, and being for the present in St. Genevieve, certify that the above certificate of baptism of Charles François Pierre Auguste Vallé is a true copy faithfully extracted from the registers of the church of St. Genevieve.

Given and signed in St. Genevieve the 30th October, 1832, the curate of the said St. Genevieve, Rev. Mr. Dahmen, having declared to be unable to do it on account of sickness.

T. BOULLIER.

(See book No. 6, page 28, and following.)

July 1, 1833.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

In the case of the Old Mine concession the following testimony was taken before L. F. Linn, commissioner:

St. Genevieve, *April* 29, 1833.

John Boullier, being duly sworn, deposes and says that, as curate of Joachin parish, (Old Mines,) he is well acquainted with some of the original claimants named in this concession, particularly with widow Coleman, and knows that she has 165 children and grandchildren, most of whom reside on the concession, and great many on that part which it is said, according to the numbers, belongs to her; also that he is well acquainted with Charlot Boyer and wife, and knows they have 97 children and grandchildren, nearly all residing on the concession, and several on that part which, according to the numbers, is said to belong to them; and, also, he knows well the widow of Jean Portais, and that she has 45 children and grandchildren, and most of whom reside on the concession, and that part which is said to belong to her according to the number; and, also, he likewise knows Bernard Coleman and wife, and they have 35 children and grandchildren, many of whom reside on the concession, and that he knows they are, generally, worthy, industrious, honest people, and that they have exerted themselves much, with their limited means, to build a church and preserve their religious privileges; that he verily believes if many of these old, respectable, and venerable people, relying on the justness and liberality of the government, were, at their advanced age, to be deprived of their lands, they would inevitably sink under so heavy a calamity.

J. BOULLIER.

Sworn to and subscribed day and date above written.

L. F. LINN, *Commissioner.*

(See book No. 6, page 208.)

Personally appeared before L. F. Linn, one of the commissioners appointed for the final adjustment of private land claims in Missouri, Thomas Maddin, aged 93 years, who, after having been sworn, deposes and says that he was deputy surveyor under the Spanish and American governments. Deponent says that he surveyed the tract of land called the Old Mine concession, granted to 31 heads of families; he surveyed the general survey in the year 1804, 3d of February. Deponent further states that, on the 22d of December, 1805, he run the division lines by running across the original survey, and marking a point on each division line, so that each individual might know his claim. Deponent further states that he run the special lines between claims marked in the plat at the request of the individuals interested, who paid him for the same. Deponent further states that at the time he heard of no complaints or dissatisfaction expressed by the claimants at the division as made, nor until lately. Deponent further states that it appeared to him understood between the claimants that, in the event of an individual who had made an improvement being thrown on a tract where there was no improvement, he was to be paid for his labor.

THOMAS MADDIN.

Subscribed to and sworn May 11, 1833.

L. F. LINN, *Commissioner.*

Personally appeared before L. F. Linn, one of the commissioners appointed for the final adjustment of land claims in Missouri, Charlot Boyer, who, after being duly sworn, deposes and says he came to the place now called Old Mines in the year 1801, and has continued to reside at the place ever since. Deponent says that he is 83 years of age. Deponent further states that Baptiste Vallé and C. H. F. Vallé (Auguste) never resided or cultivated land on the Old Mine concession. Deponent further states that he was well acquainted with Manuel Blanco; that he knew of said Blanco having settled on and improved a piece of land which was claimed by Elias Bates, and not embraced in the Old Mine concession. Deponent further states that said Blanco never resided or cultivated land in the Old Mine concession. Deponent further states that he was well acquainted with John Potel, who came to and resided on the Old Mine concession in the year 1801; that he commenced that year to build a house and barn, after which he began to open lands for cultivation. Deponent further states that John Potel, jr., resided in a house built on the same land, which house joins the one built by his father. Deponent further states that he was well acquainted with Pierre Martin, and knows that said Martin never resided on or cultivated land in the Old Mine concession. Deponent further states that he was well acquainted with Jacob Wise; that said Wise never resided on or cultivated in the Old Mine concession. Deponent further states that he was well acquainted with Alexander Duclos, who inhabited and cultivated land in the Old Mine concession. Deponent says he cannot recollect the time, but it was many years since, perhaps in 1803 or 1804. Deponent further says said tract of land, so inhabited and cultivated, lies near a place formerly inhabited by N. Hebert, in the Old Mine concession. Deponent further states that he was well acquainted with his nephew, Charles Robert, who inhabited and cultivated land in the Old Mine concession, which was a tract of land adjoining one inhabited and cultivated by Alexander Duclos, their houses being the width of one arpent apart. Deponent further states that he was well acquainted with Joseph Pratte; that said Pratte never resided on or cultivated land in the Old Mine concession. Deponent further states that he was well acquainted with Francis Maniche; that said Maniche built a house and cultivated a garden in the Old Mine concession; he does not recollect distinctly at what time, but it was many years since; same place is now inhabited by François Portel.

CHARLOT BOYER.

L. F. LINN, *Commissioner.*

Caledonia, *Washington county:*

Personally appeared before L. F. Linn, one of the commissioners appointed, &c., John Stewart, formerly deputy surveyor in Upper Louisiana, who, after being sworn, deposes and says that he came to this State and to this, now Washington, county in the month of November, 1800, and transacted business at and near the Old Mines in part of the years 1803 and 1804; and that he was well acquainted with the persons residing at that time in the Old Mine concession, and knows that Joseph Pratte resided in St. Genevieve, and never was to his knowledge an inhabitant of the Old Mines. Deponent further states that C. F. Auguste Vallé, alias Charles C. Vallé, was at that time very young and did not reside on the Old Mine

concession. Deponent further states that Pierre Martin was a resident of Mine à Breton and never resident of the Old Mines, nor did he cultivate land on the same, to the best of his knowledge. Deponent further says he never knew or heard of Baptiste Vallé being an inhabitant of the Old Mine concession; he has always heard of his residence being in St. Genevieve. Deponent further states that Manuel Blanco resided on a piece of land belonging to Elias Bates adjoining the Old Mine concession; he never knew or heard of said Blanco residing on or cultivating land in the Old Mine concession. Deponent further states that Jacob Wise was a resident of Mine à Breton, and never an inhabitant of the Old Mine concession, to the best of his knowledge.

JOHN STEWART.

Sworn to and subscribed May 14, 1833.

L. F. LINN, *Commissioner.*

OLD MINE, *May* 11, 1833.

Personally appeared before L. F. Linn, one of the commissioners appointed, &c., Mr. John Trimble, who, after being duly sworn, deposes and says that he came to reside in Upper Louisiana, now the State of Missouri, in the year 1811; that he is acquainted with the general survey of the Old Mine concession, and knows that lots marked one and two on the plat of survey, and said to belong to the Vallés, had no appearance of habitation or cultivation up to the year 1817, when George Breckenridge built a cabin on the same and made no other improvements.

J. T. TRIMBLE.

Sworn to and subscribed May 11, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, pages 225, 226, 227, 228, and 229.)

October 18, 1833.—The board met pursuant to adjournment. Present: A. G. Harrison, F. R. Conway, commissioners. In the Old Mine case the following testimony was taken by F. R. Conway, esq.

This day personally appeared Jacque Bon before me, F. R. Conway, recorder of land titles, acting as a commissioner for the final adjustment of private land claims in Missouri, this 6th day of July, 1833, and being sworn, says that he is nearly 58 years of age, and that he is not interested for or against the part of the grant about which he deposes or gives testimony. He says he settled in the Old Mines in Washington county in the year 1801, and has resided there ever since; when he came there Charles Boyer, Bernard Coleman, John Potel, Joseph Boyer, John Polite, Polite Robert, P. Boyer, Louis Boyer, and Alexander Coleman resided there on small improvements, having been there but a short time on what was afterwards surveyed to 31 persons by Thomas Maddin about two years after this; that Boilvin came to this affiant and imformed him he was obtaining signatures to a petition in order to procure a concession for the land on which they were residing, agreeing, as this affiant then understood, that each of the settlers should have the improvement he had made, and that a village should be laid off on the land, and in this way obtained their consent to sign the petition. This affiant does not know who did sign or the number, but has been informed that 32 were obtained; but when or how the grant was obtained he does not recollect He heard about that time the names of some who had signed the petition were stricken off without their consent, and others added to the petition before the grant was obtained, or about that time. The grant No. 1 was granted to Baptiste Vallé, and No. 2 was granted to Charles, François, and Auguste Vallé, neither of whom ever lived on or cultivated the land either before or since the grant was obtained; No. 5 was granted to Pierre Martin, and No. 6 to Jacob Boise, neither of whom ever lived on or cultivated the land; No. 7 was granted to Alexander Duclos, and No. 8 was granted to Charles Robert, neither of whom ever lived on or cultivated his own land, they resided on the land granted to Jacob Boise near where N. G. Hebert resided; No. 9 was granted to Joseph Pratte, who never lived on or cultivated the land; No. 10 was granted to Francis Maniche, he never lived on or cultivated the land where his grant was made, he resided on the concession No. 4, as this affiant thinks; No. 11 was made to Amable Partenay, No. 12 to Joseph Blay, No. 13 to Francis Robert, No. 14 to L. Boyer, neither of whom lived on or cultivated the land granted to him, nor did any one of the persons to whom a grant was made at the Old Mines as numbered and surveyed by Thomas Maddin. This affiant assisted in making the survey of the exterior boundary, it was made by running all the lines but the closing line, this was not run, as this affiant believes; neither were the subdivision lines ever run by Thomas Maddin between each grant; he run across each and stuck posts about the centre of the tracts in 1805 or 1806, at the request of those interested; and should this grant be confirmed the improvements of those who did settle will be on the grants of others who never settled or improved. Several of those to whom a grant was made claimed land by settlement on the same place where they cultivated within the bounds of this survey, and some to whom a grant was made here got land in other places, of those claiming now Jacob Boise is one. This affiant knows that Alexander Duclos did not live on this tract more than two years at any time, nor did Robert live on this survey three years before he sold it. Both of these persons settled under Boyer (Joseph) who had the land enclosed, and they built in his enclosure, one of whom was his son-in-law and the other his nephew. Joseph Boyer lived on lot No. 6, granted to Jacob Boise, and Duclos and Robert lived to the south of him. Polite Robert and Francis Maniche both resided on grant No. 4, granted to John Potel; Maniche did not reside here more than one year. And further saith not.

his
JACQUE ⋈ BON.
mark.

Sworn to and subscribed before me the 6th day of July, 1833.

F. R. CONWAY.

John Trimble, being sworn, says that John Potel lives on lot No. 5, granted to P. Martin; he does not reside on the grant made to John Potel, jr., and N. P. Hiblard formerly resided on lot No. 6, granted to Jacob Boise. And further saith not.

JOHN TRIMBLE

Sworn to and subscribed before me the 9th day of July, 1833.

F. R. CONWAY.

Amable Partenay appeared this day before me, F. R. Conway, recorder of land titles, acting as a commissioner for the final adjustment of private land claims in Missouri, who, being sworn, saith, that while he resided in St. Genevieve he saw, in the possession of Francis Vallé, who was commandant, a petition for land at the Old Mines in Washington county; he offered to add thereto this affiant's name, and finally did do so, asking for 400 arpents of land, French measure. This affiant says this was in the year 1796 or 1797, as it was shortly before he moved to Potosi, in Washington county, which was in 1799. This petition contained the names of thirty-one persons Some time after he went to Potosi, he thinks in 1802 or 1803, he was informed that Moses Austin had a number of grants, and was going to survey them at the Old Mines; and when the surveyor went there to survey said Austin's claims, those who were interested and had settled there prevented him from making the survey, believing that they owned the land, or ought to have it, having petitioned for it. This affiant went immediately to St. Genevieve to look for the petition and grant, if any had issued on the petition that he had signed, but found neither a grant either there or at St. Louis. While at St. Louis the commandant, Delassus, informed this affiant he would prove that a petition had existed; he might obtain from Francis Vallé, the commandant at St. Genevieve, a copy of the first petition, and he would give a grant for the land. This affiant went back to St. Genevieve, and obtained certificates from different citizens there proving the existence, or that a petition had existed for this land to thirty-one petitioners or applicants. The said Francis Vallé directed his clerk to make out a petition, intended to be a copy of the original, according to the instructions of Delassus. Instead of this he left off the names of five, at least, who had been on the first petition, and put on five who were not on the first petition; and the said Vallé, as this affiant believes, presented this petition, and obtained the grant of 400 arpents to each of the thirty-one petitioners. The out boundary line of this survey was made by Thomas Maddin. This affiant had become bound to him for the payment of his fees, but he does not recollect at what time it was made, but not long after the grant was made; but he did not at that time run the division lines, but claimed his fees and sued for them, but could not recover them. Afterwards, in 1806 or 1807, as this affiant thinks, the said Maddin came back to finish the survey, and numbered them by a lottery drawn by two individuals; they were numbered from 1 to 31, both inclusive; to this several of the claimants objected, as they might lose their improvements, but it was done notwithstanding, and the survey was made by running across each grant about the middle from east to west. This affiant has no interest at this time; he has owned grants, but sold them without any recourse on him. This affiant is 67 years of age, and one among the first settlers in this part of the country.

AMABLE PARTENAY.

Sworn to and subscribed before me the 6th day of July, 1833.

F. R. CONWAY.

This day personally appeared Amable Partenay before me, F. R. Conway, recorder of land titles, acting as a commissioner for the final adjustment of private land claims in Missouri, who, being sworn, says that he has no interest in this claim, and that he is 67 years of age; he knows that Jacque Bon settled in the Old Mines in the year 1801, and has been cultivating a farm there ever since; he has been married for a number of years, but he does not know at what time; he still lives on said land, and has had possession ever since he first settled the land on which he lives. This affiant was among the first settlers in this part of the country.

AMABLE PARTENAY.

Sworn to and subscribed before me this 6th day of July, A. D. 1833.

F. R. CONWAY.

(See book No. 6, pages 376, 377, 378, 379, 380, 381, and 382.)

November 1, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Old Mine concession for 12,400 arpents of land, granted to thirty-one heads of families.—(See page 5 of this book.)

The board are unanimously of opinion that this tract of 12,400 arpents ought to be confirmed to the thirty-one heads of families, or to their legal representatives.—(See book No. 6, page 289.)

Conflicting claims.

By letter dated October 2, 1833, Solomon Houk states to the board that he bought of the United States the SE. ¼ section 20, range 3 E., township 38 N., and that it appears on the plat at the land office that his purchase does not interfere with the Old Mine claim; but, by the lines of the said Old Mine claim, his said purchase would take off from 60 to 65 acres of the aforesaid Old Mine concession.

Peter Boyer, one of the concessioners in the above grant, claimed 639¾ acres and 12 poles as a settlement right, situated within the bounds of the survey made for the thirty-one inhabitants, upon which a report recommending the confirmation of the same was made by the recorder, Bates, November 1, 1815, and which is considered as confirmed by the Commissioner of the General Land Office, as per his letter to the recorder of land-titles.

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 10.—David Cole, *claiming* 400 *arpents.*

To Mr. Zenon Trudeau, lieutenant governor and commandant in chief of Upper Louisiana:

David Cole (German) has the honor to expose that he is settled, with your agreement, on the north side of the Missouri, near a place called La Femme Osage, and on a vacant spot, where he has worked with his family since some time. He respectfully supplicates you to grant to him the property of four

hundred arpents of land in such manner as to include his present establishment; favor which he expects of your goodness and justice.

his
DAVID ⋈ COLE.
mark.

St. Louis, *January* 23, 1798.

Inasmuch as the land solicited appertains to the King's domain, and is not prejudicial to any person, the surveyor of this jurisdiction, Don Antonio Soulard, shall put the petitioner in possession; so that, after having fixed boundaries, he may solicit the concession from the governor general.

ZENON TRUDEAU.

A true translation. St. Louis, October 18, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
10	David Cole, by Jesse Richardson, assignee of James Mackay, who was assignee of said Cole.	400	Concession, January 23, 1798	Zenon Trudeau..	Jas. Mackay, February 15, (eighteen and five;) certified by Soulard, December 10, 1805; north side Missouri, thirty miles west of St. Louis.

Evidence with reference to minutes of records.

September 28, 1808.—Board met. Present: The Hon. Clement B. Penrose and Frederick Bates. Jesse Richardson, assignee of James Mackay, assignee of David Cole, claiming 430 arpents of land situate in the district of St. Charles, produces to the board a concession from Zenon Trudeau, lieutenant governor, to David Cole, for the same, dated January 23, 1798; a plat and certificate of survey, dated February 15, 1805, and certified December 10, 1805; a certified copy of a deed of transfer from David Cole to James Mackay, dated July 14, 1799; a deed of transfer from James Mackay to claimant, dated September 10, 1803. Laid over for decision.—(See book No. 3, page 268.)

June 14, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jesse Richardson, assignee of James Mackay, assignee of David Cole, claiming 430 arpents of land.—(See book No. 3, page 268.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 380.)

October 6, 1832.—The board met pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

David Cole, by his assignee, Jesse Richardson, assignee of James Mackay, (see book E, page 15, book No. 3, page 268, and book No. 4, page 380,) claiming 400 arpents of land. Produces a paper purporting to be a concession from Zenon Trudeau, dated January 23, 1798; also, a plat and certificate of survey, certified by Soulard, and dated December 10, 1805; also, an affidavit of James Mackay, taken before Jeremiah Connor, a justice of the peace for the county of St. Louis, dated October 21, 1818, authenticated by Frederick Bates, secretary, exercising the government of the Territory of Missouri, dated November 10, 1818.

M. P. Le Duc, duly sworn, saith that the signature to the said concession is the handwriting of Zenon Trudeau; that the signature to the above survey is the handwriting of Antoine Soulard.—(See book No. 6, page 9.)

July 24, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and R. F. Conway, commissioners.

In the case of David Cole, claiming 400 arpents of land, (see page 9 of this book, No. 6,) the following testimony was taken before A. G. Harrison, one of the commissioners:

Isaac Vanlibber, sr., being duly sworn, says that in the year 1800 he, the witness, rented of David Cole a field in Darst bottom, on the Missouri river, consisting of three or four acres, which field witness put in corn that year and raised a crop on it; that said field had been cultivated the year preceding by said Cole; that said Cole had a cabin on said tract of land and lived there; that said place has been in cultivation ever since, and is the place where one Zachariah Moore now lives; that said place or tract of land was bounded by Joshua Dodson's claim, Joseph Hayne's, David Darst's, by my own, (the witness's,) William Hay's, Colonel Daniel Boon's, and by the Missouri river; that Darst's bottom is sometimes called Femme Osage bottom.—(See book No. 6, page 237.)

A. G. HARRISON, *one of the commissioners.*

Loutre Lick, *June* 26, 1833.

November 1, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

David Cole, claiming 400 arpents of land.—(See page 9 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said David Cole or his legal representatives, according to the concession of 400 arpents, and not to the extent of 430 arpents shown by the plat of survey.—(See book No. 6, page 290.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 11.—JOHN BASSY, *claiming* 1,600 *arpents.*

To Don C. Dehault Delassus, lieutenant governor of Upper Louisiana:

SIR: John Bessé has the honor to represent that, wishing to establish himself in this Upper Louisiana, where he has resided for some time, he has recourse to the kindness of the government, hoping that, on account of his numerous family, you will be pleased to grant to him a concession of sixteen hundred arpents of land in superficie, to be taken on vacant lands of H. M.'s domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

JOHN BASSY.

ST. LOUIS, *January* 5, 1801.

Considering that the petitioner has long been settled in this country, and that his family is sufficiently large to obtain the quantity of land which he solicits, I do grant to him and his heirs the land he solicits, if it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place of the royal domain, and when this is executed he shall draw a plat, which he will deliver to the party with his certificate, to serve him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS OF ILLINOIS, *January* 8, 1801.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land of 1,600 arpents was measured, the lines run and bounded, in favor of Don Santiago St. Vrain, in presence of Mr. Alberto Tison, his agent, as appears by the above figurative plat. This said concession was bought last year by its present proprietor, from its primitive owner, as appears by the deed of sale which is deposited in the archives of this government. Said tract of land was measured with the perch of the city of Paris, of eighteen French feet, according to the agrarian measure of this province. Said land is situated at about fifty miles north of St. Louis, bounded north, south, and west by vacant lands of the royal domain, and east equally by lands of the royal domain and lands of Joseph Burns; which survey and measurement were made without regard to the variation of the needle, which is 7° 30′ east, as is evident by the above figurative plat, in which are noted the dimensions, direction of the lines, and other boundaries, &c.; this survey was done in consequence of the decree of the lieutenant governor and sub-delegate of the fiscal department, Don C. D. Delassus, dated January 8, 1801, which is here annexed. In testimony whereof, I do give the present with the above figurative plat, which was executed conformably to the operations done by the deputy surveyor, Don Santiago Rankin, on the 10th of February, 1804, and signed by him on the minutes; all which I do certify.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *March* 20, 1804.

A true translation. St. Louis, October 18.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
11	John Bassy, by his assignee, J. St. Vrain.	1,600	Concession, January 8, 1801.	Carlos Dehault Delassus.	James Rankin, February 10, 1804; certified by Soulard, March 20, 1804; 50 miles north of St. Louis, on Cuivre river.

Evidence with reference to minutes and records.

May 28, 1806.—The board met agreeably to adjournment. Present: the Honorable Clement B. Penrose, esq. The same, (James St. Vrain,) assignee of John Bassy, claiming 1,000 (1,600) arpents of land, situate as aforesaid, produces a concession from Charles Dehault Delassus to the said Bassy for 1,600, dated January 8, 1801; a survey of the same, dated February 10, and certified March 20, 1804; transfer of the same, dated September 3, 1803. The board cannot act.—(See book No. 1, page 303.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners. Jaques St. Vrain, assignee of John Bassy, claiming 1,000 arpents of land, and John Bassy, claiming 600 arpents of land.—(See book No. 1, page 303.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 318.)

October 6, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners. John Bassy, by his assignee, Jaques St. Vrain, claiming 1,600 arpents of land.—(See record book C, page 327; minutes No. 1, page 303, and No. 5, page 318.) Produces a paper purporting to be a concession from C. D. Delassus, lieutenant governor, dated January 8, 1801; also a plat and certificate of survey signed by Antoine Soulard, surveyor general, executed the 10th of February, and certified March 20, 1804. M. P. Le Duc, duly sworn, saith that the signature to the concession is the handwriting of

Carlos Dehault Delassus, and that the signature to the certificate of survey is the handwriting of Antoine Soulard.—(See book No. 6, page 10.)

November 1, 1833.—The board met. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners. John Bassy, claiming 1,600 arpents of land.—(See page 10 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said John Bassy, or to his legal representatives, according to the concession.—(See book No. 6, page 290.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 12.—TOUSSAINT CERRÉ'S CONCESSION FOR PAYSA ISLAND.

To Don Charles Dehault Delassus, lieutenant colonel attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of same province:

Toussaint Cerré, father of a family, ancient inhabitant of this country, and residing at the village of St. Charles of the Missouri, has the honor to supplicate you (considering the difficulty of raising cattle in the neighborhood of the settlements; also, the scarcity of wood, which is diminishing every day,) to have the goodness to grant to him the concession of the great island of Paysa, distant about 18 miles from St. Louis, and six miles above the mouth of Missouri, and by its proximity belonging to the Spanish side, the main channel passing between the island and the American side, and in low water it being fordable from our side to the said island. The certainty of not being prejudicial to whomsoever, and the confidence which the petitioner has in your justice, makes him hope that you will accede to his demand in a manner advantageous to his views.

TOUSSAINT CERRÉ, his ⋈ mark.

ST. LOUIS, *January* 15, 1800.

I sign as a witness: AUGUSTE CHOUTEAU.

ST. LOUIS OF ILLINOIS, *January* 15, 1800.

Cognizance being taken of the contents of the foregoing petition, and being satisfied that the petitioner is of such a conduct and personal merit that he is recommendable among the ancient inhabitants of this country, and that the said island belongs to this side of the Mississippi, I do grant it to him in all its extents of width, length, and superficie, such as it now stands, for him and his heirs, to possess and enjoy, and dispose of it as their own property; provided it does not do prejudice to the territorial right of the United States of America, stipulated in article four of the treaty of amity, navigation, and limits, concluded between the two powers on the 27th October, 1795, and ratified the 25th of April, 1796. And Don Antonio Soulard, surveyor general of this Upper Louisiana, will take notice of this title for his intelligence and government in what concerns him; after which the petitioner shall have to solicit the title in form from the intendant general of these provinces of Louisiana, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered by order of the lieutenant governor, pages 9 and 10 of book No. 1 of the titles of concessions.

SOULARD.

A true translation. St. Louis, October 19, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
12	Toussaint Cerré, by his assignee, Auguste Chouteau.	1, 220 75–100	Concession, January 15, 1800.	Carlos Dehault Delassus.	Wm. Millburg, (no date.) An island in the Mississippi, six miles above the mouth of Missouri river.

Evidence with reference to minutes and records.

September 13, 1808.—Board met. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates. Auguste Chouteau, assignee of Toussaint Cerré, claiming an island in the Mississippi, commonly called the Paysa island, about eighteen miles from St. Louis and six above the mouth of Missouri, produces to the board a concession from Don Carlos Dehault Delassus, lieutenant governor, for the the same, to Toussaint Cerré, dated January 15, 1800; a certified copy of a deed of conveyance from Toussaint Cerré to claimant, dated December 28, 1803. Laid over for decision.—(See book No. 3, p. 239.)

June 7, 1810.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners. Auguste Chouteau, assignee of Toussaint Cerré, claiming an island in the river Mississippi.—(See book No. 3, page 239.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 369.

October 6, 1832.—The board met pursuant to adjournment. Present: L. F. Linn and F. R. Conway,

commissioners. Toussaint Cerré, by the heirs of Auguste Chouteau, claiming an island in the Mississippi, the Paysa island.—(See record book B, page 55; minutes book No. 3, page 239; and book No. 4, page 369.) Produces a paper purporting to be a concession from Carlos Dehault Delassus, lieutenant governor, dated January 15, 1800; also a plat and certificate of survey, signed by William Millburg, without date. M. P. Le Duc, duly sworn, saith that the signature to the said concession is in the handwriting of Carlos Dehault Delassus, and that the signature to the said plat is the handwriting of said Millburg.—(See No. 6, page 10.)

November 1, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners. Toussaint Cerré claiming an island.—(See page 10 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said Toussaint Cerré, or his legal representatives, according to the tenor of the concession.—(See book No. 6. page 291.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 13.—AUGUSTE CHOUTEAU, *claiming* 7,056 *arpents.*

To Don Zenon Trudeau, lieutenant colonel, captain of the stationary regiment of Louisiana, and lieutenant governor of the western part of Illinois:

Auguste Chouteau, merchant of this town, has the honor of representing to you that, having heard advantageous reports of several tracts of land situated along the Mississippi, at about 50 miles, more or less, from this town, and having sufficient means to establish a stock farm, (vacherie,) he has the honor to supplicate you to have the goodness to grant to him, in the same place above mentioned, one league square of land, or 7,056 arpents in superficie; said quantity has never been denied by the government, either in the lower or upper part of this colony, for the undertaking of such establishments; the petitioner having, besides, the project of establishing on said land a considerable farm, hopes that you will please to patronize him in his views, which cannot be but advantageous to the security of these settlements, and to the interior communications, in keeping off the Indians, who scatter themselves in our neighborhood at various seasons of the year, to lay waste the plantations too far distant from one another to lend themselves the necessary help in such cases.

Your petitioner, full of confidence, dares hope everything of your justice, as well as of the generosity of the government which you represent.

AUGUSTE CHOUTEAU.

ST. LOUIS OF ILLINOIS, *January* 5, 1798.

ST. LOUIS OF ILLINOIS, *January* 8, 1798.

Being well satisfied that the land solicited belongs to the royal domain, the surveyor, Don Antonio Soulard, shall put the interested person in possession of it, and shall draw a plat, with his certificate, in continuation, to serve in soliciting the concession from the governor general of the province, whom I inform that the petitioner finds himself in the circumstances which deserve this favor.

ZENON TRUDEAU.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land of 7,056 arpents in superficie was measured, the lines drawn and bounded, in favor and in presence of Don Augustin Chouteau; which measurement was done with the perch of the city of Paris, of 18 French feet lineal measure of the same city, conformably to the agrarian measure of this province. Said tract of land is situated three miles west of the river Mississippi, and fifty-seven north of this town of St. Louis; bounded NW. ¼ N. by lands of Joseph Brazeau, SE. ¼ S., NE. ¼ E., and SW. ¼ W. by vacant lands of the royal domain; which survey and measurement were performed without regard to the variation of the needle, which is 7° 30′ E., as appears by the figurative plat here above, in which are noted the dimensions, direction of the lines, and other boundaries, &c. Said survey was executed in consequence of a decree of the lieutenant governor, Don Zenon Trudeau, dated January 8, 1798, here annexed. In testimony whereof I do give the present, with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, Don Santiago Rankin, on the 20th December, 1803, signed by him on the minutes. All which I do certify.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *December* 29, 1803.

A true translation. St. Louis, October 19, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
13	Auguste Chouteau, by his heirs.	7,056	Concession, 8th January, 1798.	Zenon Trudeau.	James Rankin, December 20, 1803; certified December 29, 1803, by Soulard; three miles west of river Mississippi, and 57 miles north of St. Louis.

Evidence with reference to minutes and records.

November 2, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Auguste Chouteau, claiming 7,056 arpents of land, situate on the river St. Augustine, district of St. Charles, produces a concession from Zenon Trudeau, lieutenant governor, dated January 8, 1798; a plat of survey, dated December 20, 1803, certified December 29, 1803. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 395.)

October 8, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updyke, F. R. Conway, commissioners.

Auguste Chouteau, by his heirs, claiming 7,056 arpents of land.—(See book of record D, pages 121 and 122; minutes book 5, page 395.) Produces a paper purporting to be a concession, dated January 8, 1798, from Zenon Trudeau, lieutenant governor; also, a plat of survey executed the 20th of December, 1803, and certified December 29, 1803.

Pascal Cerré, duly sworn, saith that the signature to the concession is the handwriting of Zenon Trudeau; that the signature to the plat of survey and certificate is in the handwriting of Antoine Soulard; that, in the year 1798, and long before that time, Auguste Chouteau was considered a man of large property; possessed of large herds of cattle of all descriptions; owned 50 or 60 slaves; in fact, was the richest man in Upper Louisiana.—(See book No. 6, page 12.)

November 1, 1833.—The board met pursuant to adjournment. Present: L. F. Lynn, A. G. Harrison, F. R. Conway, commissioners.

Auguste Chouteau, claiming 7,056 arpents of land.—(See page 12 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said Auguste Chouteau, or his legal representatives, according to the concession.—(See book No. 6, page 291.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 14.—*To Mr. Zenon Trudeau, lieutenant governor and commander-in-chief of the western part of Illinois, &c., &c.:*

Prays very humbly, Pierre Charles Dehault Delassus Deluziere, knight, &c., captain and commandant, civil and military, of the post of New Bourbon and dependencies, has the honor to submit that there being in his district an emigrant from the United States of America, very expert in the art of making maple sugar, and refining it after the method so advantageously practised in the Jerseys, he determined to look for a piece of land provided with maple trees, for the purpose of establishing a sugar manufactory thereon, and causing it to be worked according to the process used in the Jerseys; that he has found such a tract, situated on the south fork of the Saline river, containing about one hundred arpents in superficie, and such as it is designated in the foregoing plat, at the entrance to which he has caused to be marked, on the 10th December last, a white oak with the letters D. L. S., and three maples blazed on each side of it. Wherefore your suppliant addresses himself to you, sir, to the end that you may be pleased to grant to him, his heirs and assigns, in full property, the said tract, containing about one hundred arpents in superficie, for the purpose not only of establishing a manufactory of maple sugar thereon, but also of sending his cattle to graze there during the winters, inasmuch as there is a great deal of cane on said land; doing which the petitioner will not cease to pray for the precious conservation of your days.

DELASSUS DELUZIERE.

At New Bourbon of Illinois, *January* 2, 1798.

Cognizance being taken of the above petition, and of the request made by Mr. Pedro Delassus Deluziere, commandant of the post of New Bourbon, the surveyor, Don Anto. Soulard, will put the party interested in possession of it, (land asked for;) after which he shall make the procès verbal of his survey, in order to serve to solicit the title in form from the governor general of the province. The zeal which he (said petitioner) has manifested for the service of the King in all occasions in which he has been employed renders him worthy of receiving this favor.

ZENON TRUDEAU.

St. Louis of Illinois, *January* 20, 1798.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
14	Pierre Delassus Deluziere.	100	Concession, January 20, 1798.	Zenon Trudeau.	On south fork Saline river, district of St. Genevieve.

Evidence with reference to minutes and records.

Sittings at St. Genevieve, June, 1806.

Peter D. Deluziere, claiming 100 arpents of land, situate on the Saline, produces a concession from Zenon Trudeau, dated the 20th January, 1798, and granting the same for sugar making.

Israel Dodge, being duly sworn, says that a sugar camp was established on said land in the year 1799. The board reject this claim.—(See book No. 2, page 25.)

September 28, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

Pierre Delassus Deluziere, claiming 100 arpents of land.—(See book No. 2, page 25.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 515.)

October 8, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updyke, F. R. Conway, commissioners.

Pierre Delassus Deluziere, claiming 100 arpents of land.—(See record book B, page 515; minutes book No. 2, page 25, and book No. 4, page 515.) Produces a paper purporting to be a concession from Zenon Trudeau, dated 20th January, 1798.

Pascal Cerré, duly sworn, says that the signature to the concession is the handwriting of said Zenon Trudeau; states that he knew Deluziere as commandant of New Bourbon, and believes he was yet commandant of said place at his death.—(See book No. 6, page 13.)

November 1, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Pierre Delassus Deluziere, claiming 100 arpents of land.—(See page 13 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Pierre Delassus Deluziere, or his legal representatives, according to the consession.—(See book No. 6, page 291.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 15.—P. MÉNARD'S *concession.*

To Don Zenon Trudeau, lieutenant colonel, attached to the regiment of Louisiana, and lieutenant governor of the western part of Illinois:

The undersigned has the honor to state that being settled since several years in this country, and having as yet received no donation in land from the government, favor which is granted to all the other inhabitants; besides, the undersigned wishing to settle on a piece of land already cleared by one of the name of Berthiaume, who has abandoned to him the said improvement in presence of witnesses, the said undersigned hopes of your goodness that you will be pleased to grant to him the said piece of land, situated on the river La Pomme, (Apple creek,) as follows: twenty arpents in front, to begin at the mouth of said creek and ascending the Mississippi, by twenty arpents in depth.

The petitioner has the honor to represent, at the same time, that although this quantity appears considerable, there is not, however, in all, one hundred arpents of good land. The only real advantage resulting to him is an improvement already begun, and upon which there are some buildings. He hopes of your goodness that you will condescend to grant his demand, and he will never cease to pray for you.

PIERRE MÉNARD.

ST. LOUIS, *November* 5, 1798.

The four hundred arpents of land solicited, being situated in a vacant part, (of the domain,) and the petitioner having not yet obtained any land of the government, the surveyor of this jurisdiction, Don Ant. Soulard, will put him in possession, so that, after the survey is made, he may solicit the concession from the governor general.

ZENON TRUDEAU.

A true translation. St. Louis, October 22, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
15	Pierre Ménard.	400	Concession, Nov. 5, 1798.	Zenon Trudeau.	

Evidence with reference to minutes and records.

May 25, 1806.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Ménard, claiming 580 arpents of land, produces to the board a concession from Zenon Trudeau, lieutenant governor, for 400 arpents, dated November 5, 1798. Laid over for decision.—(See book No. 4, page 74.)

March 19, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Ménard claiming 580 arpents of land.—(See book No. 4, page 74.) This claim is for 400 arpents, and not 580, as stated in the minutes referred to. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 298.)

October 9, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, W. Updike, commissioners.

Pierre Ménard, claiming 20 arpents of land in front by twenty arpents in depth, on the river à la Pomme, (Apple creek.)—(See record book, page 25; book No. 4, pages 74 and 298.) Produces a paper purporting to be a concession from Zenon Trudeau to P. Ménard, dated November 5, 1798. Pascal Cerré, duly sworn, says that the whole concession and the signature to it is the handwriting of Zenon Trudeau.—(See book No. 6, page 15.)

November 2, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

STATE OF MISSOURI, *County of Cape Girardeau:*

Personally appeared before me, L. F. Linn, one of the commissioners appointed under the law for the adjustment of land claims in the State of Missouri, Jonathan Bois, who, being duly sworn according to law, deposeth and saith, that some time in the month of June, 1799, he was at the mouth of Apple creek and saw Berthiaume, who then resided there; he had two log-houses or cabins, and some cleared land under fence, a garden, &c. And further this deponent states that he was at the same place in the year 1804 or 1805, and the said Berthiaume (whose given name he does not recollect) still resided there.

JONATHAN BOIS.

Sworn to and subscribed October 17, 1833.

L. F. LINN, *Commissioner.*

William Russell, being sworn, deposeth and saith that in the year 1799 he was on the east bank of the Mississippi river, opposite to the mouth of Apple creek, on the west bank of the Mississippi; and, on inquiry, was told that a François Berthiaume resided there; and in the year 1802 he was at the mouth of Apple creek, and François Berthiaume still resided there, and had a small improvement, garden, &c., at the same place.

WILLIAM RUSSELL.

Sworn to and subscribed October 17, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 15.)

November 1, 1833.—The board met according to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Pierre Ménard claiming 400 arpents of land.—(See page 15 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Pierre Ménard, or his legal representatives, according to the concession.—(See book No. 6, page 292.)

Conflicting claims.

Kimmel and Taylor give notice to the board by two letters, dated November 3, 1832, and February 16, 1833, that the surveyor for the United States disregarded the original survey of the above claim, and made a fraction on the Mississippi, which fraction has been entered and paid by them. Said fraction numbered 1,097. They value their improvements, for the present, at $2,500; and in one year it will be worth $4,000, as they are continually improving. John Hays can certify to the above statement.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 16.—FRANÇOIS SAUCIER'S *concession.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Francis Saucier, appointed by your predecessor, Don Zenon Trudeau, commandant of the new settlement of Portage des Sioux, formerly an officer in the reformed French troops of the navy, and father of fifteen children, having not received to this date any concession from the government, and having been obliged to make great sacrifices to correspond to the confidence of your predecessor, when he (the petitioner) left the village of St. Charles, to go and take the command of that of Portage des Sioux, has the honor to supplicate you to have the goodness to grant to him, in full property, a concession of 8,800 arpents of land in superficie, which will be divided as follows: 600 arpents for each of his children, to the number of thirteen, under his charge, which makes 7,800 arpents, and 1,000 for him and his wife; this will complete the above stated quantity of 8,800 arpents, to be taken in vacant places of the domain, as follows: 1,000 arpents in the point formed by the rivers Mississippi and Missouri, to the eastward of the land of Lewis Labeaume; 1,000 arpents to the westward of the small lakes, distant about forty or fifty arpents from the village of Portage des Sioux; and finally the remaining quantity of 6,800 arpents, to be taken in a vacant place of the domain, at the choice of your petitioner, who hopes that you will be pleased to take his demand into consideration, and that his years, the numerous family which he has to maintain, and the laborious task he fills, without any renumeration from the government, will be strong motives in your opinion to obtain the justice which he presumes to deserve.

F. SAUCIER.

ST. LOUIS, *September* 10, 1799.

ST. LOUIS OF ILLINOIS, *September* 18, 1799.

Considering the numerous family of the petitioner, and examining the generous sacrifices made by him in order to answer the views of government, when he was appointed commandant for the new settlement of Portage des Sioux, where he commands and performs his duties with the greatest zeal, without enjoying the annual salary granted by his Majesty to all civil commandants of posts; as much for these motives as in consideration of his great age, I do grant to him and his heirs the land he solicits, if it is not prejudical to any person; and the surveyor Don Antonio Soulard shall put the interested party in possession of the quantity of eight thousand eight hundred arpents of land in superfice, solicited for, in the places indicated; which being done, he shall draw a plat of survey, to be delivered to the interested

party, with his certificate, to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds the distributing and granting all classes of land of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered by request of the interested party.—(Book No. 2, pages 21, 22, and 23, No. B.)

SOULARD.

The deputy surveyor, Don Santiago Mackay, will survey the quantity of six thousand eight hundred arpents of land, which remains to be taken to complete the total of the above title, in a vacant place of the domain called La Pointe Basse de la Rivière au Sel, (Salt River Bottom,) situated at least one hundred and eighty miles from this town; which tract of land is evidently in the domains of his Majesty, and consequently can be prejudicial to no one.

ANTONIO SOULARD.

St. Louis, *December* 5, 1803.

St. Louis, *March* 15, 1799.

I have already made known to you that several creole inhabitants of the neighboring American side had manifested to me the wish of forming a village at the place called La Portage des Sioux, situated above the Missouri, and at a little distance from Illinois river; considering this settlement as very advantageous in drawing to us a population analogous to the one wanted in this country, besides being almost in view of the military post which the Americans intend to form at the place called Paysa. This is an advantage which it is prudent to foresee, and which must be most important for the future. Furthermore, I do consider that this same settlement will be a respectable guard, which may put a stop to the depredations often committed by the nations of Indians of the rivers Illinois and Upper Mississippi, upon the plantations in the interior of the country. Owing to these considerations, and knowing that you enjoy the esteem and confidence of the people in question, that you know them, and have lived a long time with them, I do entreat you and recommend to you, in the name of government, to employ yourself in encouraging, silently, the said inhabitants to execute their project, and put yourself at their head, if it is possible to you, and act as their commandant, giving you all the facilities in my power to place them on the most convenient spot to form their village, and assign lands to them for cultivation, in proportion to the faculties of each of them, in such a manner as to collect the greatest number of people possible, giving to them, however, just what is necessary to live with ease and be forever contented.

Having no doubt, sir, after your verbal promise, that you will employ yourself to fulfill, for the greatest advantage of the government, what I propose to you, I have given orders to Mr. Antonio Soulard, commissioned surveyor, to be ready, at your first demand, to go with you on the spot where it is fit the village in question should be, to have the lines marked, and to execute two plats of survey, conformably, as much as possible, to the instructions he has received from me, for the one to be delivered to you, and the other to remain deposited in the archives of this government.

I think, sir, that if, as I hope, you succeed in accomplishing what I have proposed, you will have confidence in the generosity of a government which has never left without reward any services rendered. The service in question is important, and I do flatter myself that you will have but to congratulate yourself for having employed yourself in it.

May God keep you under his holy guard.

ZENON TRUDEAU.

Mr. François Saucier.

A true translation. St. Louis, October 23, 1832.

JULIUS DE MUN.

Survey.—Land of François Saucier, of six thousand eight hundred arpents in superficie, situated in the Salt river bottom, at about forty leagues northwest of St. Louis, surveyed December 26, 1805, having to carry the chain J. B. Taillon and Jos. Recollet, who were sworn as the law directs. First line south 45° west; the trees in the lines are marked F. S. Point of departure on the bank of the Mississippi, a lynn tree; at — arpents, entered in a prairie, about the middle of which are five or six oaks, 26 arpents; at 35 arpents, went through hills several arpents; at 40 arpents, a red oak; at 68 arpents, a white oak. Second line east 45° south, at 20 arpents, a nut tree; at 40 arpents, a lynn tree; at 50 arpents, crossed Salt river, running west ¼ northwest and east ¼ southeast; from 50 to 85 arpents, prairie; at 100 arpents, a white oak and little river of the Prairie Gras. Third line north 45° east, at 20 arpents, a white oak; at 46 arpents, crossed Salt river, a white oak; the river runs west-northwest and east-southeast. The little river of Prairie Gras (Fat Prairie) running almost as the line; at 68 arpents, near the Mississippi, a lynn tree. Fourth line north 45° west, to join the point of departure.

FRÉMON DELAURIERE, *Deputy Surveyor.*

Truly translated. St. Louis, November 2, 1833.

JULIUS DE MUN.

Saline, *February* 15, 1806.

My Dear Soulard: I avail myself of this opportunity to send you the returns of the surveys I have made. I start to-morrow to finish what remains, in spite of the alarms caused now and then by the Indians; but at all events we shall be five men, well armed, and I hope that we shall not be taken so unawares that we cannot defend ourselves; besides, it must be done, Indians or no Indians. In places

so remote, and without direct communication with the settlements, I do not know when I shall be able
forward the returns of
it shall be as soon as possible
leg always un
can hardly ho
[Here the paper is torn off and missing.]
yet about eight days' work, and it would be already done if I had not been obliged to come back, on account of the Indians, the first time I went to survey the Bay de Charles.

By this same opportunity I write to Labeaume to send me a boat. If there is anything new in your quarter let me know by that opportunity; you will confer an obligation on one who is always your friend and faithful deputy.

FRÉMON DELAURIERE.

Mr. ANTOINE SOULARD, *Surveyor General, St. Louis.*

Truly translated. St. Louis, November 2, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claims.	By whom granted.	By whom surveyed, date, and situation.
16	François Saucier.	7,800, it being the balance of 8,800, of which 1,000 have been confirmed.	Concession, Sept. 18, 1799.	Carlos Dehault Delassus.	6,800 arpents by Frémon Delauriere, December 26, 1805, on Salt river bottom.

Evidence with reference to minutes and records.

May 2, 1806.—The board met agreeably to adjournment. Present: the Hon. John B. C. Lucas and Clement B. Penrose, esq.

François Saucier, claiming 8,800 arpents, situate on the Mississippi, district of St. Charles, produces a concession from Charles D. Delassus, without any condition expressed in the same, dated September 18, 1799; and a survey of 1,000 arpents, dated January 30, 1804, and certified February 15, 1804; and another survey of 1,000, dated May 1, 1805.

The same questions were here put to Anthony Soulard, (see David Delaunay, claiming 800 arpents,) who gave the same answers. It was further proved to the satisfaction of the board that claimant is the father of a family, composed of himself, wife, and about fifteen children; was commandant of the Portage des Sioux for about eight years, for which he received no other compensation than the perquisites of office, which were trifling and seldom paid; and further, that he claims no other land in his own name in the Territory but a farm of 400 arpents, now under cultivation. The board not being still satisfied, required further proofs of the date of the above concession, which were not adduced. The board reject this claim.—(See book No. 1, page 271.)

August 18, 1810.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

François Saucier, claiming 8,800 arpents of land.—(See book No. 1, page 271.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No 4, page 464.)

October 9, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updyke, and F. R. Conway, commissioners.

François Saucier, claiming 8,800 arpents of land, of which 1,000 arpents are confirmed.—(See minutes book, No. 1, page 271; No. 4, page 464; record book C, page 248. For confirmation of 1,000 arpents, see Bates's Decisions, page 41.)

Produces a paper purporting to be a concession from C. D. Delassus to François Saucier, dated September 18, 1799; also a survey of 6,800 arpents, (part of said concession,) executed December 26, 1805, and certified by Antoine Soulard on the 20th of December, 1817; also an original letter of Zenon Trudeau to F. Saucier, dated March 15, 1799.

Pascal Cerré, duly sworn, saith that the signature to the petition is the handwriting of François Saucier; that the signature to the concession is the handwriting of C. D. Delassus; that the signature to the survey is the handwriting of Frémon Delauriere, deputy surveyor; and that the signature to the certificate of survey is the handwriting of Antoine Soulard, surveyor general; that the signature to the above-mentioned letter is the handwriting of Zenon Trudeau.—(See book No. 6, page 15.)

March 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

In the case of François Saucier, claiming balance of 8,800 arpents of land, (see page 15 of this book, No. 6,) claimant produces a paper purporting to be a commission from Soulard, appointing Charles Frémon Delauriere his deputy surveyor; also, a paper purporting to be a letter from said Delauriere to A. Soulard, dated February 15, 1806, and receipt of same by Soulard, and signed by B. Cousins as witness. M. P. Le Duc and Albert Tison, being duly sworn, say that the signatures to the receipt are in the respective handwriting of A. Soulard and B. Cousins.

Charles Frémon Delauriere, being duly sworn, says that the survey already produced is one of those included among the surveys mentioned in the above letter; that the survey was executed at the time it bears date; that there was great difficulty and danger in executing surveys; that he was twice repulsed by the Indians, and that the third time he went up he could not execute several of the surveys, being prevented by Indians of the Sac and Fox nations, although he and his companions were well armed; that surveyors were very scarce, and it was difficult to procure any one to make a survey; that there was not half the number of surveyors necessary to execute the surveys that were then to be made.—(See book No. 6, page 118.)

November 2, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison F. R. Conway, commissioners.

In the case of François Saucier, claiming 8,800 arpents of land, (see pages 15 and 118 of this book, No. 6,) the following affidavit of Soulard is to be incorporated, by order of the board, with the other testimony.

I hereby certify that Colonel Charles Dehault Delassus, heretofore lieutenant governor of the province of Louisiana, made a grant of eight thousand eight hundred arpents of land to Mr. Francis Saucier, formerly commandant of the establishment of Portage des Sioux. That said grantee made an application at my office, while I exercised the duties of special surveyor of the establishments of the province of Upper Louisiana, under the Spanish government, to have his land under said concession surveyed, which said survey was prevented from being made of the totality of said concession or land, by a variety of circumstances, which rendered said survey at that time inconvenient. That it is particularly within my knowledge that said Mr. Saucier, while formerly an inhabitant of the village of St. Charles, was invited by the late lieutenant colonel, Don Zenon Trudeau, predecessor of the lieutenant governor, Delassus, to quit his situation at said village, and to fix his residence at Portage des Sioux, in order that he might, by his influence, draw to that settlement as many inhabitants as possible. That he did comply with the invitation without consulting his interest, and that the post of Portage des Sioux, established by his efforts, remained under his command until the change of government, without producing to him the smallest emolument. I declare, also, that it is a matter of notoriety that Mr. Francis Saucier is a native of Louisiana. That his father, who was a captain in the troops of the French marine, was the officer under whose direction Fort Chartres was finished; that said François Saucier is the officer who was charged with the surrender of Fort Massac to the English; that he is the father of a family of twenty-two children; that he is poor, and almost eighty years of age; and that he has never obtained any other favor of the Spanish government than the concession heretofore mentioned, and a small quantity of land, being a part of the common field which the inhabitants of Portage des Sioux have a right to cultivate.

ANT. SOULARD.

St. Louis, *December* 19, 1817.

Territory of Missouri, *county and township of St. Louis, sct.*

Be it remembered, that on the nineteenth day of December, A. D. one thousand eight hundred and seventeen, before me, the undersigned, F. M. Guyol, one of the justices of the peace in and for the county and township aforesaid, personally appeared Antoine Soulard, who being duly sworn according to law, made oath that the above affidavit, by him made, contains the truth, the whole truth, and nothing but the truth. St. Louis, this day, month, and year above written.

F. M. GUYOL, *J. P.* [L. S.]

Frederick Bates, secretary, exercising the government of the Territory of Missouri.

To all whom it may concern: Be it known that F. M. Guyol is and was on the 19th instant a justice of the peace within and for the county of St. Louis, in the Territory of Missouri, regularly commissioned. In testimony whereof, I have hereunto affixed the seal of the Territory. Given under my hand, at St. Louis, the 23d day of December, A. D. 1817, and of the independence of the United States the forty-second.—(See book No. ——, page ——.)

FREDERICK BATES.

November 1, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, A. G. Harrison, commissioners.

François Saucier, claiming 7,800 arpents of land, it being the balance of 8,800 arpents, of which 1,000 have been confirmed.—(See page —— of this book. For confirmation, see Bates's Decisions, p. 41.)

The board are unanimously of opinion that 7,800 arpents of land, being the balance of the said 8,800 arpents, ought to be confirmed to the said François Saucier, or his legal representatives, according to the concession.—(See book No. 6, page 292.)

L. F. LINN,
F. R. CONWAY.
A. G. HARRISON,

No. 17.—C. D. Delassus, *claiming* 30,000 *arpents.*

To Don Zenon Trudeau, lieutenant colonel in the royal army, captain of the regiment of infantry of Louisiana, lieutenant governor of the settlements of Illinois and dependencies, &c.:

Don Carlos Dehault Delassus, lieutenant colonel, attached to the regiment of infantry of Louisiana, and for the present civil and military commandant of the post of New Madrid and dependencies, &c, states to you, that having made a demand of a tract of land of the royal domain proportionate only to a part of his means, which tract you have granted to him in the year 1796, conformably to the orders of the governor, the Baron de Carondelet, dated the 8th of May, of the year 1793, he now solicits again your justice, that you may be pleased to grant to him, for the complement of his means, (conformably to the said orders,) the quantity of thirty thousand arpents in superficie on the vacant lands of the royal domain, that as soon as circumstances do permit, and the occupations of the royal service do not hinder him, which is the case at the present moment, he may cause them to be surveyed, and use them to establish, if possible, two manufactories, (one for making soap and the other for a tan-yard,) which, if he can succeed, besides being profitable to himself, will be of great utility to the public in procuring soap and leather much cheaper than at the present prices, having to bring them from Europe and in small quantities from the Americans.

May God preserve your life many years.

CARLOS DEHAULT DELASSUS.

St. Louis of Illinois, *February* 3, 1798.

ST. LOUIS OF ILLINOIS, *February* 10, 1798.

Being satisfied that the land solicited is of the King's domain, the surveyor, Don Antonio Soulard, shall put the interested party in possession; after which, he will make a proces verbal of his survey, to serve in soliciting the concession from the governor general of the province, to whom I give information that the individual finds himself in circumstances that deserve this favor.

ZENON TRUDEAU.

I send you back the primitive titles of the concession granted to Mr. François Vallé, of St. Genevieve, who has retroceded it to Mr. Dodge, and of which he (Dodge) has ceded the half to Mr. Tardiveau, who has made a donation of it to you. I send it with the examination *(visa)* and approbation you desire.

By this opportunity I have written to Mr. Zenon Trudeau to grant to you the tract where you will have made the discovery of lead mines, with adjacent lands in sufficient quantity for the working of said mines; provided, however, they were not previously granted to others.

Your son-in-law and your son will have also, as you wish it, a plantation in such a part of Illinois as they will choose, and of an extent proportionate to the culture and establishments they propose to form. This will serve as an answer to your letter No. 3.

May God keep you under his holy guard.

EL BARON DE CARONDELET.

NEW ORLEANS, *May* 8, 1793.

Nota.—This is the translation of a copy of a letter written in French, and certified a true copy of the original in the records by M. P. Le Duc, recorder, on the 27th of February, 1806.

Land of Charles Dehault Delassus, of 30,000 arpents, situated on Salt river, at about three leagues above its mouth; surveyed on the 2d of January, 1806. Having to carry the chain, J. B. Taillon, Joseph Récolet, and F. Duchouquet, who have been sworn according to law. The line trees are marked C D.

First line S. 22½° E.—Point of departure a red oak, at 48 arpents a sycamore, at 60 arpents a red oak, at 80 arpents a red oak, at 100 arpents an elm, at 130 arpents an elm, at 150 arpents a honey locust.

Second line W. 22½° S.—At 20 arpents a black walnut; at 40 arpents a black walnut, small creek; at 70 arpents a hickory; at 90 arpents a lynn tree; at 120 arpents a red oak, pine fork; at 140 arpents a white oak; at 180 arpents a white oak; at 200 arpents a walnut tree.

(At some arpents to the south is the lick *(glaise sans dessein)* of B. Spencer.)

Third line N. 22½° W.—A walnut tree; at 3 arpents an elm; at 70 arpents a hickory; at 115 arpents a cottonwood tree, crosses Salt river; at 150 arpents a honey locust.

Fourth line E. 22½° N.—200 arpents to strike the point of departure.

FRÉMON DELAURIERE.

A true translation. St. Louis, October 24, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
17	Charles Dehault Delassus.	30,000	Concession, February 10, 1798.	Zenon Trudeau..	Frémon Delauriere, Jan. 2, 1806. On Salt river, three leagues above its mouth.

Evidence with reference to minutes and records.

October 10, 1808.—Board met. Present: The Hons. Clement B. Penrose and Frederick Bates.

Charles Dehault Delassus, claiming 30,000 arpents of land where the same may be found vacant, produces an official letter from the Baron de Carondelet to Dehault Delassus, father of claimant, stating that he had ordered Zenon Trudeau to grant to him a certain tract of land which he had requested, and also that a plantation sufficiently large for their cultivation and establishment should be granted to his son-in-law and son, dated May 8, 1793. Laid over for decision.—(See book No. 3, page 286.)

June 18, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Dehault Delassus, claiming 30,000 arpents of land, (see book No. 3, page 286,) produces also to the board a concession for the same, dated February 10, 1798, from Zenon Trudeau, lieutenant governor. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 387.)

October 9, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updyke, F. R. Conway, commissioners.

Charles Dehault Delassus, claiming 30,000 arpents of land, (see record book B, pages 515 and 516; book No. 3, page 286, and No. 4, page 387,) produces a paper purporting to be an original concession from Zenon Trudeau to C. D. Delassus, dated February 10, 1798; also a survey, executed January 2, 1806, signed by Frémon Delauriere.

Pascal Cerré, duly sworn, says that the signature to the petition is the handwriting of C. D. Delassus; that the signature to the concession is the handwriting of Zenon Trudeau; that the signature to the certificate of record of concession is the handwriting of Antoine Soulard; that the signature to the survey is the handwriting of Frémon Delauriere. Claimant refers to a letter which was offered in evidence under the claim of Pierre Delassus Deluziere, dated May 8, 1793, signed El Baron de Carondelet, and addressed to said Delassus.—(See book No. 6, page 16.)

November 27, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

In the case of Carlos Dehault Delassus, claiming 30,000 arpents, (see page 16 of this book, No. 6,) Albert Tison and Charles Frémon Delauriere, being duly sworn, prove the handwriting of Carlos Dehault

Delassus to a petition dated February 3, 1798; also the handwriting of Zenon Trudeau to a decree of concession dated February 10, 1798. The above-named witnesses say that the claimant had no salary as lieutenant governor, and received but sixty dollars a month as his pay for his rank in the army; they also say that he acted as civil and military governor and judge; that his jurisdiction and command extended from Arkansas to the northern extremity of the Spanish possessions on the western side of the Mississippi; that he was highly considered by the Spanish government; and that his administration of the government of Upper Louisiana gave general satisfaction to the people under his command. Albert Tison states that Carlos Dehault Delassus was an officer in the European Spanish army; that by his good military conduct and the great bravery he showed in the several engagements wherein he fought he acquired great honor; that knowing the destitute circumstances of his father in this country, he was at his own request promoted from the Guard Wallon to the stationary regiment of Louisiana. The above-named Frémon Delauriere acknowledges his own handwriting to a plat and certificate of survey. The above papers have already been offered in evidence in this case.—(See book No. 6, page 56.)

March 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

In the case of C. Dehault Delassus, claiming 30,000 arpents of land, claimant refers the board of commissioners to the testimony given by C. F. Delauriere in the case of François Saucier, claiming 8,800 arpents of land.—(See book No. 6, page 118.)

March 15, 1833.—The board met pursuant to adjournment. Present: Lewis F. Linn, A. G. Harrison, F. R. Conway, commissioners.

In the case of Carlos Dehault Delassus, claiming 30,000 arpents of land. John Baptiste Vallé, being duly sworn, says that he is seventy-two years of age; that he was born in St. Genevieve; that under the Spanish government a concession, although not surveyed, was nevertheless considered as lawful property, transferable by sale or otherwise; that previous to 1800 the Spanish government had no other means of rewarding its officers or other persons for their services but by granting them lands; that to his knowledge it never happened that a grant made by a sub-delegate was ever refused by a governor general. The deponent has no doubt that Mr. Delassus, as being lieutenant governor, could have obtained any quantity of land he would have applied for. He further states that a grant obtained from a lieutenant governor was considered in this country as equivalent to a complete title; that when a concession for a stock farm (vacherie) was obtained, although it was not settled in due time, said concession was nevertheless considered as the property of the grantee, it being known there was imminent danger to settle such places on account of the Indians; that it was the policy of the government to encourage as much as possible those remote settlements; that to his knowledge the government never sold an arpent of land, even in Morales's time; that the regulations of O'Reily, Morales, and Gayoso, were never in force in this country. Witness further says that under the Spanish government the communication between this country and New Orleans was very difficult and very expensive, and that prevented people from sending their papers to said place, inasmuch as the approbation of the governor general was then considered as mere formality, and did not add, as they thought, any value to their concessions; that it was the custom to publish the regulations in the towns at the sound of the drum or at the church door, and that Morales, Gayoso, and O'Reily's regulations were never so published in St. Genevieve, where he, the deponent, was born and always lived; that he had several concessions, and never applied for the governor general's approbation, although he conversed on the subject in 1795 with the Baron de Carondelet, who told him that if he wanted more land to ask for it to the lieutenant governor. The deponent thinks it is probable that if the inhabitants had not thought their property secured by the treaty a number of them would have left the country and followed the Spanish government.—(See book No. 6, page 125.)

November 2, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Dehault Delassus, claiming 30,000 arpents of land.—(See pages 6, 16, 56, 118, and 125, of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Dehault Delassus, or his legal representatives, according to the concession.—(See book No. 6, page 293.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No 18.—F. Caillou, *claiming* 1,600 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel attached to the stationary regiment of Louisiana, and lieutenant governor of the same province:

François Caillou, one of the oldest inhabitants of this town, father of a family, wishes to make an establishment in this Upper Louisiana: therefore he has recourse to your goodness, praying that you be pleased to grant him sixteen hundred arpents of land in superficie, to be taken on the vacant lands of the King's domain, in a convenient place, where he may with advantage cultivate the land and raise all kinds of cattle. Favor which the petitioner presumes to expect of your justice.

his
FRANÇOIS ⋈ CAILLOU.
mark.

St. Louis, *January* 2, 1800.

St. Louis of Illinois, *January* 3, 1800.

Considering that the petitioner has been a long time settled in this country; that he is father of a family, and possesses sufficient means to improve the lands which he solicits, I grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard,

shall put the party interested in possession of the quantity of land he asks for, on a vacant place of the royal domain; and when this is executed he shall make out a plat of his survey, delivering the same to said party, with his certificate, in order that it shall serve him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, November 1, 1833

JULIUS DE MUN.

In the town of St. Louis of Illinois, *August* 12, 1800.

For want of a notary public in said town, before me, Don Carlos Dehault Delassus, lieutenant colonel and lieutenant governor of this Upper Louisiana, and in presence of the assisting witnesses, Don Josef Hortiz and Don Francisco Valois, personally appeared Francisco Caillou, an inhabitant of this same town, who, by these presents, declares and confesses to have this day sold, made over, transferred, and abandoned, as much for the present as forever, and promises to give full enjoyment and guaranty against all debts, dower, mortgage, inhibitions, substitutions, and generally against all whatsoever, to Don Augustin Chouteau, of this town, here present, who stipulates, accepts, and acquires for himself, his heirs, or others who may represent his right, a quantity of land of eleven hundred arpents in superficie, being a part of a concession granted to me, for one thousand six hundred arpents in superficie, by the lieutenant governor of this Upper Louisiana, dated January 3d of this present year. I do bind myself to put the above-named Augustin Chouteau in possession of the said eleven hundred arpents of land as soon as they shall be surveyed, and the figurative plat of survey be delivered to me; all which is done in consideration of the price and sum of one hundred and forty dollars, which the aforesaid purchaser has counted to me to my satisfaction; and, for the better securing the above-mentioned sum received by me, I do deliver to him the petition which I have presented to obtain the said land, below which is the decree of the aforesaid lieutenant governor. And the purchaser gives himself for contented and satisfied, without making any retention or reservation, making the acquisition according and conformably to the laws. In testimony whereof, the seller promises, &c., obliges himself, &c.; and not knowing how to sign, he made a cross for his mark, after lecture was made, and Don Augustin Chouteau, and assisting witness have signed with me, the aforesaid lieutenant governor. Date as above.

One cross for Francisco Caillou.
AUGUSTIN CHOUTEAU.

Francisco Valois.
Joseph Hortiz.

CARLOS DEHAULT DELASSUS.

Don Carlos Dehault Delassus, lieutenant colonel in the royal army, and lieutenant governor of this Upper Louisiana:

I do certify that the present copy is conformable to the original, which is deposited in the archives of this government under my command.

In testimony whereof, I do give these presents. Same date as above.

DELASSUS.

A true translation. St. Louis, October 20, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
18	François Caillou.	1, 600	Concession, January 3, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

November 1, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel Lisa, assignee of Francis Caillou, alias Cayou, claiming 500 arpents of land situate on the river Matis, district of St. Louis, produces a concession from Charles D. Delassus, lieutenant governor, to Francis Caillou, for 1,600 arpents, dated January 3, 1800, and three plats of survey, two of 400 arpents each, and one of 460 arpents, dated February 25, 1806. Francis Caillou claims 1,100 arpents of the above tract.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 394.)

October 8, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, William Updyke, F. R. Conway, commissioners.

François Caillou, claiming 1,600 arpents of land.—(See minute book No. 5, page 394; record book C, page 443.) Claimed under a concession from Carlos Dehault Delassus, said to be dated January 3, 1800.—(This concession is not produced.) Produces a deed certified by C. D. Delassus, dated August 12, 1800.

Pascal Cerré, duly sworn, saith that the signature to the certificate of the above deed is the handwriting of said Delassus.—(See book No. 6, page 13.)

November 27, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

In the case of François Caillou, claiming 1,600 arpents of land, (entered October 8,) the original concession is produced.

M. P. Le Duc, being duly sworn, saith that the signature to the original concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 53.)

November 2, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. L. Conway, commissioners.

François Caillou, claiming 1,600 arpents of land.—(See pages 13 and 53 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said François Caillou, or to his legal representatives, according to the concession.—(See book No. 6, page 293.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 19.—THE SONS OF VASQUEZ, *claiming* 800 *arpents each.*

To Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana:

SIR: Benito, Antoine, Hypolite, Joseph, and Pierre Vasquez, all of them sons of Don Benito Vasquez, captain of militia of this town, brevetted by his Catholic Majesty, full of confidence in the generosity and benevolence of the government under which they are born, hope that you will be pleased to take into consideration the unfortunate situation in which they find themselves by the want of means of their family, which has been living for some time in distressed circumstances, and unable to give them the necessary education: therefore, wishing to procure to themselves in the course of time an independent existence, they think of forming an establishment which may one day insure their welfare. They flatter themselves, sir, that the services of their father will assure to them your protection, and the goodness of your heart will lead you to grant their demand; consequently, they supplicate you to grant to each of them eight hundred arpents of land in superficie, making altogether the quantity of four thousand arpents, which they wish to take in one or several places of the vacant lands of the King's domain, favor which your petitioners presume to hope of your justice.

BENITO VASQUEZ.
ANTOINE VASQUEZ.
HYPOLITE VASQUEZ.
JOSEPH VASQUEZ.
PIERRE VASQUEZ.

ST. LOUIS, *February* 16, 1800.

ST. LOUIS OF ILLINOIS, *February* 17, 1800.

After seeing the precedent statement, and the laudable motives which animate the petitioners, and considering that their family is one of the most ancient in this country, and worthy of all the benevolence of government, as much for their personal merit as on account of the services of the father of the petitioners, I do grant to said petitioners, for them and their heirs, the land which they solicit, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested party in possession of the quantity of land asked for, in one or two vacant places of the royal domain; after which, he shall draw a plat which he shall deliver to the interested parties, with his certificate, to serve to them in obtaining the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

A true translation. St. Louis, October 27, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
19	The sons of Vasquez: Benito, Antoine Hypolite, Joseph, and Pierre Vasquez.	800 each.	Concession, 17th February, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

August 25, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas, and Clement B. Penrose, esq.

Rodolph Tillier, assignee of Benito Vasquez, junior, claiming 800 arpents of land situate in the district of St. Louis, produces a concession from Charles D. Delassus to the said Benito, Antoine, Hypolite, Joseph, and Pierre Vasquez, the children of Benito Vasquez, senior, for 800 arpents each, granted to them for the purpose of settling the said Benito Vasquez, junior, and educating his four younger brothers, who then were minors, and as a compensation for services rendered the Spanish government by Benito Vas-

quez, their father; said concession dated February 17, 1800; a survey of the aforesaid 800 arpents, dated February 27, 1806, and a deed of transfer of the same, executed by the aforesaid Benito Vasquez, junior, dated February 11, 1806. Hyacinthe St. Cir, being duly sworn, says that Benito Vasquez, senior, the father of the said Benito and brothers, told him, the witness, about five or six years ago, that he had received a concession for his children, of 800 arpents each; that the aforesaid Benito Vasquez, junior, was, at the time of obtaining said concession, of the age of twenty-one years and upwards; that his father, who was a Spaniard by birth, was a confidential subject of the officers of government; that he acted for some time as commandant by interim, and witness believes never received any compensation for his services.

Charles Gratiot, being also duly sworn, says that the said Benito Vasquez, senior, is by birth a Spaniard; that he was the first militia captain, and acted sometimes as commandant by interim, and never received any pecuniary compensation for his services. The board reject this claim; they are satisfied that the said concession was granted at the time it bears date; they remark that the grant is expressly given to the children, as is said in the body of it, as a compensation for the public services of the father, and that they may locate and establish it, in two or three vacant places of the domain, when it shall be convenient.—(See book No. 1, page 491.)

May 22, 1808.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Rodolph Tillier, assignee of Benito Vasquez, junior, claiming 800 arpents of land. Jacques Clamorgan, sworn, says that he knows that this land was given as compensation to Benito Vasquez, junior, for services rendered to the Spanish government by his father; that said Benito, the father, was a confidential person under said government, and a Spaniard by birth. Laid over for decision.

Antoine Vasquez claiming 800 arpents of the concession stated in the foregoing claim. Laid over for decision.

Hypolite Vasquez claiming 800 arpents of same concession. Laid over for decision.

Joseph Vasquez claiming 800 arpents of same concession. Laid over for decision.

Pierre Vasquez claiming 800 arpents of same concession. Laid over for decision.—(See book No. 4, page 67.)

September 22, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Rodolph Tillier, assignee of Benito Vasquez, junior, claiming 800 arpents of land.—(See book No. 1, page 491; book No. 4, page 67.) It is the opinion of the board that this claim ought not to be confirmed. John B. C. Lucas, commissioner, declares that he does not concur in opinion with the former board in the present case, respecting the satisfaction which the said former board expresses, that the concession was issued at the time it bears date; (same decision on Antoine, Hypolite, Joseph, and Pierre Vasquez's claims.) (See book No. 4, page 502.)

October 9, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updyke, F. R. Conway, commissioners.

The sons of Vasquez—Benito, Antoine, Hypolite, Joseph, and Pierre Vasquez—claiming 800 arpents of land each, under a concession dated 17th February, 1800, (see record book C, pages 474 and 475; book No. 1, page 491; No. 4, pages 67 and 502,) produces a paper purporting to be an original concession, dated 17th of February, 1800, from C. D. Delassus; also a plat of survey, dated 7th February, 1806, of 800 arpents.

Pascal Cerré, duly sworn, says that the signature to the concession is the handwriting of Delassus; that the signatures to the survey are in the handwriting of Mackay and Antoine Soulard.

November 2, 1833.—Board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

The sons of Vasquez, each claiming 800 arpents of land, under a concession from Charles Dehault Delassus.—(See page 17 of this book.) The board remark that they can see no cause for entertaining the idea that the said concession was not issued at the time it bears date, as intimated in the minutes of the former commissioners. The board are unanimously of opinion that this claim ought to be confirmed to the said Benito, Antoine, Hypolite, Joseph, and Pierre Vasquez, or their legal representatives, according to the concession.—(See book No. 6, page 293.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 20.—Aaron Quick, *claiming* 800 *arpents of land.*

To Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana:

Sir: Aaron Quick has the honor to represent to you that, wishing to establish himself in the upper part of this province, where he has resided for some time, therefore he has recourse to the benevolence of this government, that you may be pleased to grant to him a concession of eight hundred arpents of land in superficie, to be taken along the river St. Ferdinand, bounded on one side by the land of E. Harington; on the other by the land of Ezechias Lard, adjoining on the two other sides to lands belonging to the King's domain. Favor which the petitioner presumes to hope of your justice.

AARON QUICK, his x mark.

St. Louis, *March* 19, 1801.

St. Louis of Illinois, *March* 20, 1801.

As we are assured that the petitioner has sufficient means to improve the lands he solicits for, I do grant to him and his heirs the land solicited by him, in case it does not carry prejudice to any person; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land asked by him, in a vacant place of the royal domain; and this being done, he shall draw a plat of survey which

he shall deliver to said interested party, to serve to him to obtain (also with his certificate) the title in form from the intendant to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

In my capacity of surveyor general of this Upper Louisiana, I do notify the interested party that the land described in his petition has already been taken, and that he must have an order from the lieutenant governor to obtain that the same quantity be measured for him in any other vacant part of the domain.

SOULARD.

St. Louis, *December* 17, 1803.

Having seen the above information, the interested may take the land mentioned in any other vacant part of the royal domain, being understood that it shall not be prejudicial to any person.

DELASSUS.

Translation of a certificate at the foot of the plat of survey, certified before Thomas F. Riddick, a justice of the peace.

I do certify to all whom it may concern, that, at the above date, John Terrey was employed as my deputy surveyor, and that the said plat having been lost amongst other papers, the official return and registering could not take place before the delivery of the archives, to which I do certify in my ex-capacity.

ANTOINE SOULARD.

St. Louis, *March* 15, 1808.

Truly translated. St. Louis, December 3, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
20	Aaron Quick.....	800	Concession March 20, 1801.	Carlos Dehault Delassus.	John Terrey, deputy surveyor, January 8, 1804; certified by Soulard, Mar. 15, 1808; Richwood, district of St. Genevieve.

Evidence with reference to minutes and records.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Albert Tison, assignee of Jacques St. Vrain, assignee of Aaron Quick, claiming 800 arpents of land, situate at Richwood, district of St. Genevieve, produces record of a concession from Delassus, lieutenant governor, to Quick, dated 20th March, 1801; record of a certificate from A. Soulard, that the land petitioned for is not vacant; record of a plat of survey, dated 20*th December*, 1803, (8th January, 1804;) certificate of survey from Soulard, dated 15th March, 1808; record of transfer from St. Vrain to Tison, dated 3d November, 1804.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 484.)

October 9, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updyke, F. R. Conway, commissioners.

Aaron Quick, claiming 800 arpents of land under a concession from C. D. Delassus, (see record book D, page 312; minutes book No. 5, page 484,) produces a paper purporting to be an original concession from Delassus, dated the 20th of March, 1801, with a certificate at the foot thereof, dated 18th December, 1803, signed A. Soulard, and an order at the foot of last-mentioned certificate, dated 20th December, 1803, and signed Carlos Dehault Delassus. Also produces a survey of 800 arpents, dated January 8, 1804, certified by Antoine Soulard the 15th of March, 1808.

Pascal Cerré, duly sworn, saith that the signatures to the above-mentioned papers are in the respective handwriting of Delassus and Soulard.—(See book No. 6, page 18.)

November 2, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Aaron Quick, claiming 800 arpents of land.—(See page 18 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Aaron Quick, or his legal representatives, according to the concession.—(See book No. 6, page 293.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 21.—Peter Chouteau, senior's, concession.

To Don Carlos Dahault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Peter Choteau, lieutenant of militia and commandant of the fort of Carondelet in the Osage nation, has the honor to represent to you that formerly he obtained of Don Manuel Perez, lieutenant governor of this part of Illinois, a concession for a tract of land of 10 arpents in front by as many in depth, to be

taken on the left side of the Missouri at about 20 arpents above St. Charles, upon which concession your petitioner has made all the preparatory works for the construction of a water grist mill which was to be built on the creek comprised in his concession. The lieutenant governor, Don Zenon Trudeau, was pleased to grant to your petitioner an augmentation to the said tract of 30 arpents in depth, all which is proven by the authentic documents necessary to this object.

The desire of profiting of the favor which the general government granted to all those who presented their titles to obtain their ratification caused your petitioner to address those same (above-mentioned documents) to a friend at New Orleans, to whom probably they have not been remitted, since he could not effectuate their presentation; the said original documents having not been registered in the archives of this government, your petitioner would be in great perplexity had he not to offer to you the attestation of Don Charles Tayon, captain commanding the village of St. Charles of Missouri, who, at that time, had a perfect knowledge of the original documents here above mentioned, by virtue of which your petitioner was authorized to begin an establishment for which he has made considerable sacrifices.

Full of confidence in the justice and generosity of the government, he hopes that, after the attestation you may be pleased to take from the commandant of St. Charles, you will have the goodness to ratify to him and in the same place the security of a property which he has been enjoying for more than ten years by virtue of the titles to him expedited by your predecessors, and of which he should wish that you would be pleased to order the surveyor of this Upper Louisiana to put him in possession in the following manner: To take two arpents below the creek comprised in his concession and above said creek all the space which is between the said creek and the next plantation by the depth of forty arpents, in order that, being possessed of the certificate of survey which shall be delivered to him, he may, if needed, have recourse to the superior authorities to obtain the ratification of the said title. The petitioner presumes to hope everything of your justice in the decision of the case which he has the honor to submit to your tribunal.

PIERRE CHOUTEAU.

St. Louis of Illinois, *November* 17, 1800.

St. Louis of Illinois, *November* 18, 1800.

Cognizance being taken of the foregoing statement, the sub-lieutenant in the royal army, and captain of militia, commandant of the post of St. Charles, shall give, in continuation, information of all he knows upon what is here asked.

DELASSUS.

In compliance with the foregoing order, I do inform the lieutenant governor that the statement of Don Pierre Chouteau is, in all, conformable to truth, having had a full knowledge of the titles mentioned by him in his petition, as well as of the considerable works he has done on the said land, of which he has always been acknowledged as the proprietor.

CHARLES TAYON.

St. Louis, *November* 25, 1800.

St. Louis of Illinois, *November* 26, 1800.

Having seen the foregoing information, and the just rights stated by Don Pedro Chouteau, to whom an unexpected accident has deprived of his title of concession, and considering that he has been for a long time proprietor of the land in question, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put him in possession, in the manner solicited, of the tract of land he petitions for, and the survey being executed, he shall draw a plat of said survey which he shall deliver to the interested party, to serve to said party to obtain the title in form from the general intendancy, to which tribunal alone correspond, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the desire of the interested.—(Book No. 2, pages 19, 20 and 21, No. 14.)

SOULARD.

Duly translated. St. Louis, November 3, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
21	Peter Chouteau, senior.	Not ascert'ed.	Concession, 26th November, 1800.	Carlos Dehault Delassus.	About 20 arpents above St. Charles.

Evidence with reference to minutes and records.

January 25, 1809.—Board met. Present: The Hon. Clement B. Penrose and Frederick Bates.

Pierre Chouteau, claiming a tract of land situate about twenty arpents above the town of St. Charles, commencing two arpents below a small creek on the Missouri, from thence up the river to the first land claimed, and forty arpents back, produces to the board a concession for the same from Don Carlos Dehault Delassus, lieutenant governor, dated 26th November, 1800; this tract including a tract of ten arpents front by ten arpents in depth at the mouth of said creek, formerly granted by Erangois Cruzat, lieutenant governor, to Auguste Chouteau, by concession, bearing date 2d April, 1787, and registered in book of

registry No. 4, folio 17, which concession is also produced by claimant. Said land granted for the purpose of building a mill within a year and a day, otherwise to be reunited to the domain.

Noel Mongrain, sworn, says that about twenty years ago claimant commenced the building of a mill-dam upon land about fifteen arpents above St. Charles; that deponent was himself employed by claimant during part of the summer; that he assisted in hauling large pieces of timber for constructing a mill; witness recollects that a great deal of clay was hauled for the making of the dam; that in the spring following said dam was swept away by a large flood. Auguste Chouteau being present declares that he gave all his right (to the one hundred arpents claimed by concession given to him) to his brother, the claimant. Laid over for decision.—(See book 3, page 442.)

July 14, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Chouteau, claiming —— arpents of land.—(See book No. 3, page 442.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 434.)

October 9, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updyke, F. R. Conway, commissioners.

Peter Chouteau, sr., claiming a tract of land about twenty arpents above the town of St. Charles, (see book No. 3, page 442; No. 4, page 434; record book B, page 510,) produces a paper purporting to be an original concession from Delassus, dated 26th of November, 1800.

Pascal Cerré, duly sworn, says that the signatures to the above-mentioned concession are the signatures of the respective persons they proffer to be.—(See book No. 6, page 18.)

November 2, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Peter Chouteau, sr., claiming a special location, situate twenty arpents above St. Charles.—(See page 18 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Peter Chouteau, sr., or to his legal representatives, according to the concession.

The board adjourned until Monday next, at 9 o'clock a. m.—(See book No. 6, page 294.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 22.—Louis Lorimier, *claiming* 944 *arpents.*

To his Lordship the Governor General:

Don Louis Lorimier, inhabitant of this district, with the utmost respect, represents to your lordship that, wishing to establish himself in said district, he supplicates your lordship to be pleased to grant to him eighty arpents of land in front by one hundred in depth, opposite Cypress island, in Cape Girardeau, bounded on the two extremities by the domain; favor which he hopes to deserve of your lordship.

At the request of the interested party.

JUAN BARNO Y FERRUSOLA.

To his Lordship the Governor General:

I do consider the petitioner worthy of the favor which he solicits, there being united in him all the qualifications called for by the regulations (instruccion.)

THOMAS PONTELL.

New Madrid, *September* 1, 1795.

New Orleans, *October* 26, 1795.

The surveyor, Don Antonio Soulard, shall put the interested party in possession of forty arpents of land in front, of the eighty solicited by him, by one hundred in depth, in the place mentioned in the foregoing memorial, provided they are vacant and do not cause any prejudice to the surrounding neighbors, under the express condition to make the road and regular clearing in the peremptory term of one year, and this concession to be null and void if, at the expiration of the precise term of three years, the land is not settled, and during the said term it shall not be in his power to alienate the same; under which conditions the operations of survey shall be made in continuation, and remitted to me, in order to provide the interested party with the corresponding title in form.

EL BARON DE CARONDELET.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that on the 26th of October, of the present year, (by virtue of the foregoing decree and official letter of his excellency the governor general the Baron de Carondelet,) I have transferred myself on the land of Don Louis Lorimier, in order to survey the same conformably to his demand of eighty arpents in front by one hundred in depth, or eight thousand arpents in superficie, which measurement was made in presence of the proprietor and the adjoining neighbors, with the measure of Paris, of eighteen feet in length, according to the custom adopted in this province of Louisiana, and without regard to the variation of the needle, which is 7° 30′ east, as appears by the preceding figurative plat. Said land is situated at the same place as the village of Cape Girardeau; bounded on the north and west sides by the royal domain; on the south by the lands of the inhabitants, Edward Roberson, James Cox, Andrew Ramsay,

and the said royal domain; and in order that it shall be available according to law, I deliver him the present, with the foregoing figurative plat, on which are noted the dimensions and the natural and artificial boundaries of said land.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *December* 11, 1797.

Truly translated. St. Louis, November 4, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
22	Louis Lorimer...	944, balance of 8,000.	Order of survey, Oct. 26, 1795.	The Baron de Carondelet.	Antonio Soulard, October 26, 1797; certified by him, December 11, 1797; Cape Girardeau.

Evidence with reference to minutes and records.

May 25, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Lorimier, claiming 8,000 arpents of land, situate on the Mississippi, district of Cape Girardeau, produces to the board a petition for 80 by 100 arpents; a concession thereon from the Baron de Carondelet, governor general of Louisiana, for 40 arpents front by 100 arpents in depth, dated October 26, 1795; an official letter from the said governor general to Zenon Trudeau, lieutenant governor, ordering him to put claimant in possession of the other 40 arpents front by 100 arpents depth, petitioned for by him, dated January 26, 1797; a certified copy of a plat of survey of 8,000 arpents, taken October 26, 1797, certified December 11, 1797.

ANTOINE SOULARD,
Surveyor General of the Territory of Louisiana.

February 27, 1806.—Laid over for decision.

March 20, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Lorimier, claiming 8,000 arpents of land.—(See book No. 4, page 73.) The following are translations of the several papers produced by claimant in support of his claim:

To his Lordship the Governor General:

Don Louis Lorimier, inhabitant of this district, with the greatest respect due to your lordship, represents that, wishing to establish himself in the same, petitions your lordship to be pleased to grant him eighty arpents of land in front by one hundred in depth, front to Cypress island, in Cape Girardeau, bounded on its two extremities by the King's domain; favor which he hopes to merit of your justice.

At the request of the party interested.

JUAN BARNO Y FERRUSOLA.

To his Lordship the Governor General:

I consider the petitioner worthy of the favor which he solicits for, being vested with the circumstances required by the instruction.

THOMAS PORTELL.

NEW MADRID, *September* 1, 1795.

NEW ORLEANS, *October* 26, 1795.

The surveyor, Don Anthony Soulard, shall establish the petitioner on forty arpents in front, of the eighty which he demands, by one hundred in depth, on the place mentioned by the above memorial, provided they are vacant, and do not prejudice the neighbors, under the express condition to make the road and regular improvements within the precise term of one year; and this concession to be declared null and void if, at the precise term of three, the said land is not established; and not being in his power to alienate the same within the said term, under which provisions the diligence of survey shall be made at the continuation, which will be remitted to me in order to provide the petitioner with the corresponding title in form.

EL BARON DE CARONDELET.

You will give order to Anthony Soulard to survey for Louis Lorimier the forty arpents more of land which he petitioned for on the place mentioned, and which will complete the eighty he had demanded; after which he is to demand it by memorial, which you will recommend with reference to this official letter, in order to give him the decree of concession. God preserve you many years.

EL BARON DE CARONDELET.

NEW ORLEANS, *January* 26, 1797.

Don ZENON TRUDEAU.—No. 1, Don Louis Lorimier.

Surveyed in virtue of the decree of his lordship the Baron de Carondelet, commandant general of the province, dated October 26, 1795, and of the official letter by him directed to the lieutenant governor, in

date of February 26, 1797, by him transmitted to me The said tract surveyed October 26, 1797. The certificate of survey delivered the 11th of December the same year.

I certify the present extract to be faithfully copied and translated from the register A of the surveys in Cape Girardeau district, page 9, No. 1.

ANTOINE SOULARD, *Surveyor General, Territory of Louisiana.*

ST. LOUIS, *February* 26, 1806.

Auguste Chouteau, sworn, says that claimant inhabited and cultivated the land claimed fifteen or twenty years ago, and continued so to do until eight years past; the last time witness saw the place claimed claimant had made considerable improvements on the land.

Marie Philip Le Duc, sworn, says that he saw claimant on the place claimed, inhabiting and cultivating, in 1799; that claimant was then erecting large buildings. Witness has seen the place claimed several times since, the last time in 1808; always found claimant on the land, inhabiting and cultivating and improving the same.

Anthony Soulard, sworn, says that the village of Cape Girardeau is on the tract claimed by Louis Lorimier as proprietor, and that the inhabitants claim after him. The board are unanimously of opinion that this claim ought not to be confirmed. Clement B. Penrose and Frederick Bates, commissioners, declaring that if this claim had not exceeded a league square they would have voted for its confirmation.

John B. C. Lucas, commissioner, states, as reasons of his opinion, that the order of survey or concession under date of October 26, 1795, does not appear to be registered; that the letter of office, under date of January 26, 1797, directed to Don Zenon Trudeau, is not an order directed by said Z. Trudeau to Anthony Soulard; and if it should be construed that the said order is of sufficient authority to make the survey, however, it does not appear that the said order bears registry. He further states that the quantity of land claimed under these two orders is more than the quantity usually allowed, agreeably to the laws, usages, and customs of the Spanish government, and that no ordinance or copy of ordinance has been shown or exhibited authorizing the governor to make decrees or orders for such quantity. Board adjourned till to-morrow nine o'clock, a. m.

JOHN B. C. LUCAS.
CLEMENT B. PENROSE.
FREDERICK BATES.

(See book No. 4, page 299, and following.)

October 10, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, W. Updike, F. R. Conway, commissioners.

Louis Lorimier, claiming 8,000 arpents, of which 7,056 arpents have been confirmed; confirmation is prayed for the balance.—(See book No. 4, pages 73 and 299; record book E, pages 22 and 23; for confirmation, see Bates's Decisions, page 67.) Produces a paper purporting to be an original order of survey by the Baron de Carondelet, dated October 26, 1795; also a plat of survey executed October 26, 1797, and certified December 11, 1797, by A. Soulard.—(See book No. 6, page 19.)

November 4, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Louis Lorimier, claiming 944 arpents of land, it being the balance of 8,000 arpents, of which 7,056 have been confirmed.—(See page 19 of this book; for confirmation, see Bates's Decisions, page 67.) The board are unanimously of opinion that 944 arpents of land ought to be confirmed to the said Louis Lorimier, or his legal representatives, according to the concession.—(See book No. 6, page 294.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 23.—C. D. DELASSUS, *claiming* 20,000 *arpents.*

To Don Zenon Trudeau, lieutenant colonel in the royal army, captain in the regiment of infantry of Louisiana, and lieutenant governor of the settlements of Illinois and dependencies, &c.:

Don Carlos Dehault Delassus, lieutenant colonel attached to the regiment of infantry of Louisiana, and civil and military commandant of the post of New Madrid, represents to you, that before taking possession of said command, he has come to this place to visit his family, with permission from the governor general of these provinces, El Baron de Carondelet, and at the same time to visit lands, having been apprised by the said governor that he had sent to you the necessary orders to grant lands to him, (to the petitioner,) said orders being dated 8th May, 1793, at the time his family arrived to settle themselves under the dominion of his Majesty.

The petitioner having visited the lands in the royal domain situated upon the waters of the river called De Cobre, (Cuivre river,) which he believes are vacant, and distant six miles to the westward of the river Mississippi, and thirty-nine miles, more or less, to the northwest of this post of St. Louis; and in another place called the *Rio de Sel,* (Salt river,) distant about twelve miles to the westward of the river Mississippi, and one hundred and thirty miles, more or less, to the northwest of this said post; and as these lands appear to him to be of a good quality for cultivation, he begs of you to be pleased to order the surveyor general of this jurisdiction to put him in possession, and to survey for him the quantity of twenty thousand arpents, divided in the two above-mentioned places as much as possible, which quantity is proportionate to one part of his means to improve it, according as the circumstances of the royal service shall permit him.

The petitioner prays God to keep your important life many years.

CARLOS DEHAULT DELASSUS.

ST. LOUIS OF ILLINOIS, *June* 17, 1796.

Being certain that the land solicited belongs to the King's domain, the surveyor, Don Antonio Soulard, shall put the interested party in possession of it, and shall make a procès verbal of his survey in continuation to serve in soliciting the concession from the governor general of the province, whom I inform that the petitioner is in circumstances that deserve this favor.

ZENON TRUDEAU.

St. Louis of Illinois, *June* 18, 1796.

Registered at the desire of the interested, fol. 21, 22, and 23, of book No. 1 of titles of concessions under my charge.

SOULARD.

Registered in our office, under date of 13th of the present month.

NARCISSUS BROUTIN, *Notary Public.*

New Orleans, *May* 16, 1807.

Don Antonio Soulard, surveyor general of Upper Louisiana.

I do certify that on the 15th of April of the present year (by virtue of the memorial of the interested, and of the annexed decree of the lieutenant governor of this Louisiana, dated June 18, 1796) I have transported myself upon one part of the lands of Don Carlos Dehault Delassus, lieutenant colonel in the royal army, and attached to the stationary regiment of Louisiana, civil and military commandant of the post of New Madrid, to execute the survey, according to one part of his petition, of 13,100 arpents in superficie: said survey was executed without the assistance of the interested, as appears from a letter dated December 17, 1797, which, to this effect, he sent to me from New Madrid, empowering me to represent his person in the surveys. In said letter he offers and promises to approve and confirm all I shall do on the subject, which document remains deposited in the surveyor's archives under my charge. Said survey has been executed in presence of the adjoining neighbor, and with the perch of Paris, of 18 feet in length, conformably to the custom adopted in this province of Louisiana, and without regard to to the variation of the needle, which is 7° 30′ E., as is evident by referring to the foregoing plat. Said land is situated at about six miles west of the river Mississippi, at fifteen to the northeast of the river Missouri, at eighteen miles to the northwest of the post of St. Charles, and thirty-nine miles in the same direction from this town of St. Louis. And to be available according to law, I do give the present, with the preceding figurative plat, in which are designated the dimensions and natural and artificial boundaries that surround said land. Said land is bounded as follows: to the north, by vacant lands of the royal domain; to the south, in part by the same domain cited above, the edge of Cuivre river, and land of Santiago Lewis; to the east and west, by vacant lands of the royal domain, &c.

ANTONIO SOULARD, *Surveyor General.*

St. Louis of Illinois, *May* 20, 1801.

Truly translated. St. Louis, December 4, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
23	Carlos Dehault Delassus, by his assignee, Madame Delore Sarpy.	*12,944	Concession, June 18, 1796.	Z. Trudeau	Antonio Soulard, 13,100 arpents; April 15, 1801, and certified May 20, 1801; on river Au Cuivre.

* Balance of 20,000 arpents.

Evidence with reference to minutes and records.

September 25, 1807.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas' Clement B. Penrose, and Frederick Bates.

Madame Delore Sarpy, widow of John B. Sarpy, claiming 20,000 arpents of land, as assignee of Charles D. Delassus. Produces in support of said claim a concession from Zenon Trudeau, lieutenant governor, to the said Charles D. Delassus, dated June 18, 1796; also a copy of a survey for 13,100 arpents of land, surveyed April 15, 1801, and certified May 16, 1807; also a copy of a survey of 6,900 arpents, surveyed March 30, 1801, and certified May 16, 1807; also a deed of transfer from said Delassus to one John Cortez, attorney in fact for the said John B. Sarpy, dated January 30, 1804. On the objection of the agent, alleging antedate, and the want of being duly registered, and that the quantity is greater than was usually granted by the lieutenant governors, the board require other proof.—(See book No. 3, page 92.)

November 24, 1808.—Board met. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Auguste Chouteau, attorney of Peter Fouche, attorney of Madame Delore Sarpy, representing Charles Dehault Delassus, claiming 20,000 arpents of land, 13,100 of which are situated on the river Cuivre, and 6,900 on the Saline river, district of St. Charles. Produces to the board a concession from Zenon Trudeau, lieutenant governor, to said Delassus, dated June 18, 1796, and registered with Narcissus Broutin,

notary public at New Orleans, May 16, 1807; a plat of survey of 13,100 arpents, dated April 15, 1801, and certified May 20, 1801; also a plat of survey of 6,900 arpents, dated March 30, 1801, and certified May 20, same year; a deed of transfer from said Delassus to Lilie Sarpy, dated January 30, 1804. The board in this claim refer to a certified copy of an official letter from the Baron de Carondelet to Zenon Trudeau, May 8, 1793; said copy on file with the recorder. Laid over for decision.—(See book No. 3, page 368.)

July 10, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Auguste Chouteau, attorney for Peter Fouche, attorney for Madame Delore Sarpy, representing Charles Dehault Delassus, claiming 20,000 arpents of land.—(See book No. 3, pages 92 and 368.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 423.)

October 11, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, W. Updike, F. R. Conway, commissioners.

Charles Dehault Delassus, by his assignee, Madame Delore Sarpy, claiming 20,000 arpents of land, of which 7,056 arpents have been confirmed.—(For confirmation see Bates's Decisions, page 40; for record of claim see book No. 6, page 499; minutes, No. 3, pages 93 and 368; book No. 4, page 423.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated June 18, 1796; also a plat of survey executed April 15, 1801, and certified May 20, 1801, for 13,100 arpents. Refers to a letter dated May 8, 1793, purporting to be addressed by the Baron de Carondelet to Zenon Trudeau, already offered in evidence under the claim of P. Delassus Deluziere for 7,056 arpents.—(See book No. 6, page 20.)

November 4, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Dehault Delassus, claiming 12,944 arpents of land, it being the balance of 20,000 arpents, of which 7,056 have been confirmed.—(See page 20 of this book.) The board are unanimously of opinion that 12,944 arpents of land ought to be confirmed to the said Charles Dehault Delassus, or his legal representatives, according to the concession.—(See book No. 6, page 294.)

L. F. LINN.
F. R CONWAY.
A. G. HARRISON.

No. 24.—ANTOINE DUBREUIL, *claiming* 10,000 *arpents.*

To Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana.

SIR: Antoine Dubreuil, lieutenant of militia, inhabitant of this town, has the honor to state to you that, wishing to form an establishment advantageous to himself as well as to the inhabitants of this Upper Louisiana, in working the saline of the river Aux Bœufs, (Buffalo creek,) situated at about thirty leagues from this town, therefore, sir, the petitioner supplicates you to grant to him one hundred arpents square of lands on the said river, and to place them in such a manner as will appear to him more advantageous to the working of said saline. The petitioner will undertake said works as soon as he can raise the necessary provisions to sustain said works. The petitioner thinks he ought to observe to you that his family, one of the most ancient in this colony, having ever been employed but in a commercial way, has never had any concession of land. The petitioner, knowing the justice of your views, and the pleasure you take in favoring all establishments advantageous to this Upper Louisiana, presumes to hope that you will protect him in this undertaking, and that you will be pleased to grant to him his demand.

ANTOINE DUBREUIL.

ST. LOUIS, *December* 17, 1799.

IN THE TOWN OF ST. LOUIS OF ILLINOIS, *December* 19, 1799.

I, Don Carlos Dehault Delassus, lieutenant colonel in the royal army, lieutenant governor of Upper Louisiana, &c.

Having seen the statement on the other side, and considering the utility which will result to the public by having a saline worked at the above-mentioned place, I do grant to the petitioner the land he solicits; and as it is situated in a desert, where there are no settlements, and distant about thirty leagues from this town, he shall not be compelled to have it surveyed immediately, but as soon as some one will settle in said place, in which case he must have it done without delay; and Don Antonio Soulard, surveyor general of this Upper Louisiana, shall take cognizance of this title for his intelligence and government in what concerns him, that the petitioner may (after the survey is made) solicit the title in form from the governor general of these provinces of Louisiana.

CARLOS DEHAULT DELASSUS.

Registered by order of the lieutenant governor, folios 1 and 2 of book No. 1 of the titles of concessions.

ANTO. SOULARD.

Truly translated. St. Louis, November 21, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
24	Antoine Dubreuil.....	10,000	Concession, December 19, 1799.	Carlos Dehault Delassus.	Frémon Delauriere, D. S., 24th February, 1806. On Buffalo creek, about 114 miles from St. Louis, on the Mississippi.

Evidence with reference to minutes and records.

November 13, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Antoine Dubreuil, claiming 10,000 arpents of land, situate on the river Aux Bœufs, district of St. Charles, produces a concession from Charles D. Delassus, lieutenant governor, dated December 19, 1799; a plat of survey of 1,000 arpents, dated February 24, 1806, signed Frémon Delauriere, deputy surveyor. It is the opinion of the board that this claim ought not to be confirmed.

November 21, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

Antoine Dubreuil, claiming 10,000 arpents of land.—(See book 5, page 403; record book B, page 95; record of survey book B, page 95.)—Produces a paper purporting to be a concession from Charles Dehault Delassus, dated December 19, 1799, registered by Antoine Soulard. Albert Tison, duly sworn, says that the signature to concession is the handwriting of Charles Dehault Delassus; that the signature to the registering is that of Antoine Soulard; that the signature to petition is the handwriting of Antoine Dubreuil. Witness further saith that in December, 1803, he accompanied James Rankin, deputy surveyor, to survey this and other tracts of land; that three tracts were surveyed to the south of the above-mentioned tract, but were prevented of surveying the same, being driven away by a party of Indians. Witness, when he went on said land, saw some kettles which had been used in making salt, and the remains of salt furnaces, and the places where they had been digging for salt water. Witness understood that the said tract was afterwards surveyed by Frémon Delauriere, who resides in this country. David Delaunay, being duly sworn, saith that the signatures to the aforesaid paper are in the respective handwriting of the three individuals who signed it; that, to the best of his recollection, the claimant went, before the change of government, on said land to make an attempt in manufacturing salt, but was driven off by the Indians, and to the best of his belief it was in 1802.—(See book No. 6, pages 31 and 32.)

November 28, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

To the case of Antoine Dubreuil, claiming 10,000 arpents of land, entered 21st instant, Charles Frémon Delauriere, being duly sworn, saith that in the year 1802, Antoine Dubreuil came to the witness's salt lick, and there made arrangement with him to assist said Dubreuil in settling his salt works on Buffalo creek; that he (witness) furnished said Dubreuil with ten salt kettles, besides oxen, carts, and three of his best men, among them was Benjamin Spencer, now deceased; they built a house for said Dubreuil on his concession at said Buffalo creek; also, erected his furnaces, and actually made salt, and lived on said place till about February, 1803, when they were driven away by the Indians, who killed the oxen, burnt the house, and broke several of the kettles, and the men who were at work there made their escape to said Delauriere's salt works; that several months afterwards said witness went down in a pirogue to have as much as he could of what the Indians left; he found but seven kettles, the others having been broken; saw the remains of the burnt buildings, and the furnaces destroyed. Witness further states that on the 24th February, 1806, he was applied to by Antoine Dubreuil to have his land surveyed, as said Dubreuil had no opportunity to have it surveyed before that time, having been several times driven off by the Indians; that he, said Delauriere, proceeded there, and surveyed said concession. He further saith that having examined the plat of the survey of said land on the record book B, page 95, he finds it to correspond exactly with the plat of his survey, returned to Antoine Soulard, surveyor general, with the exception of the figures 1,000 on the face of said survey and in the certificate, which he is sure is a mistake; that at that time there were in the whole province of Upper Louisiana but three salt works in operation; that salt was then very scarce, and worth six dollars a bushel; that in consequence of his working his saline, salt fell to three dollars a bushel; that the province of Upper Louisiana was dependent mainly on foreigners from the Ohio for their supply of salt. Witness further states that in the year 1805 he was appointed deputy surveyor, and officially acted as such in that year and in 1806.—(See book No. 6, page 62.)

November 4, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Antoine Dubreuil, claiming 10,000 arpents of land.—(See pages 31 and 62 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Antoine Dubreuil, or his legal representatives, according to the concession.—(See book No. 6, page 295.)

Conflicting claims.

By letter dated June 8, 1833, the persons here below named give notice to the board that they hold land lying on the above claim, by purchase of the United States. Alexander Allison, S. ½ section 29, township 54 N., range 1 W., 320 acres. John Jordon, W. ½ of NE. quarter section 31, township 54 N., range 1 W., $301\frac{6}{100}$ acres. Andrew Jordon, SE. quarter section 31, township 54 N., range 1 W., 160. Robert Jordan, by his administrator, NE. quarter section 36, township 54, range 2 W. William Robert and Joseph McOnnel, NW. quarter section 7, township 53 N., range 1 W., $153\frac{83}{100}$. William Robert and Joseph McOnnel, SW. quarter section 7, township 53 N., range 1 W., $150\frac{83}{100}$. James Templeton, E. half section 5, township 53 N., range 1 W. Andrew Venable, (John Venable,) NE. quarter section 6, township 53 N., range 1 W. Joseph Carroll, (James Templeton,) SW. quarter section 4, township 53 N., range 1 W. David Watson, NE. quarter section 29, township 54 N, range 1 W. John Wamsley and Joseph Burbridge, under Abraham Thomas, SE. quarter section 30, township 54 N., range 1 W. Wm. Parks, under James Jordan, NW. quarter section 29, township 54 N., range 1 W. James Jones, under James Jordan, fractional section 20, township 54 N., range 1 W. Harrison Boothe, under James Boothe, NW. quarter section 6, township 53 N., range 1 W. Harrison Boothe, NE. quarter section 1, township 53 N., range 2 W. Samuel Watson, sen., NW. quarter section 32, and E. ½ NE. quarter section 31, township 54, range 1 W., 240 acres. Robert Kelso, E. ½ of SW. quarter section 36, township 54 N., range 2 W., 80 acres. Robert Kelso, W. ½ of SE. quarter section 36, township 54 N., range 2 W. R. B. Jordan, E. ½ of SE. quarter section 36, township 54, range 2 W. Mijaman Templeton, E. ½ of NW. quarter section 5, township 53 N., range 1 W. Josiah Henry, E., ½ of NE. quarter section 8, township 53 N., range 1 W.

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 25.—Mrs. Vallé Villars, *claiming* 7,056 *arpents.*

To the Lieutenant Governor:

Mary Luisa Vallé, widow of the retired lieutenant, Don Luis Villars, in the best form in her power, exposes to you that almost all the lands of this jurisdiction of St. Genevieve, having been divided among the inhabitants to encourage improvements and cultivation, and that the lands which she now solicits for were already granted by the government to her defunct father; and your petitioner wanting at the present to establish a stock farm for the maintenance of her family, which is considerable; for these motives she supplicates you to condescend to grant to her one league square of land of his Majesty's domain in the place called the Grande Glaise, which tract has for principal front, a line running north and south, bounded on one side by the land of the captain of militia, Don Francisco Vallé, and on the other by the domain of his Majesty, and running on both sides towards the westward of Saline river. Favor which she hopes to deserve in consideration of the services of her husband, and being, as already said, overburdened with a numerous family, and also in consideration of the sacrifices made by her late father for the welfare of these settlements.

MARIE LOUISE VALLÉ VILLARS.

St. Genevieve of Illinois, *September* 10, 1796.

St. Genevieve, *September* 11, 1796.

The surveyor, Don Antoine Soulard, shall put the petitioner in possession of the land she solicits, being well understood that it be vacant and does not carry prejudice to any person; and his survey being executed, he shall deliver it to the interested, that she may apply to the governor general to obtain the title of concession which she asks.

ZENON TRUDEAU.

I, the undersigned, curate of St. Genevieve, and vicar general of upper Louisiana, certify that this is a copy of the original which was presented to me by said lady Maria Louisa Vallé. Given at St. Genevieve, February 18, 1806.

DIEGO MAXWELL.

St. Louis, *May* 9, 1806.

Before us, one of the judges of common pleas for the district of St. ————, in the Territory of Louisiana, personally appeared the Rev. Diego Maxwell, who has solemnly sworn that the above copy is of his own handwriting, and in all conformable to the original. In testimony whereof we have signed and sealed the present date as above.

D. DELAUNAY.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that on the 13th of February of last year, conformably to the decree here annexed of the lieutenant governor, Don Zenon Trudeau, dated September 11, of the year 1786,) I transported myself on the land of the widow Maria Louisa Vallé Villars, to survey it according to her petition for 7, 056 arpents in superficie, which survey was made in presence of one son of the proprietor and of the adjoining neighbor, with the perch of Paris, of eighteen feet in length, according to the custom adopted in this province of Louisiana, and without regard to the variation of the needle which is 7° 30′ east, as is evident by the figurative plat here above, which land is situated at about seven miles south of the post of New Bourbon; bounded on the southeast in part by lands of Benjamin Stoddard and vacant lands of the royal domain, and on the other sides, northwest, northeast, and southwest, by the same vacant lands of the said royal domain. And to be available according to law, I do give the present with the figurative plat here above, on which are indicated the dimensions and the natural and artificial bounds which surround said land.

ANTONIO SOULARD.

St. Louis of Illinois, *February* 1, 1799.

Don Antonio Soulard, surveyor general of Upper Louisiana, by desire of the guardian of the children of the late Mrs. Maria Louisa Vallé Villars, Don Bautisia Vallé.

I do certify that the foregoing plat and certificate of survey is in all and every part conformable to the original, which is deposited in the archives under my charge, to which I do refer.

ANTONIO SOULARD.

St. Louis of Illinois, *January* 15, 1804.

A true translation. St. Louis, November 21, 1832.

JULIUS DE MUN.

No.	Name of original claimant	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
25	Marie Louise Vallé Villars.	7,056	Concession, Sept. 11, 1796.	Z. Trudeau.	Antonio Soulard, February 13, 1798. Certified February 1, 1799. Seven miles south of New Bourbon.

Evidence with reference to minutes and records.

June 21, 1806.—The board met agreeably to adjournment. Present: the honorable C. B. Penrose and James L. Donaldson, esq.

Marie Louise Vallé Villars, claiming 7,056 arpents of land situate on the Grande Glaise waters of the Saline, and district aforesaid, produces a certified copy of a concession from Zenon Trudeau, dated September 11, 1798, and sworn to by James Maxwell; a survey of the same taken February 13, 1798, and certified February 1, 1798.

Batiste Vallé, being duly sworn, says the claimant settled the said tract of land in the year 1799; cleared about 50 acres of the same, and actually inhabited and cultivated it prior to and on the 1st day of October, 1800; that a tan-yard has since been erected on the same; that the said tract of cultivated land has been enlarged, and is still so every year. Claimant claims no other land in her own name in the Territory, and is the mother of eight children.

James Maxwell, vicar general of the province, being also duly sworn, says that, in the year 1799, he took down to New Orleans the original concession, whereof the aforesaid is an exact copy. The board reject this claim for want of a duly registered warrant of survey, and observe that claimant's husband was a captain in the regiment of Louisiana; that he served sometimes as commandant of St. Genevieve, in which capacity he never received any compensation for his service; and that the above concession is the only one ever granted to him or his representatives.—(See book No. 1, page 325.)

December 10, 1811.—Board met. Present: John R. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Marie Louise Vallé Villars, claiming 7,056 arpents of land situate on the river Saline, district of St. Genevieve, produces record of a copy of concession certified by Diego Maxwell, February 18; concession dated September 17, 1796; record of a plat of survey dated February 3, 1803, certified January 3, 1804. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 1, page 509.)

November 21, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

Marie Louise Vallé Villars, by her legal representatives, claiming 7,056 arpents of land.—(See book of record B, page 422; commissioners' minutes, book No. 1, page 325; the same, No. 5, page 509.)

The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

St. Genevieve, *Missouri, October*, 1832.

The heirs and legal representatives of Marie Louise Villars, deceased, claiming 7,056 arpents of land situate on the waters of Saline, in the former district of St. Genevieve, in pursuance of and by virtue of a plat of survey; when Colonel Batiste Vallé, senior, personally appeared before Lewis F. Linn, one of the commissioners appointed finally to settle and adjust the land claims in Missouri, and authorized by the commissioners to receive testimony in this behalf.

Said Vallé, being duly sworn, deposeth and saith that he knew of a concession to Marie Louise Villars for 7,056 arpents of land on the waters of the Saline; that he knew of the intendant or governor of Lower Louisiana sending up instructions to the lieutenant governor of Upper Louisiana directing that the survey of Peyrouse should be run in such a way as to respect the concessions of Marie Louise Villars and François Vallé; that said concessions were given to the Rev. James Maxwell, vicar of Upper Louisiana, to take to New Orleans for the purpose of being laid before the intendant; that he understood and believes that they were either lost by the said Maxwell or left in some of the offices for confirmation.

Question by the commissioner. Do you know or believe that these concessions were antedated?

Answer. No.

Question by the commissioner. Have you any knowledge or reason to believe that any Spanish or French concessions were antedated?

Answer. No; for when I was in New Orleans, during the existence of the Spanish government, the Baron de Carondelet told me that, if I wanted any lands in Upper Louisiana, to make out a list, and he would grant them.

Question by the commissioner. Whilst you were at New Orleans, in your conversations with the Baron de Carondelet, did you understand from him that the power to grant lands by the sub-delegates was denied?

Answer. No; on the contrary, when he pressed me to accept land for myself and family, I informed him that the sub-delegates had given me and my family grants. To which he replied, if you have not enough, ask for more.

J. B. VALLÉ.

Sworn to and subscribed, the day and year first above written, before L. F. Linn, land commissioner.

L. F. LINN.

In behalf of this claim the following papers were produced: A paper purporting to be a copy (certified by D. Maxwell, curate of St. Genevieve) of the claimant's petition to, and concession of, Zenon Trudeau, lieutenant governor; also, a plat and certificate of survey by Antoine Soulard. References as above.—(See book No. 6, page 34.)

November 4, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Marie Louise Vallé Villars claiming 7,056 arpents of land —(See page 34 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Maria Louisa Vallé Villars, or her legal representatives, according to the concession.—(See book No. 6, page 295.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 26.—FRANÇOIS VALLÉ, *claiming* 7,046 *arpents.*

To Don Zenon Trudeau, lieutenant governor of the western part of Illinois:

Francis Vallé, captain of militia and commandant of St. Genevieve, believes it is not necessary to recall more particularly to your memory any of his claims to the generous benevolence of the government. He has the honor to supplicate you to have the goodness to grant to him a concession of one league square of land, equal to 7,056 arpents, situated nine miles to the southeast of New Bourbon, of which jurisdiction it will make a part. The numerous family of the petitioner, and the means of farming which he is possessed of, must be to you a sure guaranty that this quantity is even below the one to which he has a right to pretend.

Full of confidence in your justice, he has the honor to be, with great respect,

FRANÇOIS VALLÉ.

ST. LOUIS, *September* 8, 1796.

ST. LOUIS, *September* 9, 1796.

The surveyor, Don Antonio Soulard, shall survey in favor of the captain commandant of St. Genevieve, Don Francisco Vallé, 7,056 arpents of land in superficie, on the vacant lands at about nine miles to the southeast of the town of St. Genevieve, in the manner solicited by the petitioner, to whom he shall deliver a certificate of his survey, in order that the said certificate, added to this decree, shall serve to him (the petitioner) as a title of property until he receives a title in form from the governor general, to whom he must make application in due time.

ZENON TRUDEAU.

Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
26	François Vallé	7, 056	Concession, September 9, 1796.	Zenon Trudeau.	

Evidence with reference to minutes and records.

June 20, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose and James L. Donaldson, esq.

The representatives of François Vallé, claiming 7,056 arpents of land, situated on the waters of the river Saline, district aforesaid, produce a survey and plat of the same, taken September 15, 1797, and a certificate of the same, dated November 15, 1805. A certificate was also produced from Anthony Soulard, stating that he had seen and had in his possession a concession for the aforesaid tract of land, said concession granted by Zenon Trudeau, and bearing date the 9th day of September, 1796.

Batiste Vallé, being duly sworn, says that about the year 1798 or 1799 he saw the aforesaid concession; and further, that the same having been sent down to New Orleans to procure a complete title, he saw the receipt of the person who took the same down to that effect; that about 1798 or 1799 two farms were laid out on said land, and a number of buildings erected on the same.

Israel Dodge, being also duly sworn, says that the said tract of land was settled in the year 1797, forty or fifty arpents cleared, and that the said tract has been actually inhabited and cultivated for the use of the said François Vallé, or his representatives. From that period to this day large stocks have always been kept on the same.—(See book No. 1, pages 321 and 322.)

The board reject this claim for want of a duly registered warrant of survey.

December 1, 1807.—The board met pursuant to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

The representatives of François Vallé, sr., claiming 7,056 arpents of land, situated on the river Saline, produce a survey and plat of the same, taken the 15th September, 1797, and a certificate of the same, dated November 16, 1805. A certificate was also produced from Anthony Soulard, stating that he had seen and had in his possession a concession for the aforesaid tract of land, said concession granted by Zenon Trudeau, lieutenant governor, and bearing date the 9th day of September, 1796.

François Vallé, jr., one of the representatives aforesaid, being duly sworn, says that the concession was sent to New Orleans, and that Zenon Trudeau wrote to the deponent's father that he had made a search in the office at New Orleans for the concession, and that it could not be found, and that the said concession is not now in the possession of any of the said representatives, to the best of this deponent's knowledge and belief.

Laid over for decision.—(See book No. 3, page 105.)

April 17, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

François Vallé, sen., the representatives of, claiming 7,056 arpents of land.—(See book No. 1, page 321; book No. 3, page 105.)

It is the opinion of a majority of the board that this claim ought not to be confirmed; Clement B. Penrose, commissioner, voting for the confirmation of one league square; but the said majority declare that if this claim had not exceeded 800 arpents they would have voted for its confirmation.—(See book No. 4, page 325.)

November 22, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

François Vallé, by his legal representatives, claiming 7,056 arpents of land, (for record of survey, see record book C, page 396; minute book No. 4, page 325,) produces a paper purporting to be the original concession from Zenon Trudeau, dated 9th September, 1796. The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

ST. GENEVIEVE, *Missouri, October* 19, 1832.

The heirs and legal representatives of François Vallé, deceased, claiming seven thousand and fifty-six arpents of land situated on the river Saline, in the former district of St. Genevieve, in pursuance of and by virtue of a concession and survey heretofore filed with the former commissioners. When Bartholomew St. Gemmes personally appeared before Lewis F. Linn, one of the commissioners appointed to finally settle and adjust land claims in Missouri, and authorized by said board of commissioners to receive testimony in this behalf, who, being duly sworn, deposeth and saith: In the year 1798 he, the said St. Gemmes, knew of François Vallé, and by his hands did cultivate the aforesaid tract of land; that the said Vallé had a house and field, and resided on the premises; that the claim existed, and was duly surveyed by Thomas Madden about that time, as he saw the marks made by said Madden when surveying; and that the said Vallé did cultivate the land continually, and held possession during his lifetime; and further knows that the heirs and representatives of said Vallé have continued to hold possession and cultivate said land ever since; that he is well acquainted with the handwriting and signatures of François Vallé and Zenon Trudeau, and has seen them write frequently, and knows the signatures in the original petition and concession are the proper handwriting and signatures of the said François Vallé and Zenon Trudeau, and knows that the said Zenon Trudeau was acting as lieutenant governor at that time; and further this deponent saith not.

B. ST. GEMMES.

Sworn to and subscribed, this day and year first above written, before me.

L. F. LINN, *Land Commissioner.*

(See book No. 6, pages 36 and 37.)

November 27, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

In the case of François Vallé's legal representatives, claiming 7,056 arpents of land, (entered 22d instant,) M. P. Le Duc, Charles Frémon Delauriere, and Albert Tison, being duly sworn, say that F. Vallé had, at the date of his petition, seven children, and at least from forty to fifty slaves, and that he was then commandant of St. Genevieve. Albert Tison and C. F. Delauriere say that he was then possessed of a great number of cattle.—(See book No. 6, page 53.)

November 4, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

François Vallé, claiming 7,056 arpents of land.—(See pages 35 and 53 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said François Vallé, or his legal representatives, according to the concession.—(See book No. 6, page 295.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 27.—JEAN BAPTISTE LABRECHE, *claiming* 500 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of same province:

SIR: Jean Baptiste Labreche, Canadian, inhabitant of this country for more than forty years, and having never obtained any concession from the government, has the honor to supplicate you to have the goodness to grant to him a concession for five hundred arpents of land in superficie, situated at the mine called A Breton, and adjoining that of Bazile Vallé. For the concession of said five hundred arpents of land the petitioner had obtained, since several years, the promise of your predecessor, Don Zenon Trudeau.

The petitioner, having always lived as a persevering and peaceable cultivator, hopes to deserve the favor he claims from your justice.

his
J. BAPTISTE + LABRECHE.
mark.

ST. LOUIS, *September* 4, 1799.

Witnesses:
PRATTE.
A. CHOTEAU.

ST. LOUIS OF ILLINOIS, *September* 5, 1799.

Considering that the petitioner has been long settled in this country, and being informed that he has means sufficient to work and to improve the lands he asks, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put the petitioner in possession of five hundred arpents of land in superficie; after which, the interested shall have to solicit the concession in form from the intendant general of these provinces, to whom, by royal order, corresponds the distributing and granting all classes of land of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, November 24, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents,	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
27	Jean Baptiste Labreche.	500	Concession, September 5, 1799.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

June 20, 1806.—The board met agreeably to adjournment. Present: Hon. Clement B. Penrose and James L. Donaldson, esquire.

The widow Moreau, assignee of John B. Labreche, claiming under the 2d section of the act 500 arpents of land situate on the Grand river, joining the Mine à Breton, district aforesaid, (St. Genevieve,) produces, as a special permission to settle, a concession from Charles D. Delassus, dated September 5, 1799; a survey of the same, dated February 10, and certified June 10, 1800; a certificate of public sale before commandant, dated April 15, 1804.

St. Gemme Beauvais, being duly sworn, says that the said Labreche settled the said tract of land in the year 1800, worked the same for mineral in the same year; that in 1801 he raised a crop on the same, and actually inhabited and continued to cultivate and inhabit the same until October 1803; that said Labreche dying in the fall of that year, his widow removed from said land, when the same was sold by commandant, and purchased by claimant, who moved thereon in 1804, and has actually cultivated the same to this day. The board reject this claim for want of actual inhabitation on the 20th day of December, 1803.—(See book No. 1, page 319.)

December 23, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Widow Moreau, assignee of John Baptiste Labreche, claiming 500 arpents of land situate on the waters of Grand river, district of St. Genevieve, produces a concession from Charles D. Delassus, lieutenant governor, dated September 5, 1799.—(See book No. 1, page 319.) It is the opinion of a majority of the board that this claim ought to be confirmed. Frederick Bates, commissioner, forbears giving an opinion.—(See book No 5, page 536.)

November 24, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

Jean Baptiste Labreche, claiming 500 arpents of land, (see book No. 1, page 319; No. 5, page 536; record book C, page 419,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated September 5, 1799.

The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

STATE OF MISSOURI, *county of St. Genevieve:*

Bazile Mesplais and Therese Rangé, and the heirs and legal representatives of Lambert Rangé, claiming 500 arpents of land, under Baptiste Labreche, situate in the late district of St. Genevieve, now county of Washington, in the State of Missouri, by virtue of a concession, produces the original concession from Charles Dehault Delassus, late the lieutenant governor of Upper Louisiana, to the said Baptiste Labreche, dated the 5th day of September, 1799, for 500 arpents of land. No plat of survey is produced, but reference is made to the records for the same. Whereupon Pascal Detchmendy, aged 71 years, being duly sworn as the law directs, deposeth and saith that he was well acquainted with Charles Dehault Delassus, late lieutenant governor of Upper Louisiana; that he knows he was the lieutenant governor of said Upper Louisiana in the year 1799; he further states that he is well acquainted with the handwriting and signature of the said C. D. Delassus; that he often saw him write, and that the signature and name of said C. D. Delassus to the concession for 500 arpents of land given by him to Baptiste Labreche, dated the 5th day of September, 1799, is in the proper handwriting of the said Charles Dehault Delassus.

P. DETCHMENDY.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust the titles and claims to lands in Missouri, this 30th day of October, 1832.

L. F. LINN.

And also personally came François Ogé, aged 85 years, who, being duly sworn, deposeth and saith that he was well acquainted with Baptiste Labreche, named in the aforesaid grant; that he was a residenter of this country at the date of the grant in 1799, and continued a citizen; that about the date of the said concession, in 1799, the said Baptiste Labreche took possession of the land granted; that he settled on the land, built a house, opened a field, and cultivated the same, and that the said tract of land, from about the date of the said concession, has been, by the said Labreche and those claiming under him, actually inhabited and cultivated ever since, and now is inhabited and cultivated.

FRANÇOIS OGÉ, his + mark.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed, &c., this 30th of October, 1832.

L. F. LINN.

(See book No. 6, page 46.)

November 4, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jean Baptiste Labreche, claiming 500 arpents of land.—(See page 46 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Baptiste Labreche, or his legal representatives, according to the concession.—(See book No. 6, page 295.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 28.—ST. GEMME BEAUVAIS, *claiming* 1,600 *arpents.*

To Don Zenon Trudeau, lieutenant colonel, and lieutenant governor of the western part of Illinois:

St. Jayme Beauvais has the honor to state that, wishing to obtain a concession of 40 arpents in front by 40 in depth, situated between the river Au Castor (Beaver creek) and the mine called A la Motte, distant about 15 leagues of the village of the Little Hills of St. Genevieve, he hopes of obtaining this favor of your justice.

J. S. G. BEAUVAIS.

ST. GENEVIEVE, *August* 2, 1796.

ST. GENEVIEVE, *August* 15, 1796.

Be it forwarded to the lieutenant governor, with information that the land solicited belongs to the royal domain, and will not be prejudicial to any person.

FRANÇOIS VALLÉ.

ST. LOUIS, *September* 2, 1796.

The surveyor, Don Antonio Soulard, shall establish the party upon the land solicited, if belonging to the domain of his Majesty, and does not carry prejudice to any one; and said party shall apply to the governor general of the province for the title of concession which he solicits for.

ZENON TRUDEAU.

Truly translated. St. Louis, November 24, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
28	St. Gemme Beauvais.	1, 600	Concession, Sept. 2, 1796	Zenon Trudeau.	

Evidence with reference to minutes and records.

June 20, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose and James C. Donaldson, esq.

The same, (St. James Beauvais,) claiming 1,600 arpents of land situated at the Mine à la Motte, district of St. Genevieve, produces a concession from Zenon Trudeau, dated September 2, 1796, and a survey of the same, taken April 25, and certified October 1, 1805.

François Vallé, being duly sworn, says that claimant did, about five or six years ago, being then engaged in working his mines, cut wood on said tract of land for the melting of the mineral.

The board reject this claim, and observe that the above concession is neither antedated nor fraudulent, and that the above claimant had, in 1800, 10 children and 30 slaves.—(See book No. 1, page 316.)

December 30, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

St. James Beauvais, claiming 1,600 arpents of land.—(See book No. 1, page 316.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 546.)

November 23, 1833.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

St. Gemme Beauvais, claiming 1,600 arpents of land, (book No. 1, page 316; No. 5, page 546; record book C, pages 455 and 456,) produces a paper purporting to be an original concession from Zenon Trudeau, dated September 2, 1796; also a paper purporting to be a copy of a plat of survey by Thomas Madden.

The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

STATE OF MISSOURI, *county of St. Genevieve, October* 25, 1832:

St. James Beauvais, the heirs and legal representatives of St. J. Beauvais, claiming 1,600 arpents of land situated in the late district of St. Genevieve, now county of Madison, in the State of Missouri, by

virtue and in pursuance of a grant or concession made and given by Zenon Trudeau, formerly lieutenant governor of Upper Louisiana, dated the 2d day of September, 1796, produces the original petition of said St. James Beauvais, dated the 2d August, 1796, and the recommendation of François Vallé, then commandant, of the 15th August, 1796, for the concession; also the concession itself, dated as aforesaid. The claimant produces also a plat of survey, dated, made, and recorded by Antoine Soulard, the former surveyor general of Upper Louisiana, dated the 26th April, 1805, and October 1, 1805; and then the said claimants also produce François C. Lachance, aged sixty-five years, who, being duly sworn as the law directs, deposeth and saith that he is well acquainted with the said St. James Beauvais, and has been from the time he was able to know or recognize any person in the world, and that he has known him as a residenter of this county ever since; that he well knows his children, all of them the present claimants; that they were all born and all natives of this county, where they and him have always resided, and still live, in number ten; that he knows that the land here claimed was and has been in the possession of the said St. James Beauvais from the year 1799; and he further states that the said tract of land has been in the actual possession of the said St. J. Beauvais and his children ever since; and that the same was from the date aforesaid, ever since, and now is, in the possession as aforesaid, and was by the said St. J. Beauvais and his children, and others under him, actually inhabited and cultivated from the year 1799 up to the present date; that houses were built in 1803 or 1804, and rails split, and fields cleared, and actually cultivated for more than twenty years, which houses and fields are still there; that this claim was one of the first grants of the Spanish government in that quarter of the country, and the other grants for Mine à la Motte and the village claim respected and referred to the lines of this grant.

F. CALIOL LACHANCE.

Sworn to and subscribed to before me, Lewis F. Linn, one of the commissioners for settling and adjusting land claims in Missouri, the day and date above.

L. F. LINN.

And personally came John Bte. Vallé, senior, aged seventy-two years, who, being duly sworn as the law directs, deposeth and saith that he was well acquainted with Zenon Trudeau, late lieutenant governor of Upper Louisiana; that he has frequently seen him write, and that he knows that the signature of the said Zenon Trudeau to the concession for 1,600 arpents of land given to St. James Beauvais, dated the 2d day of September, 1796, is in the proper handwriting of the said Zenon Trudeau; and he also knows that the said Zenon Trudeau was, at the date of said grant, the lieutenant governor of Upper Louisiana; and he also personally knows that the signatnre of F. Vallé, who recommended said grant, is in the proper handwriting of said F. Vallé.

J. BTE. VALLÉ.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust the titles and claims of lands in Missouri, this 30th day of October, 1832.

L. F. LINN.

Annexed to the above testimony is an affidavit signed by J. B. Janis and Julien La Breire, proving the cultivation and habitation of said land before the change of government, up to the date of said affidavit, which was sworn to and subscribed on the 30th November, 1818, before M. Amourux, a justice of the peace for the county of St. Genevieve.—(See book No. 6, pages 37, 38, 39, and 40.)

In the case of St. Gemme Beauvais, claiming 1,600 arpents of land.—(See page 37 of this book.)

Peter Ménard, duly sworn, says that he knows St. Gemme Beauvais to be the father of 10 children; that when he first knew him he owned more than forty negroes and a large stock of cattle; that he, the deponent, used to make St. Gemme Beauvais's house his home when at St. Genevieve.—(See book No. 6, page 128.)

November 4, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

St. Gemme Beauvais, claiming 1,600 arpents of land.—(See pages 37, 38, 39, 40, and 128, of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to said St. Gemme Beauvais, or his legal representatives, according to the concession.—(See book 6, page 296.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 29.—VITAL ST. GEMMES AND OTHERS, *claiming* 1,600 *arpents.*

To Delassus Deluziere, knight, captain and commandant, civil and military, of the post of New Bourbon:

SIR: The undersigned have the honor of laying before you the present petition, to obtain of your goodness and of the benevolence of the government which you represent, a concession of one hundred and sixty arpents of land in depth by ten arpents in front, situated on the south branch of river Saline, at about six leagues from its mouth, bounded on all sides by lands of the domain. In so doing, the undersigned will never cease to pray for the conservation of your days.

RAPHAEL ST. JEMS.
BATISTE BEQUET.
VITAL ST. JEMS.
BMI. ST. GEMES.

ST. GENEVIEVE, *January* 29, 1798.

ST. LOUIS, *February* 1, 1798.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put Messrs. Raphael St. Jayme, Baptist Bequet, Bartelmi St. Jayme, and Vital St. Jayme, in possession of the land solicited for in the present petition; in continuation of which, he shall draw a proces verbal of his survey, for the whole to be returned to us and sent to the governor general of the province, to be definitively determined by him upon the concession of said land.

ZENON TRUDEAU.

Truly translated. St. Louis, November 24, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
29	Raph. St. Gemme, Baptiste Bequet, Vital St. Gemme, Barth. St. Gemme,	1,600	Concession, 1st February, 1798.	Zenon Trudeau.	

Evidence with reference to minutes and records.

December 7, 1807.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas and Frederick Bates.

Baptiste Bequet, Raphael St. Gemme, Vital St. Gemme, and Barth. St. Gemme, claiming 1,600 arpents of land situated on the north fork of the river Saline, produce, in support of the same, a concession from Zenon Trudeau, lieutenant governor, dated 1st February, 1798, and a plat and certificate of survey for the same by Thomas Maddin, dated 16th February, 1806.

John Mary Legrand, being duly sworn, says that he knows the tract claimed. That in 1805 the same was inhabited and cultivated for the use of the claimants; that he knows that claimants laid a claim to that piece of land five or six years ago. Laid over for decision.—(See book No. 3, page 164.)

June 1, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Raphael St. Jems, Baptiste Bequet, Vital St. Jems, and Barth. St. Jems, claiming 1,600 arpents of land.—(See book No. 3, page 164.) The paper purporting to be a plat and certificate of survey, signed by Thomas Maddin, is not authenticated by the proper surveyor. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 358.)

November 24, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

Raphael St. Jems, Bequet, and others, claiming 1,600 arpents of land, (see book No. 3, page 164; book No. 4, page 358; record book D, pages 49 and 50,) produce a paper purporting to be an original concession from Zenon Trudeau, dated February 1, 1798. Also a paper purporting to be a plat of survey executed on the 16th of February, 1806, by Thomas Maddin, deputy surveyor.

The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

STATE OF MISSOURI, *county of St. Genevieve.*

Bartholomew St. Gemme, and Raphael St. Jemmes, and Charles Gregoin, under Vital St. Gemme, deceased, and Thomas Maddin, Richard Maddin, and James Maddin, under Baptiste Bequet and Raphael St. Gemme, claiming 1,600 arpents of land, situate in the late district now county of St. Genevieve, in the State of Missouri, by virtue of concession, produces the original concession from Zenon Trudeau, late lieutenant governor of Upper Louisiana, dated the first day of February, 1798, given to Raphael St. Gemme, Vital St. Gemme, Baptiste Bequet, and Bartholomew St. Gemme, for 1,600 arpents of land, and a plat of the same, surveyed by Thomas Maddin, late deputy surveyor, &c. And thereupon came Paschal Detchmendy, aged seventy-one years, who, being duly sworn as the law directs, deposeth and saith that he was well acquainted with Zenon Trudeau, late lieutenant governor of Louisiana; that he was lieutenant governor of Upper Louisiana in the year 1798, and that he was well acquainted with the handwriting and signature of said Zenon Trudeau, having frequently seen him write, and that the name and signature of said Zenon Trudeau to the concession made by him to Raphael St. Gemme, Vital St. Gemme, Baptiste Bequet, and Bartholomew St. Gemme, for 1,600 arpents of land, dated the first day of February, 1798, is in the proper handwriting of said Zenon Trudeau, and is his signature; and the deponent further says that he was well acquainted with the said Raphael St. Gemme, Vital St. Gemme, Baptiste Bequet, and Bartholomew St. Gemme, the concessioners in the said grant named; and that they and each of them were, at the date of the grant aforesaid, citizens and residents in the county.

P. DETCHMENDY.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to settle and adjust the titles and claims to land in Missouri, this 30th day of October, 1832.

L. F. LINN.

And also, at the same time and place, came Sebastian Butcher, aged fifty-two years, who, being duly sworn as the law directs, deposeth and saith that he was well acquainted with the grantees in the above concession; that they were, in the year 1798, citizens and residents in this county; and he further says that he well knows the land in the above concession named and claimed, having frequently travelled by and through the same about the year 1804, and that he saw one or more men working on the land and making rails, preparing to enclose a field; that there was a considerable quantity of rails.

SEBASTIAN B. BUTCHER, his + mark.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to settle and adjust the titles and claims of land in Missouri, this 30th day of October, 1832.

L. F. LINN.

And also, at the same time and place, came Bazile Mesplas, aged fifty-three years, who, being duly sworn, deposeth and saith that he knows all the grantees named in the aforesaid concession; that they were residents in the county at the date of the concession, in 1798. And he further says he is well acquainted with the land claimed and named in the said concession, and that in the year 1804 he went on the land claimed, by the direction of the grantees, and aided in carrying the chain to survey the same in 1806. That in 1804, when he went on the land, he saw a house and field on the same; that the house was built by one man called Black, and the fields cleared by him. That the said Black was put there by the claimants, who gave him horses, stock, hogs, cattle, &c., on the shares; that said Black remained there for a considerable time, and he believes died there. And that the said land has been cultivated, to the best of his knowledge, ever since, either by the claimants or others under them.

BAZILE MESPLAS.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust land claims in Missouri, this 30th day of October, 1832.—(See book No. 6, pages 40, 41, and 42.)

L. F. LINN.

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Raphael St. Gemme, Bequet, and others, claiming 1,600 arpents of land.—(See page 40 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Raphael St. Gemme, Baptiste Bequet, Vital St. Gemme, and Barthemi St. Gemme, or their legal representatives, according to the concession.—(See book No. 6, page 296.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 30.—THOMAS MADDIN, *claiming* 1,500 *arpents.*

To Mr. Zenon Trudeau, lieutenant governor of the western part of Illinois:

Supplicates very humbly Thomas Maddin, (King's surveyor, appointed and established for the post and district of St. Genevieve and of New Bourbon, inhabiting since several years the district of the said New Bourbon,) and has the honor to expose that, wishing to construct and build a flour mill, seeing the necessity of such an establishment in this district, being himself destitute of the means to get manufactured the productions of his plantation, and to facilitate to the inhabitants of his neighborhood, and especially to those of the villages of St. Genevieve and New Bourbon, the means of procuring flour easily, there being in those places but horse mills, which make but a small quantity of flour, and of a very inferior quality; which fact is notorious. The petitioner having found a suitable place for the establishment he proposes on the *Glaise à Topois,* which is a branch of the river Aux Vases, distant about two leagues and a half from St. Genevieve, and being in his Majesty's domain, therefore the petitioner has recourse to you, sir, and your authority, that you may be pleased to grant him, his heirs and assignees, the concession for fifteen hundred arpents of land in the above-cited place, the said concession adjoining that of André Deggyre and that of Madame Manuel Joseph Bequette and Joseph Pratte. The petitioner obliging himself to construct his mill and have it completed before the expiration of two years from the time he shall be put in possession of the said concession, under pain, in the contrary case, to be compelled to relinquish all his rights and pretensions on the same, which concession should then be deemed null and void. In so doing, the petitioner will never cease to pray for the conservation of your days.

THOMAS MADDIN.

NEW BOURBON, *January* 8, 1799.

NEW BOURBON, *January* 20, 1799.

We, the undersigned, commandant of the post of New Bourbon, do certify to the lieutenant governor of the western part of Illinois, that the statement made in this petition is exact, sincere, and true, and that the petitioner, being an excellent subject, having a numerous family to maintain, also a very good cultivator, who unites to the talent (precious in this country) of surveyor the necessary industry and capacity as a mechanician, and especially for the construction of mills, deserves, in every point of view, to obtain the favor which he solicits of the government.

PIERRE DELASSUS DELUZIERE.

ST. LOUIS OF ILLINOIS, *January* 29, 1799.

Having taken cognizance of the present memorial and of the information given by the commandant of the post of New Bourbon, the captain of militia, Don Pedro Delassus Deluziere, and as we are satisfied that the petitioner has sufficient means to improve the lands he solicits, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put the interested in possession of said land, and, in continuation, shall make a *proces verbal* of his survey, to enable the petitioner to solicit the concession from the governor, who is informed that the petitioner deserves the favor solicited.

ZENON TRUDEAU.

The present original title of concession has been registered, and its collated copy deposited in the archives of the post of New Bourbon, under No. 44.

DELASSUS.

Truly translated. St. Louis, November 24, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
30	Thomas Maddin.	1,500	Concession, January 29, 1799.	Zenon Trudeau.	

Evidence with reference to minutes and records.

June 23, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose and James D. Donaldson, esq.

Thomas Maddin, claiming 1,500 arpents of land situate on the river Aux Vases, district aforesaid, produces a concession from Zenon Trudeau, dated January 29, 1799, and a survey of the same taken September 23, 1805, and certified February 27, 1806.

Job Westover, being duly sworn, says that he did, some time in August, 1803, begin the building of a mill on the said tract of land; that some time prior to that, to wit, on Ash Wednesday in the year 1800, having gone on said land to seek for a mill seat, he was fired at by a party of Indians; that in consequence whereof the claimant, who had then intended to proceed to the building of said mill, gave up the idea of so doing for some time; that in 1803 he did build said mill; that he had on said land a cabin in which the men engaged in the building as aforesaid then lived; that the said mill was completed in 1809, when he began the cultivating of said land; and that the same has been actually inhabited and cultivated to this day. Claimant was, at the time of obtaining said concession, the head of a family. The board reject this claim, and observe that the aforesaid concession is neither antedated nor fraudulent, but that the same is not duly registered.—(See book No. 1, page 333.)

August 23, 1810.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

Thomas Maddin, claiming 1,500 arpents of land.—(See book No. 1, page 333.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 470.)

November 24, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

Thomas Maddin, by his legal representatives, claiming 1,500 arpents of land, (see book No. 1, page 333; book No. 4, page 470; record book A, pages 514 and 515, and 204 of this book,) produces a paper purporting to be an original concession from Zenon Trudeau, dated January 29, 1799. The additional testimony here below was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

STATE OF MISSOURI, *county of St. Genevieve:*

Thomas Maddin, now Antoine Janis, the legal representative by regular transfers, claiming one thousand five hundred arpents of land situate in the former district, now county of St. Genevieve, in the State of Missouri, in the county of St. Genevieve, filed with the former board of commissioners, produces the original concession for the same from Zenon Trudeau, late the lieutenant governor of Upper Louisiana, dated January 29, 1799, and refers to the plat of survey heretofore filed and produced to the former board of commissioners; and thereupon the claimant produces Bartholomew St. Gemme, of the age of fifty-eight years, who, being duly sworn as the law directs, deposeth and saith that he is well acquainted with the handwriting and signature of Zenon Trudeau, late lieutenant governor of Upper Louisiana, and that the name and signature of the said Zenon Trudeau to the concession for fifteen hundred arpents of land to Thomas Maddin, dated January 29, 1799, is in the proper handwriting of the said Zenon Trudeau, and that the name of Pierre Delassus Deluziere to the recommendation for said concession is in the proper handwriting of the said Pierre Delassus Deluziere; and this deponent further says that, in the year 1803, he personally saw the said Thomas Maddin and his hands working on the said land and preparing timber to build a mill, and that about the same time said Maddin built a house for the purpose of accommodating himself, his hands, and workmen, and about the same time said Maddin actually cleared and enclosed a small field; and this deponent further says that, at the date of the grant aforesaid, the said Maddin was a residenter in the province, and has continued a residenter ever since; and this deponent further says that the said tract has been actually enclosed, improved, and cultivated ever since, either by the said Maddin or those claiming under him; and this deponent further saith that about that time the settlements distant from the towns were very much retarded by the hostile and repeated depredations of the Indians, who frequently made incursions into the settlements and drove off or frightened the inhabitants.

BARTHOLOMEW ST. GEMMES.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust the titles and claims to land in Missouri, this 29th day of October, 1832.

LEWIS F. LINN, *Land Commissioner.*

And also came François Vallé, aged fifty-two years, who, being duly sworn as the law directs, deposeth and saith that, in the latter part of the winter or spring of 1800, he understood that Thomas Maddin was about to commence building a mill on the land mentioned in the concession aforesaid, and that himself or his hands, amongst whom was Job Westover, had gone out to the land for that purpose; that shortly after the same men returned, saying that they had been fired on and driven off by the Indians, (Osage;) that this deponent, with several others, went immediately to the place, and found the facts as

above represented, for they saw the balls in the trees where the firing had been, and saw the tracks and signs of the Indians; that this deponent, with the others, followed the Indians all day, without success; and that said Maddin afterwards continued, from time to time, to progress in building the mill, and in 1803 the deponent assisted in building and finishing the mill; that said Maddin built a small house and opened some land, and that he well knows that the said mill has been in operation, generally, ever since, and that the said land was actually inhabited and cultivated from the date aforesaid ever since, and still is; that said Maddin continued to clear and improve the land till, he believes, there were more than one hundred, perhaps one hundred and fifty acres, improved and in cultivation; and that said Maddin, at the date of the grant, and ever since, was, and has been, a residenter of the country.

F. VALLÉ.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust the titles and claims to land in Missouri, this 30th day of October, 1832.

LEWIS F. LINN.

And also came Joseph Vital, about fifty years of age, who, being duly sworn, deposeth and saith that he has been a citizen of this country from since he was eight years of age; that he is well acquainted with the tract of land claimed in the concession aforesaid, as also with Thomas Maddin, who was at the date of the grant, and still is, a citizen and residenter of this country; that he knows that about the year 1800 or 1801 Thomas Maddin went, or took, or sent hands, he does not remember, and begun to prepare to build a mill on the same, and that they were fired on by the Indians and driven off; that this witness was one of the party who went out in pursuit of the Indians, who were then very troublesome at any distance from the villages; and this deponent further says that in 1803, to the best of his recollection, he assisted in person to raise the mill, which was put into operation, and a mill continued on said land ever since; that about that time, or shortly afterwards, said Maddin begun and built a house and opened some land, and continued to improve said land and open more land, till he had from one hundred to one hundred and fifty acres opened; and he further knows that, from about the date of the concession to the present time, the said land has been inhabited, improved, and cultivated.

JOSEPH V. BEAUVAIS.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust the titles and claims to land in Missouri, this 30th day of October, 1832.

L. F. LINN.

(See book No. 6, pages 43, 44, 45, and 46.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Thomas Maddin, claiming 1,500 arpents of land.—(See page 43 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Thomas Maddin, or his legal representatives, according to the concession.—(See book No. 6, page 296.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 31.—William James, *claiming* 600 *arpents.*

To Mr. Zenon Trudeau, lieutenant governor and commander-in-chief of the western part of Illinois, &c.:

William James, inhabitant of New Bourbon, supplicates very humbly, and has the honor to expose to you, that in consequence of the encouragements announced in Kentucky, that should be granted to honest, substantial, and Catholic inhabitants who would emigrate to, and establish themselves in Illinois, on the part belonging to his Majesty the King of Spain, he determined last year to come and settle himself with his family and slaves; that he has already built his dwelling-house upon a piece of land that he has acquired on the right bank of the river Aux Vases; but that land, by the small quantity of it, and its bad quality, (being composed of many unfertile hills,) is not sufficient to occupy his workmen and slaves, nor to furnish to their subsistence and that of his family, neither to maintain his cattle; therefore the petitioner has made researches for a piece of land fit for the cultivation of sundry productions, and has found one near his residence upon the said right side of said river Aux Vases, at about two miles from said river, and towards the concession of Job Westover. This piece of land may have in superficie the quantity of six hundred arpents, which does not exceed his force in family and slaves, neither his means and faculties. In consequence, the petitioner applies to you, sir, that you may be pleased to grant to him, his heirs, and assignees, in full property, the concession of said land such as it is here above described, consisting in six hundred arpents in superficie, in order to cultivate it regularly in divers productions for his subsistence and that of his family and slaves, and for the maintenance of his cattle. In so doing, he will never cease to pray for the conservation of your days.

Done at New Bourbon February 7, 1798.

WILLIAM JAMES.

St. Louis, *February* 20, 1798.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put William James in possession of the land asked for in the present petition, in continuation of which he shall draw a proces verbal of his survey, and the whole returned to us and sent to the governor general of the province, for him to determine definitively upon the concession of said land.

ZENON TRUDEAU.

The present original of the title of concession has been registered, and its collated copy deposited in the archives of the post of New Bourbon, under No. 37.

DELASSUS.

Truly translated. St. Louis, November 24, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date and situation.
31	William James.....	600	Concession, January 20, 1798.	Z. Trudeau.	

Evidence with reference to minutes and records.

December 5, 1807.—The board met pursuant to adjournment. Present: the honorable John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

William James, claiming six hundred arpents of land situated on the river Aux Vases; produces in support of said claim, a concession from Zenon Trudeau, lieutenant governor, dated February 20, 1798.

Thomas Maddin, being duly sworn, says that said tract has neither been inhabited nor cultivated, but had the concession either in 1798 or 1799 for the purpose of surveying the same. Laid over for decision.—(See book No. 3, pages 137 and 158.)

May 4, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William James, claiming 600 arpents of land.—(See book No. 3, page 157.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 350.)

November 26, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

William James, claiming 600 arpents of land.—(See book No. 3, page 157; record book D, pages 40 and 41.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated February 20, 1798. The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

STATE OF MISSOURI, *county of St. Genevieve:*

William James, claiming six hundred arpents of land situated in the late district of St. Genevieve, now county of St. Genevieve, in the State of Missouri, on the right bank of the river Aux Vases, by virtue of a concession from Zenon Trudeau, late lieutenant governor of Louisiana, dated the 20th day of February, 1798, made in conformity of a petition of the said James, dated the 7th of February, 1798, and an order of survey to Antoine Soulard, late surveyor general under the Spanish government, of the date first aforesaid. Produces the original concession and order of survey above referred to. When James J. Fenwick, of lawful age, being duly sworn as the law directs, deposeth and saith that he is well acquainted with the claimant in this case, William James; that he came to this country in the year 1797 and settled in the country; that he has remained a residenter of this country from that time to the present moment; that he settled on a tract of land purchased of one Robert Smith, on the river Aux Vases, a few miles from and below the tract claimed; that he has remained in the country and on the land aforesaid ever since.

JAMES F. FENWICK.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners for finally settling and adjusting the titles and claims to lands in the State of Missouri, this 26th day of October, 1832.

LEWIS F. LINN.

John Baptiste Vallé, aged seventy-two years, being duly sworn in the case as the law directs, deposeth and saith that he is well acquainted with the handwriting and signature of Zenon Trudeau, who was the lieutenant governor of Louisiana under the late Spanish government; that the signature to the concession of William James for 600 arpents of land, dated February 20, 1798, and an order of survey of the same date, are in the handwriting of the said Zenon Trudeau; and that the memorandum at the bottom of said concession (that the same was duly recorded) is in the proper hand of Charles Dehault Delasssus Deluziere, then commandant; that he knows the said William James came to this country in the year 1797 or 1798, to the best of his recollection, and that he has remained a residenter of the country ever since; that said James settled on the river Aux Vases, a few miles below the land claimed in the concession, where he has remained ever since; that he knows it was considered very dangerous for many years after said James came to the country to make settlements or make surveys at any distance from the towns and settled parts of the country.

BAPTISTE VALLÉ.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners for finally settling and adjusting titles and claims to lands in the State of Missouri, this 26th day of October, 1832.

LEWIS F. LINN.

(See book No. 6, pages 48, 49, and 50.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

William James, claiming 600 arpents of land.—(See page 48 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said William James or his legal representatives, according to the concession.—(See book No. 6, page 297.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 32.—Charles Frémon Delauriere, by Widow Leclerc, *claiming* 300 *arpents.*

To Mr. Charles Delassus, lieutenant governor and commander-in-chief of the western part of Illinois:

Augustin Charles Frémon Delauriere, &c., residing at St. Genevieve, supplicates very humbly, and has the honor to represent to you, that, wishing to establish a plantation in order to cultivate the soil and raise cattle, to provide for his subsistence and for that of his family, he had asked, by the petition here annexed, dated May 8, 1797, a concession for five hundred and sixty arpents of land in superficie, along the little river Saline; and your predecessor had condescended to promise to the petitioner to deliver to him the title in form, but, unfortunately for the petitioner, it resulted from the survey of the concession before granted to Madame Widow De Villars in this district that the whole of the land asked for by the petitioner was comprised in her concession, as appears by the decree (inserted at the foot of the above-mentioned petition) of the commandant of New Bourbon, dated May 29, 1798, who directs the petitioner to make a new search and petition for other lands belonging to the King's domain; that, in consequence, having visited various parts of the country, he has found a tract of land suitable and convenient to his views, and consisting of three hundred arpents or thereabout in superficie, situated at the mouth of the rivulet ——, distant about one league and a half north of this village on the shore of the Mississippi, which tract has not been granted to any person, and is a part of the King's domain. The petitioner hopes to obtain the concession of said tract, the more so, being a married man, and having with him a sister-in-law and an orphan, slaves, hired hands, and cattle, and besides having, in all the affairs wherein his Catholic Majesty and the public have been interested, employed himself with zeal and gratuitously in his quality of public scrivener; therefore the petitioner applies to you, sir, praying you may be pleased to grant to him, his heirs and assignees, in full property, the concession of the tract here above-mentioned, consisting of about three hundred arpents in superficie, to establish a plantation thereon, to cultivate the land and raise a great quantity of cattle. In so doing, the petitioner shall never cease to pray for the conservation of your days.

FRÉMON DELAURIERE.

St. Genevieve, *December* 4, 1799.

We, commandant of the said post of St. Genevieve, do certify to the lieutenant governor of Louisiana that the land asked for by the petitioner is not granted to any person, and is a part of his Catholic Majesty's domain. Moreover, we do attest that the said petitioner resides in this post since seven years, and that he unites the necessary qualities and circumstances, prescribed by the regulations, to obtain the concession he solicits.

FRANCISCO VALLÉ.

Being convinced, by the information of the commandant of St. Genevieve, Don Francisco Vallé, that the land solicited is vacant, and is not prejudicial to the surrounding neighbors, and considering that the petitioner has been a long time settled in this country, and that his family is sufficiently considerable to obtain the quantity of land which he solicits, the surveyor, Don Antonio Soulard, shall put the interested in possession of said land, and shall make a procès verbal of his survey in continuation, in order to serve in soliciting the concession from the intendant general, to whom alone, by order of his Majesty, corresponds the distributing and granting all classes of the royal domain.

CARLOS DEHAULT DELASSUS.

St. Louis, *December* 10, 1799.

Retroceded the above concession, such as it is, to Madame Widow Leclerc, her heirs or assigns, forever and without any reserve.

FRÉMON DELAURIERE.

Truly translated. St. Louis, December 6, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
32	Charles Frémon Delauriere, by his legal representatives.	300	Concession, Dec. 10, 1799.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

November 25, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Widow Leclerc, assignee of Charles Frémon Delauriere, claiming 240 arpents of land, situate in Mississippi, district of St. Genevieve, produces record by concession from C. D. Delassus, lieutenant governor, dated December 10, 1799, record of plat of survey, dated 21st, and certified February 26, 1806. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 447.)

November 26, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

Charles Frémon Delauriere, by his legal representatives, claiming 300 arpents of land, (see book No. 5, page, 447; record book C, pages 401 and 402,) produces a paper purporting to be an original concession from Charles Dehault Delassus, dated December 10, 1799. The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last.

STATE OF MISSOURI, *county of St. Genevieve:*

The heirs and legal representatives of Marie Louise Leclerc, under Augustin Charles Frémon Delauriere, claiming three hundred arpents of land, situate in the late district of St. Genevieve, now county of St. Genevieve, in the State of Missouri, produce the original concession, dated the 10th day of December, 1799, made to the said Augustin Charles Frémon Delauriere, in his petition, by Charles Dehault Delassus, the late lieutenant governor of Louisiana, together with the original assignment of the said Augustin Charles F. Delauriere to the said Marie Louise Leclerc, when Henry Morris, aged seventy-three, being produced and sworn as the law directs, deposeth and saith that, under and by the orders and directions of the said Marie Louise Leclerc, now deceased, as early as the year 1799 he actually worked on the said land claimed in the concession; that he cut logs and built a house on said land, and made a garden on the land; that the negroes of the said Madame Leclerc were, by her orders and directions, with him, and worked with him; and that in the year 1800 a field was made, and corn planted; and that from the year 1799 up to the present time, the said tract of land has been continually inhabited and cultivated, and that stock were left thereon; that when he worked there in 1799, he understood that the said Madame Leclerc had purchased the said land of the said Delauriere. And further this deponent saith that, at the date of the grant aforesaid, the said Augustin Charles Frémon Delauriere and the said Madame Leclerc were both residenters of the country; that he was well acquainted with them both, and that they continued residenters.

HENRY MORRIS, his x mark.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust the titles and claims to lands in Missouri, this 30th day of October, 1832.

LEWIS F. LINN.

And also came F. Vallé, aged fifty-two years, who, being duly sworn as the law directs, deposeth and saith that he was well acquainted with Charles Dehault Delassus; that he was, in the year 1799, the lieutenant governor of Upper Louisiana; that he was well acquainted with the writing of said Dehault Delassus, having seen him write, and that the name and signature to the said concession, dated the 10th day of December, 1799, given by said Charles Dehault Delassus to said Augustin Charles Frémon Delauriere, for 300 arpents of land, is in the proper handwriting of the said Charles Dehault Delassus.

FRANÇOIS VALLÉ.

Sworn to and subscribed before me, Lewis F. Linn, one of the commissioners appointed to finally settle and adjust the titles and claims to lands in Missouri, this 30th day of October, 1832.

LEWIS F. LINN.

(See book No. 6, page 50.)

November 5, 1853.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Frémon Delauriere, claiming 300 arpents of land.—(See page 50 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Frémon Delauriere, or his legal representatives, according to the extent of the survey of 402 arpents, unless it conflicts with claims previously granted, and then to the extent that it does not conflict, and in no event under 300 arpents.—(See book No. 6, page 297.)

Conflicting claims.

L. F. Linn states that the said land is covered by an entry made under the United States by Joseph Diel, in consequence of claimant not furnishing a survey of his claim to the United States.

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 33.—MANUEL DE LISA, *claiming* 6,000 *arpents.*

To the Lieutenant Governor:

Don Manuel de Lisa, merchant of New Orleans, for the present in this town of St. Louis, with due respect represents to you that it being his intention to establish himself in this country with his family, which is now ascending this river in a boat of his own, therefore the petitioner wishes to obtain a concession for six thousand arpents of land in superficie upon one of the banks of the river Missouri, in a place where may be found some small creek emptying into the said river, in order to facilitate the raising of cattle, and, with time, to be able to make shipments of salted as well as dried meat to the capital; in consequence, the petitioner humbly supplicates you to condescend to admit his petition for the reasons already mentioned, and order to be given to the petitioner the title of property which he solicits, favor which he hopes to receive of your known justice. May God preserve your life many years.

MANUEL DE LISA.

ST. LOUIS, *July* 16, 1799.

ST. LOUIS, *July* 17, 1799.

In a vacant place along the river Missouri, and to the satisfaction of the interested, the surveyor, Don Antonio Soulard, shall put him in possession of the six thousand arpents of land in superficie which he solicits, in order that, according to the procès verbal of survey, the corresponding title of concession

may be expedited to him; meanwhile, from this moment, the said interested party is authorized to make use of the tract of land which he has chosen, as being his own property.

ZENON TRUDEAU.

Registered at the demand of the interested, book No. 2, pages 32 and 33 of said book.

SOULARD.

Truly translated. St. Louis, December 25, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
33	Manuel de Lisa, by his legal representatives.	6, 000	Concession, July 17, 1799.	Zenon Trudeau.	

Evidence with reference to minutes and records.

August 22, 1806.—(Omitted in their proper place.) Manuel de Lisa, *assignee of Joachin Lisa,* (in his own name, and not as assignee,) claiming 6,000 arpents of land, by virtue of a concession from Zenon Trudeau, duly registered, dated July 17, 1799, *and a deed of transfer of the same, dated July* 8, 1804. (This is an error, the grant being made to Manuel de Lisa himself.)

Jacques Clamorgan, being duly sworn, says that he was present at the lieutenant governor's house when the aforesaid concession was given to claimant; that the same was granted at the time it bears date.—(See book No. 2, page 33.)

November 23, 1808.—Board met. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel de Lisa, claiming 6,000 arpents of land, unlocated, produces to the board a concession from Zenon Trudeau, lieutenant governor, for the same, dated July 17, 1799. Eugenio Alvarez, sworn, says that the father of claimant came to this country with him, the witness, at the time the Spaniards took possession here; that claimant's father was then in the service of Spain, and died in the service; that claimant was born a subject of Spain, in Spanish America, and has resided since his birth, or shortly after, in Louisiana. (Here follows the testimony of Jacques Clamorgan, taken August 22, 1806.) Clamorgan declares that he has no other claim to land in Louisiana in his own name. Laid over for decision.—(See book No. 3, page 365.)

July 9, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel de Lisa, claiming 6,000 arpents of land.—(See book No. 3, page 365.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 421.)

November 27, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

Manuel de Lisa, by his legal representatives, claiming 6,000 arpents of land, (see book B, page 91; book No. 2, page 33; No. 3, page 365; and No. 4, page 421,) produces a paper purporting to be an original concession from Zenon Trudeau, dated July 17, 1799. Charles Frémon Delauriere, being duly sworn, saith that the signatures to said concession, and to the registering, are in the proper hadwriting of the said Zenon Trudeau and of Antoine Soulard. M. P. Le Duc, being duly sworn, saith that the signature to the petition is in the proper handwriting of said Manuel de Lisa—(See book No. 6, page 52.)

November 5, 1835.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Manuel de Lisa, claiming 6,000 arpents of land.—(See page 52 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Manuel de Lisa, or his legal representatives, according to the concession.—(See book No. 6, page 298.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 34.—Francis Lacombe, *claiming four hundred arpents.*

To Mr. Charles Dehault Delassus, lieutenant governor of Upper Louisiana:

Sir: Francis Lacombe, residing on the Maramec, has the honor to supplicate you to grant to him a tract of land situated on the hills of the Maramec, containing in all four hundred arpents, to wit: ten arpents in front, east and west, by forty in depth, north and south. The said land (adjoining the bottom land of Nely Gormenie) has been cultivated in 1789 by one Joseph Philippes, who was the last to abandon it; and, inasmuch as no one is in possession of the said land but your petitioner, who has already caused a house to be built thereon, where his family is already settled, the petitioner presumes to hope that his excellency the governor will be pleased to grant to him the said land.

He has the honor to be, with profound respect, sir, your very humble and very obedient servant,

FRANCIS LACOMBE.

St. Louis of Illinois, *August* 1, 1799.

Considering that the petitioner has been a long time residing in this country, and that his family is considerable enough to obtain the quantity of land which he solicits, the surveyor, Don Antonio Soulard,

shall put the interested in possession of it, and shall make a procès verbal of his survey in continuation, in order to serve to solicit the concession from the intendant, to whom alone corresponds, by order of his Majesty, the distributing and granting of all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, December 25, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
34	François Lacombe, by Manuel Lisa's legal representatives.	400	Concession, Aug. 1, 1799.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

November 23, 1808.—Board met. Present: the honorable John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Manuel Lisa, assignee of François Lacombe, claiming four hundred arpents of land on the Maramec, district of St. Louis, produces to the board a concession from Charles Dehault Delassus, lieutenant governor, to François Lacombe, for the same, dated February 26, 1800, (August 1, 1799;) a deed of conveyance from said Lacombe to claimant, dated May 14, 1804.

Louis Ménard, sworn, says that in the fall of the year before Adam House was killed on the Maramec that François Lacombe and his wife were residing on the tract claimed; that the whole neighborhood abandoned their land immediately after said House was killed. Laid over for decision.—(No. 3, page 364.)

July 9, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel Lisa, assignee of François Lacombe, claiming 400 arpents of land.—(See book No. 3, page 364; see also Adam House's claim, book No. 3, page 330.) The concession in this claim is dated August 1, 1799. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, p. 421.)

November 28, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

François Lacombe, by Manuel Lisa's legal representatives, claiming 400 arpents of land.—(See book C, pages 442 and 443; No. 3, pages 330 and 364; No. 4, page 421.) Produces a paper purporting to be an original concession from Charles Dehault Delassus, dated August 1, 1799.

M. P. Le Duc, only sworn, saith that the signature to the said concession is in the proper handwriting of the said Charles Dehault Delassus.—(See book No. 6, page 61.)

October 27, 1808.—Board met. Present: the honorable Clement B. Penrose and Frederick Bates, commissioners.

The heirs of Adam House, claiming 400 arpents of land, situate on the Fourche à Rénault, district of St. Louis, produces to the board a notice of claim dated June 27, 1808; a certificate from Don Zenon Trudeau, lieutenant governor, of having given to Adam House permission to settle, and also that said House had been settled for two years before, dated June 10, 1799; a concession from Don Carlos Dehault Delassus, lieutenant governor, for the same, dated September 30, 1799.

John Cummins, sworn, says that about eleven years ago Adam House settled on said tract, and inhabited and cultivated the same three years, and was preparing for a fourth crop when himself and son were both killed by the Indians on the tract claimed. Laid over for decision.—(See book No. 3, page 330.)

November 5, 1853.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

François Lacombe claiming 400 arpents of land.—(See book No. 3, page 364, and No. 4, page 421.) The board are unanimously of opinion that this claim ought to be confirmed to the said François Lacombe, or his legal representatives, according to the concession.—(See book No. 6, page 298.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 35.—PHILIP BACANNÉ, *claiming* 480 *arpents.*

To Don Zenon Trudeau, lieutenant governor of all the western part of Illinois:

SIR: Philip Bacanné, citizen of this town of St. Louis, has the honor to represent, that wishing to form an establishment in order to cultivate the land and raise cattle thereon, in a place situate to his views, therefore he supplicates you to be pleased to grant to him 12 arpents of land in front by 40 arpents in depth, at the place commonly called Portage des Sioux, to be taken on the bank of the Mississippi, by lines which shall be perpendicular to it.

his
PHILIPPE × BACANNÉ.
mark.

ST. LOUIS, *December* 15, 1796.

The surveyor shall place the petitioner upon the quantity of land which he petitions for, at Portage des Sioux, in giving the preference to those who should have solicited any before him; and this he will know by the date and number of the decrees of those to whom lands have been granted.

ZENON TRUDEAU.

St. Louis, *December* 15, 1796.

Truly translated. St. Louis, December 24, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
35	Philippe Bacanné....	480	Concession, Dec. 15, 1796, and a subsequent order of survey, Nov. 18, 1803.	Zenon Trudeau.	

Evidence with reference to minutes and records.

May 8, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose and James L. Donaldson, esq.

The same, Manuel Lisa, assignee of Philippe Bacanné, claiming 4,800 (480) arpents of land, situated in the district of St. Louis, produces a concession from Zenon Trudeau, dated December 14, (15,) 1796, and a certificate and plat of survey, dated February 25, 1806; a deed of transfer of the same, dated August 3, 1804. The above remarks apply to this case. (From the antiquity of the instrument, from its appearance, and from the signature of Zenon Trudeau, the board are satisfied that this is a *bona fide* claim, and that the said concession is neither fraudulent nor antedated.) The board reject this claim, the same being unsupported by actual inhabitation and cultivation on the 1st of October, 1800, and the above concession not being duly registered.—(See book 1, page 285.)

November 24, 1808.—Board met. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Manuel Lisa, assignee of Philippe Bacanné, claiming 480 arpents of land.

Antoine Soulard sworn, says that he had the concession in this claim in his possession, to make a survey, some time in 1797; that it was one of the concessions which interfered with the Portage des Sioux; in consequence of which information the lieutenant governor, Delassus, ordered them to be surveyed on the vacant domain. Order dated November 18, 1803. Laid over for decision.—(See book No. 3, page 368.)

July 10, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel Lisa, assignee of Philippe Bacanné, claiming 480 arpents of land.—(See book No. 1, page 285; book No. 3, page 268.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 423.)

November 28, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

Philippe Bacanné, by Manuel Lisa, legal representatives, claiming 480 arpents of land.—(See book C, page 442; No. 1, page 285; No. 3, page 368.) For survey, see book C, page 443; No. 4, page 423. Produces a paper purporting to be an original concession from Zenon Trudeau, dated September 15, 1796. M. P. Le Duc, duly sworn, saith that the signature to the said concession is in the proper handwriting of Zenon Truedeau.—(See book No. 6, page 61.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Philippe Bacanné, claiming 480 arpents of land.—(See page 61 of this book.) It appears from the testimony that the land at the spot indicated in the petition was already occupied, and that a new order of survey, dated November 18, 1803, was issued by Charles Dehault Delassus, for the same quantity of land, to be located in any other vacant place. The board are unanimously of opinion that this claim ought to be confirmed to the said Philippe Bacanné, or his legal representatives, according to the said order of survey, dated November 18, 1803.—(See book No. 6, page 298.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 36.—BAPTISTE RIVIERE, *claiming* 400 *arpents.*

To the lieutenant governor of the western part of Illinois:

Baptiste Riviere, inhabitant of the village of Florissant, (St. Ferdinand,) has the honor to represent that, wishing to establish a tract of land of 20 arpents square, situated opposite L'Isle aux Biches, (Elk island,) at about 10 arpents from the river Missouri, to be taken from the foot of the hills, in order to improve it in the time prescribed by the regulations, therefore he supplicates you to grant to him the concession of said tract, favor which he hopes from the protection you have always given to the ancient farmers of this jurisdiction.

his
BAPT. + RIVIERE.
mark.

The surveyor of this jurisdiction, Don Antonio Soulard, in case the land demanded belongs to the King's domain, and is not prejudicial to any one, shall put the said Bapt. Riviere in possession of it, in order that, in continuation of his procès verbal of survey, we may deliver to him the concession in form.

ZENON TRUDEAU.

St. Louis, *October* 17, 1796.

Don Antonio Soulard, surveyor general of this upper Louisiana:

We do inform the interested that the tract of land mentioned in his petition has been surveyed in favor of Mr. William Griffin, by virtue of the decree of the lieutenant governor, Don Zenon Trudeau, bearing date March 2, 1796. Therefore it is necessary that he should obtain an order from the lieutenant governor, in order that the same quantity of land may be surveyed for him in any other vacant place of the domain.

SOULARD.

St. Louis, *January* 3, 1803.

St. Louis of Illinois, *January* 8, 1803.

Cognizance being taken of the foregoing documents, and of the legality of the interested's rights, the proper quantity of land expressed in his memorial may be surveyed for him in any other part of the royal domain, at his choice.

DELASSUS.

Registered at the desire of the interested.—(Book No. 2, page 1.)

SOULARD.

No.	Name of original claimant.	Quantity in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
36	Baptiste Riviere.	400	Concession, Oct. 17, 1796. Concession, Jan. 8, 1803.	Zenon Trudeau ..... Carlos Dehault Delassus.	James Rankin, deputy surveyor, Feb. 25, 1806.

Evidence with reference to minutes and records.

May 8, 1806.—The board met agreeably to adjournment. Present: Clement B. Penrose and James L. Donaldson, esqrs.

Manuel Lisa, assignee of Bte. Riviere, claiming 400 arpents of land situate in the district of St. Louis, produces a concession from Zenon Trudeau, duly registered, dated October 17, 1796, and a survey and plat of the same, dated February 25, 1806; a deed of transfer of the same, dated August 3, 1804. From the antiquity of the instrument, from its appearance, and from the signature of Zenon Trudeau, the board are satisfied that this is a *bona fide* claim, and that the said concession is neither fraudulent nor antedated.

They reject this claim, the same being unsupported by actual inhabitation and cultivation.—(See book No. 1, page 285.)

November 24, 1808.—Board met. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Manuel Lisa, assignee of Baptiste Riviere, claiming 400 arpents of land situate in the district of St. Louis, produces to the board a certificate from Antoine Soulard, stating that the land claimed is not vacant, and that Baptiste Riviere must obtain a new order of survey from the lieutenant governor before it can be surveyed, dated January 3, 1803; produces also an order of survey from Charles Dehault Delassus, lieutenant governor, dated January 8, 1803.

Antoine Soulard, sworn, says that he knows the concession from Zenon Trudeau, lieutenant governor, was given about the time it bears date, and that he had said concession in his hands to survey some time before his certificate was given, and that said certificate was given at the time it bears date.

Laid over for decision.—(See book No. 3, page 368.)

July 10, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel Lisa, assignee of Baptiste Riviere, claiming 400 arpents of land.—(See book No. 1, page 285; book No. 3, page 368.)

It is the opinion of the board that this claim ought not to be confirmed. The board refer, as it respects the registry, to the remark in the claim of Jean P. Cabanné.—(Book No. 4, page 386; see book No. 4, page 423.)

November 28, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

Baptiste Riviere, by Manuel Lisa, legal representatives, claiming 400 arpents of land.—(See book C, pages 442 and 443; No. 1, page 285; No. 3, page 368; and No. 4, page 423.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated October 17, 1796; also a concession from Charles Dehault Delassus, dated January 8, 1803.

M. P. Le Duc, being duly sworn, saith, that the signatures to the above concession are in the proper and respective handwriting of said Zenon Trudeau and said Charles D. Delassus; and that the signature to the report of Soulard, on the first concession, is in the proper handwriting of said Soulard.

Claimant also produces a paper purporting to be a plat of survey executed by James Rankin, deputy surveyor, February 25, 1806.

M. P. Le Duc saith, that the signature to said plat of survey for the above concessions is in the proper

handwriting of said Rankin; and that said Rankin was acting as deputy surveyor under Soulard before and after the change of government.—(See book No. 6, pages 61 and 62.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Baptiste Riviere, claiming 400 arpents of land.—(See pages 61 and 62 of this book.)

The board remark that the survey produced in this case is probably the survey of the tract claimed, but it is not so stated in the said plat.

The board are unanimously of opinion that this claim ought to be confirmed to the said Baptiste Riviere, or his legal representatives, according to the concession.—(See book No. 6, page 299.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 37.—FRANCIS COLEMAN, *claiming* 2,500 *arpents.*

To Don Henry Peyroux de la Coudreniere, captain in the army, civil and military commandant of the post of St. Genevieve of Illinois:

SIR: Francis Coleman, inhabitant of the Petites Côtes, (New Bourbon,) in the district of this post, has the honor to represent to you that, being always infirm, and having a numerous family to maintain, he would wish to form his children a permanent establishment where he might provide to their wants; in consequence, he supplicates you, sir, to be pleased to grant to him the concession, in full property, for him, his heirs, and assigns, of a tract of land situated on the north side of the river establishment, taking in its width, of about 50 arpents, from the edge of the said river to the foot of the hills, and taking its depth from the plantation of one Thomas Clem, to which it joins, and running 50 arpents in descending along the edge of the said river and following its direction towards the Mississippi. The said tract of land belonging to the King's domain, and upon which the petitioner has begun to work some time since.

The petitioner shall never cease to pray for your conservation.

FRANÇOIS COLEMAN, his ⋈ mark.

ST. GENEVIEVE, *February* 4, 1788.

Be the present petition forwarded to Don Manuel Perez, captain of the first stationary battalion of Louisiana, and lieutenant governor of the western part of Illinois, in order that he may be pleased to determine on the subject.

PEYROUX DE LA COUDRENIERE.

ST. GENEVIEVE, *February* 20, 1788.

The captain of infantry, Don Henry Peyroux, commandant of the post of St. Genevieve, may grant to Francis Coleman, as being in possession, the arpents of land he solicits for in the foregoing memorial, provided they have not been already granted to another person.

MANUEL PEREZ.

ST. LOUIS OF ILLINOIS, *March* 12, 1788.

We, Don Henry Peyroux de la Coudreniere, captain of infantry, civil and military commandant of the post of St. Genevieve of Illinois, having verified that the tract of land asked for by Mr. Francis Coleman, inhabitant of the village *Des Petites Côtes*, (New Bourbon,) belongs to his Majesty's domain, we do grant to the said petitioner, in full property, for him and his heirs, to enjoy forever, a tract of land of fifty arpents in length by fifty arpents in width, situated on the north shore of the river establishment, adjoining to Mr. Thomas Clem's plantation on one side, conformably, in all, to the demand specified in the petition on the other side.

PEYROUX DE LA COUDRENIERE.

ST. GENEVIEVE, *March* 15, 1788.

Truly translated. St. Louis, December 22, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
37	François Coleman, by his legal representatives.	2,500	Decree of Manuel Perez, March 12, 15, 1788. Concession, March 15, 1788.	Manuel Perez. Henry Peyroux.	Thomas Maddin, D. S., February 21, 1806. Certified by Soulard, February 28, 1806.

Evidence with reference to minutes and records.

April 11, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Amable Partinay, assignee of Theresa Colman, claiming 2,500 arpents of land, situate on the river establishment, district of St. Genevieve, produces to the board an order from Manuel Perez, lieutenant governor, to Henry Peyroux, commandant of St. Genevieve, to concede, provided it is vacant, a tract of land 50 arpents square, situated on the river establishment at the side towards the Mississippi, adjoining land of Thomas Clem, to Francis Coleman, dated May 12, 1788; a concession from said Henry Peyroux,

for the same, to F. Colman, dated May 15, 1788; a plat of survey, dated February 21, 1806, certified to be received for record February 28, 1806; transfer from Theresa Colman to claimant, dated January 29, 1806. The following testimony in the foregoing claim transcribed from the rough minutes, as perpetuated by the board on the 14th November, 1808:

Baptiste Bequet, sworn, says that twenty years ago Francis Colman had a house built on the tract claimed, and enclosed a field. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 316.)

November 29, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

François Coleman, by his legal representatives, J. P. Cabanné and J. N. Macklet, claiming 2,500 arpents of land, (see book C, pages 121 and 143; No. 4, page 316,) produces a paper purporting to be a decree from Manuel Perez, lieutenant governor, dated March 12, 1788, and also a concession from H. Peyroux, late commandant of St. Genevieve, dated March 15, 1788; also a paper purporting to be a plat of survey executed by Thomas Maddin, deputy surveyor, on the 21st February, 1806; received for record by Antoine Soulard, surveyor general, February 28, 1806.

M. P. Le Duc, duly sworn, saith that the signatures to the foregoing papers are in the proper handwriting of the above-named persons who signed them.—(See book No. 6, page 64.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Francis Coleman, claiming 2,500 arpents of land.—(See page 64 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Francis Coleman, or his legal representatives, according to the concession.—(See book No. 6, page 299.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 38.—JEAN RENÉ GUIHO DE KLEGAND, *claiming* 500 *arpents.*

To the Chevalier Charles Dehault Delassus, lieutenant colonel in the armies of his Catholic Majesty, lieutenant governor and commander-in-chief of Upper Louisiana, &c.:

Jean René Guiho, Lord of Klegand, native of Nantes, in Brittany, formerly an officer in the navy' supplicates very humbly, and has the honor to represent, that having lost the greatest part of his fortune in consequence of the French revolution and compelled to emigrate with his family, he landed in the United States of America, where he resided during several years; that having been strongly invited by the Chevalier Deluziere, commandant of New Bourbon, to come and definitively settle himself near him in the vicinity of said New Bourbon, besides being animated by the desire to live and die under the benevolent government of his Catholic Majesty, he had no difficulty to yield to an invitation so congenial to his views; that, in consequence, he sent, since last year, one of his sons to the said New Bourbon to secure a house, which was done by buying that of Mr. Fenwick, situated in the said village, where he has lately arrived with his family, composed of eight persons, his slaves, and cattle of every description; that the lands which he has acquired with said house being little adapted and not near sufficient to provide particularly to the maintenance and feeding of his cattle, he occupied himself, without delay, to the indispensable research of a tract of land convenient to place and raise his cattle thereon, and to make some improvements; that he has found one suitable to his views, situated on the south fork of the river Saline, to the west of the said river, and bounded by the said river, one arpent to the north of a small branch nearly opposite a tract of land belonging to the Chevalier Deluziere, which is on the eastward of the said river, starting from the first boundary and running to the south along the said river, and to the west along the said branch the distance of about one arpent to the hills, and along said hills running in a southerly direction, so as to contain from four to five hundered arpents of land in superficie; that this same tract of land, he has been assured, has not been granted to anybody and is a part of his Catholic Majesty's domain. For these motives the petitioner has recourse to you, sir, hoping that you may be pleased, provisionally and without delay, to grant to him, his heirs or assigns, in full property, the concession here above mentioned, situated on the said south fork of the river Saline, in order to cultivate and raise and maintain a great number of cattle thereon. In so doing he shall never cease to pray for the preservation of your days.

Done at New Bourbon, December 24, 1799.

J. GUIHO DE KLEGAND.

NEW BOURBON, *January* 9, 1800.

We, commandant of the said post of New Bourbon, do certify to the lieutenant governor of Upper Louisiana that the statement of the petitioner is very exact and true; that the land for which he asks a concession is a part of the King's domain; and that he unites the qualifications and circumstances prescribed by the regulations to obtain this favor from your justice and goodness.

PIERRE DELASSUS DELUZIERE.

ST. LOUIS OF ILLINOIS, *January* 15, 1800.

It being obvious that the petitioner has more than the means and number of hands (populacion) necessary to obtain the concession solicited for, according to the tenor of the regulation of the governor general of this province, the surveyor, Don Antonio Soulard, shall put the interested in possession of it, (said land,) and shall make a procès verbal of his survey in continuation, in order to serve in soliciting the concession from the intendant general of these provinces, to whom alone corresponds, by order of his Majesty, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

In consequence of the verbal demand made by the daughter of the petitioner in this memorial, it was searched for and found amongst various others, and Don Ramon de Lopez y Angulo said: Be it presented to the fiscal.

[On each side there is a flourish.]

It has been presented to Señor Don Juan Ventura Morales, principal accomptant of the army and intendant *pro tempore* of the royal fisc of these provinces of Louisiana and Western Florida, who has set his paraph to it (que lo rubrico) in accordance with the counsellor general of the intendancy.

In New Orleans, October 22, 1802.

PEDRO PEDESCLAUX, *Public Scrivener.*

On said day I presented it to the intendant of the royal fisc, which I do certify.

PEDESCLAUX, *Scrivener.*

The fiscal having seen the petition presented by Mr. Jean René Guiho de Klegand, soliciting the grant of five hundred arpents of land in the place which he indicates in the district of Illinois, (in order to establish his family, composed of eight persons, and stating that since the year 1799 he went from France to the said post,) says that the said tract of land being vacant and belonging to the royal domain, as by information of the commandant of New Bourbon it appears to be, the fiscal is of opinion that it be granted to him, the plat and certificate of survey, which is to be executed by the surveyor of those settlements, being first presented. The tribunal will determine what shall be judged most conformable to justice, which is asked by the fiscal.

GILBERTO LEONARD.

NEW ORLEANS, *October* 23, 1832.

The plat of survey and measurement being presented, let them be brought, in order to determine upon the title.

[On each side a flourish.]

Señor Don Juan Ventura Morales, principal accomptant of the army, intendant *pro tem.* of these provinces of Louisiana and Western Florida, judge sub-delegate of the superintendency general, has given his decree, and set his paraph to it, (lo rubrico,) in accordance with the counsellor of the intendancy.

PEDRO PEDESCLAUX, *Public Scrivener.*

NEW ORLEANS, *October* 25, 1802.

On said day I gave notice of it to Miss Klegand, daughter of the petitioner.

PEDESCLAUX, *Scrivener.*

No.	Name of original claimant.	Quantity, in arpents	Name and date of claim.	By whom granted.	By whom surveyed, date, and situation.
38	Jean René Guiho de Klegand, by assignee, Matthew Duncan.	500	Concession, January 15, 1800.	Carlos Dehault Delassus.	Special location.

Evidence with reference to minutes and records.

June 28, 1806.—The board met agreeably to adjournment. Present: Clement B. Penrose and James L. Donaldson, esqs.

The same, (James Maxwell,) assignee of L. G. De Kerlegant, claiming a tract of 500 arpents of land situate on the Saline, district aforesaid, produces a concession from Charles Dehault Delassus, dated January 15, 1800, with a written certificate of reference of Morales to the fiscal and assessor for his opinion, certified by Pedro P. Delaure, notary public, under the date of October 22, 1802, who gives his opinion that the same may be granted by his certificate under his hand, dated October 23, same year, followed by an order of survey from Morales, under promise that upon producing a plat of survey a title or form will be granted, dated October 25, same year. Israel Dodge, being duly sworn, says that when the aforesaid Kerlegand obtained the aforesaid concession his family consisted of himself, wife, five children, and six slaves. The board reject this claim, and observe that they are satisfied that the aforesaid concession was granted at the time it bears date.—(See book No. 1, page 386.)

May 3, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Maxwell, assignee of Ecuyer Jean René Guiho Sieur de Kerlegand, claiming 500 arpents of land.—(See book No. 1, page 386; book No. 3, page 149.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 346.)

November 29, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

Jean René Guiho de Klegant, by his assignee, Matthew Duncan, claiming 500 arpents of land, (see book B, page 500; No. 1, page 386; No. 3, page 346,) produces a paper purporting to be an original concession from Charles Dehault Delassus, dated January 15, 1800; also a deed of conveyance. M. P. Le Duc, duly sworn, saith that the signature to said concession is in the proper handwriting of said Charles Dehault Delassus.—(See book No. 6, page 64.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

René Guiho de Kerlegand, claiming 500 arpents of land.—(See page 64 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said René Guiho de Kerlegand, or his legal representatives, according to the concession.—(See book No. 6, page 299.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 39.—Marie Nicolle Les Bois, *claiming* 244 *arpents and* 50 *perches.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Marie Nicolle Les Bois has the honor of representing to you that having lost her father and mother, since her most tender years, in consequence of a very well known disaster, which alone would be sufficient to render her situation interesting to all men of feelings, and having had for support, since that moment, an uncle and aunt, both respectable, who have taken care of her infancy; considering that time in its flight deprives her every day of some one of her protectors; that her brothers and sisters are all married and loaded with family and without fortune; that she remains as an insulated being, who cannot expect any assistance of any one whomsoever, and who, without fortune, finds herself under several points of view, in a calamitous situation, which appears to her to be worthy to attract the attention of the good heart everybody knows you possess. Full of this idea, and convinced of the generosity of the government, which has never ceased to grant favors to the unfortunate, and to be particularly the protector of orphans, she hopes you will be pleased to grant to her the concession of a tract of land situated to the south of this town, and being vacant lands of his Majesty's domain, and which may contain two hundred and thirteen arpents in superficie, more or less, which land shall be bounded as follows: to the north, south, and west by the vacant lands of the domain, and to the east by a concession of same width belonging to Mr. Antonio Soulard.

Such is the statement of my misfortune and pretensions, and I presume to hope this favor of the generosity of a benevolent and generous government, and of a chief as worthy as you are to fulfil its benevolent intentions.

MARIE NICOLLE LES BOIS.

St. Louis, *May* 10, 1803.

St. Louis of Illinois, *May* 11, 1803.

Having seen the foregoing statement, I do grant to Marie Nicolle Les Bois, for her and her heirs, the land which she solicits, in case it is not prejudicial to any person; and the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put the petitioner in possession of the quantity of land she solicits, in the place designated, of which, when executed, he shall draw out a plat of survey, delivering the same to the party with his certificate, in order to serve to her to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of Upper Louisiana.

I do certify that I have measured, run the lines, and bounded, in favor of Marie Nicolle Les Bois, a piece of land of two hundred and forty-four arpents and fifty perches in superficie, measured with the perch of the city of Paris, of eighteen French feet in length, lineal measure of the same city, according to the agrarian measure of this province, which land is situated at the distance of about twenty-five arpents to the southwest of this town of St. Louis, and is bounded to the north-northeast by lands of Don Santiago Mackay; to the east-southeast by lands belonging to me; to the south-southwest in part by lands of Don Jh. Brazeau, and by vacant lands of the royal domain, and to the west-northwest by vacant lands; which measurement and survey I took, without regarding the variation of the needle, which is 7° 30′ east, as is evident by the foregoing figurative plat, on which are noted the dimensions, direction of the lines and limits, and other boundaries, &c. Said survey was executed by virtue of the memorial and decree of the lieutenant governor and sub-delegate of the royal fisc, Don Carlos Dehault Delassus, dated May 11, 1803.

In testimony whereof, I do give the present, with the preceding figurative plat, executed by my exertions on the 27th of May of the current year.

ANTONIO SOULARD, *Surveyor General.*

St. Louis, *August* 20, 1803.

Truly translated. St Louis, December 15, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
39	Marie Nicolle Les Bois, by her legal representatives.	244½	Concession, May 11, 1803.	Carlos Dehault Delassus.	Antonio Soulard, May 27, 1803; certified by him, August 20, 1803; distant about twenty-five arpents south of St. Louis.

Evidence with reference to minutes and records.

October 7, 1808.—Board met. Present: The honorable Clement B. Penrose and Frederick Bates.

Marie Nicolle Les Bois, claiming 244½ arpents of land, situated in the commons of St. Louis, produces to the board a concession from Don Charles Dehault Delassus, lieutenant governor, for the same, dated May 11, 1803; a plat and certificate of survey, dated May 27, 1803, and certified August 20, same year. Laid over for decision.—(See book No. 3, page 282.)

August 21, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Marie Nicolle Les Bois, claiming 244½ arpents of land.—(See book No. 3, page 282.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 328.)

November 29, 1832.—The board met pursuant to adjournment. Present: Louis F. Linn, F. R. Conway, commissioners.

Marie Nicolle Les Bois, by her legal representatives, claiming 244½ arpents of land, (see book C, pages 73, 74, and 75; No. 3, page 282; No. 5, page 328,) produces a paper purporting to be an original concession for 213 arpents of land, more or less, from Charles Dehault Delassus, dated May 11, 1803; also a paper purporting to be a plat and certificate of survey for 244 arpents and 50 perches, taken May 27, and certified August 20, 1803, by Antonio Soulard.

Mr. P. Le Duc, duly sworn, saith that the signature to said concession is in the proper handwriting of the said Charles D. Delassus, and the signature to said certificate of survey is in the proper handwriting of said Soulard.—(See book No. 6, pages 64 and 65.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Marie Nicolle Les Bois, claiming 244½ arpents of land.—(See pages 64 and 65 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Marie Nicolle Les Bois, or her legal representatives, according to the concession.—(See book No. 6, page 300.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON

No. 40.—JEAN FRANÇOIS PERREY, *claiming* 3,000 *arpents.*

To Don Zenon Trudeau, captain commanding, Upper Louisiana:

Jean François Perrey has the honor to represent that he is a foreigner in this country, and does not possess in it any land on which he might form an establishment; that, at this moment, he is in the pursuit of some small affairs of commerce, which keep him on the other shore. Wishing to put himself in the case to be able to settle himself in a fixed manner, he has recourse to you, sir, and supplicates you to be pleased to grant to him the quantity of three thousand arpents of land, to be taken on the river Aux Bœufs, (Buffalo creek,) or in its vicinity, at the distance of one hundred and thirty miles to the northwest of St. Louis, more or less, and between four and seven from the river Mississippi; supplicating you, also, to be pleased to exempt him from making his establishment in the time prescribed by law, on account of the reasons here above alleged to you; and he shall never cease to pray for the continuation of your government.

PERREY.

ST. LOUIS, *July* 17, 1798.

ST. LOUIS, *July* 18, 1798.

The surveyor, Don Antonio Soulard, shall put the interested party, Don Juan Francisco Perrey, in possession of the three thousand arpents of land which he solicits, in the place mentioned by him, in case they are vacant and belong to the King's domain, delivering to him the *procès verbal* of his survey in continuation of the present, to enable him to have recourse to the governor general of the province to obtain the title of concession in form.

I do inform his lordship that the said Don Juan Perrey is a Frenchman, C. A. R., well educated, and possesses all the other recommendable qualifications which make me desire to see him fix himself in the settlements under my command.

ZENON TRUDEAU.

Truly translated. St. Louis, December 14, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
40	Jean François Perrey.	3, 000	Concession, July 18, 1798.	Zenon Trudeau.	

Evidence with reference to minutes and records.

August 23, 1806.—The board met agreeably to adjournment. Present: The honorable Clement B. Penrose and James L. Donaldson, esq.

The same, (J. F. Perrey,) claiming 3,000 arpents of land situate on the river Aux Bœufs, district aforesaid, produces a concession dated July, 1798. Being unsupported by actual inhabitation and cultivation, the board reject this claim, and observe that, from a letter in the possession of claimant, now produced to

them, they are satisfied that the said concession was granted at the time it bears date.—(See book No. 1, page 488.)

August 20, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

John Perrey, claiming 3,000 arpents of land.—(See book No. 1, page 488.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 322.)

November 29, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

Jean F. Perrey, by his legal representatives, claiming 3,000 arpents of land, (see book B, page 93; No. 1, page 488; No. 5, page 322,) produces a paper purporting to be an original concession from Zenon Trudeau, dated July 18, 1798.

M. P. Le Duc, duly sworn, saith that the signature to said concession is in the proper handwriting of said Zenon Trudeau.—(See book No. 6, page 65.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jean François Perrey, claiming 3,000 arpents of land.—(See page 65 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Jean François Perrey, or his legal representatives, according to the concession.—(See book No. 6, page 300.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 41.—Wm. Loughry, *claiming* 450 *arpents.*

To Don Carlos Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and commander-in-chief of Upper Louisiana, &c.:

William Loughry, C. R., has the honor to represent that, with permission of the government, he came over on this side, where he has made choice of a piece of land in the domain of his Majesty; therefore, he has the honor to supplicate you to have the goodness to grant to him, at the same place, in full property, four hundred and fifty arpents of land in superficie, the quantity which is necessary to form his establishment. The petitioner having the necessary means, and having no other views but to live as a peaceable cultivator of the soil, hopes to deserve this favor which he solicits of your justice.

WILLIAM LOUGHRY.

St. André, *March* 12, 1802.

Be it forwarded to the commander-in-chief, with information that the statement here above is true, and that the petitioner deserves the favor which he solicits.

SANTIAGO MACKAY.

St. André, *March* 12, 1802.

St. Louis of Illinois, *March* 19, 1802.

In consequence of the information from the commandant particular of the post of St. André, I do grant to the petitioner, for him and his heirs, the land which he solicits, in case it is not prejudicial to anybody; and the surveyor, Don Antoine Soulard, shall put the interested in possession of the quantity of land asked for, in the place cultivated by him, if it does not do prejudice to any one; and when this is executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, [here is an omission,] and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, December 24, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
41	William Loughry, by his legal representatives.	450	Concession, March 19, 1802	Carlos Dehault Delassus.	Special.

Evidence with reference to minutes and records.

November 25, 1811.—Board met. Present: J. B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Loughry, claiming 450 arpents of land situate on Indian creek, district of St. Genevieve, produces record of concession from Delassus, lieutenant governor, dated March 19, 1802. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 450.)

November 29, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

William Loughry, by his legal representatives, claiming 450 arpents of land, (see book D, page 282; No. 5, page 450,) produces a paper purporting to be an original concession from Charles Dehault Delassus, dated March 19, 1802.

M. P. Le Duc, duly sworn, saith that the signature to said concession is in the proper handwriting of said Charles Dehault Delassus.—(See book No. 6, page 65.)

November 5, 1833.—William Loughry, claiming 450 arpents of land.—(See page 65 of this book) The board are unanimously of opinion that this claim ought to be confirmed to the said William Loughry, or his legal representatives, according to the possession, as admitted by the lieutenant governor.—(See book No. 6, page 300.)

L. F. LINN,
F. R. CONWAY.
A. G. HARRISON.

No. 42.—MATHIAS VANDERHIDER, *claiming* 400 *arpents.*

To Don Zenon Trudeau, lieutenant colonel, lieutenant governor, and commander-in-chief of the western part of Illinois:

Mathias Vanderhider supplicates very humbly, and has the honor to represent, that having the intention of settling himself in this country, and wishing to make a plantation, he has examined a place upon the river Maramec, at a place commonly called La Fourche au Négre, (Negro fork,) at about half a league from the concession of Jaimy Haid; and your petitioner, wishing to secure to himself the property of the said place, claims of your goodness to be pleased to grant to him the concession of it, in order that he may settle himself, and construct thereon the buildings convenient and necessary to his establishment, in the interim that he gets it surveyed by a surveyor, who shall deliver to him the procès verbal and title of property whenever you shall be pleased to order him to do so; in consequence, the petitioner hopes that you will be pleased to grant to him the concession of ten arpents in front by forty arpents in depth, upon the Negro fork, having for the present no nearer neighbor than the said James Haids, and the said tract being in the King's domain. If it pleases your goodness to grant to him his demand, the petitioner shall never cease to pray Heaven for your conservation.

his
MATHIAS + VANDERHIDER
mark.

ST. LOUIS, *March* 15, 1797.

ST. LOUIS, *March* 16, 1797.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put the petitioner in possession of the quantity of land he asks, at the place designated, in case it belongs to the King's domain and does not prejudice any person, and he shall make a procès verbal of his survey at the foot of the present decree, which shall be returned to us to solicit the concession from the governor general of this province.

ZENON TRUDEAU.

Truly translated. St. Louis, December 14, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
42	Mat. Vanderdider.	400	Concession, March 16, 1797.	Z. Trudeau.	

Evidence with reference to minutes and records.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Mathias Vanderhider, representatives of, claiming 400 arpents of land situate on Negro fork of Maramec, district of St. Louis, produce records of concession from Zenon Trudeau, lieutenant governor, dated March 16, 1797. It is the opinion of the board that this claim ought not to be confirmed.—(See book 5, page 511.)

November 29, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

Mathias Vanderhider, by his legal representatives, claiming 10 by 40 arpents of land, (see book E, page 17; book No. 5, page 511,) produces a paper purporting to be an original concession from Zenon Trudeau, dated March 16, 1797; also a deed of conveyance.

M. P. Le Duc, duly sworn, saith that the signature to the said concession is in the proper handwriting of the said Zenon Trudeau.—(See book No. 6, page 66.)

November 5, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Mathias Vanderhider, claiming 400 arpents of land.—(See page 66 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Vanderhider, or his legal representatives, according to the concession.—(See book No. 6, page 300.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 43.—J. B. PRATTE, senior, *claiming* 1,000 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

SIR: John Baptiste Pratte, merchant of St. Genevieve, inhabiting this country since nearly fifty years, father of a numerous family, and supporter of several orphans, and owner of a pretty considerable number of slaves, has the honor of observing to you, that to this day he has not obtained a gratuitous concession from the generosity of the government. Considering the lands in the vicinity of the post wherein he lives are daily conceded to foreigners; that the commercial resources are visibly decreasing; and, finally, that those offered by agriculture are, for the present, the only safe ones upon which one may found hopes for the future; considering, besides, that the incursions of the Indians being less frequent, people may, with more confidence, inhabit remote parts of the country, he has begun an improvement, with the verbal permission of your predecessor, upon a tract of land situated upon the *Grand Rivière*, at the same place, where he supplicates you to be willing to grant to him a concession for one thousand arpents of land in superficie.

Confiding in your justice, he hopes to be deserving the favor which he solicits.

PRATTE.

ST. LOUIS, *September* 4, 1799.

ST. LOUIS OF ILLINOIS, *September* 5, 1799.

Considering that the petitioner has been a long time settled in this country, and that his family is sufficiently large to obtain the quantity of land which he solicits, the surveyor of this Upper Louisiana, Don Ant. Soulard, shall put the petitioner in possession of one thousand arpents of land which he solicits, for him to enjoy in the same terms as he solicits; and the operations of survey being executed, he shall make out a corresponding certificate of said survey, with which the interested shall apply to the intendancy general, to which tribunal alone corresponds, by order of his Majesty, the granting of lands and town lots belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of Upper Louisiana.

I do certify that on the 5th of November of last year, having taken cognizance of the statement in the petition of the interested, and in consequence of the decree of the lieutenant colonel in the royal army, and lieutenant governor of this Upper Louisiana, Don Carlos Dehault Delassus, which follows the said petition, and bearing date of 5th September, 1799, I went on the land of John Baptiste Pratte, in order to survey it conformably to his demand of one thousand arpents in superficie, which measurement was taken in presence of the proprietor and adjacent neighbors, with the perch of Paris of eighteen feet in length, according to the custom adopted in this province of Louisiana, and without regard to the variation of the needle, which is 7° 30′ E., as it is evinced in the foregoing figurative plat. Said land is situated at about 28 miles N. 78° W. from the post of St. Genevieve, bounded on its four sides as follows: to the north and west by vacant lands of the royal domain; to the east by the land of Abraham Ead; to the south by that of Mr. John Baptiste Pratte, jr. And in order that it may be available according to law, I do give him the present, with the foregoing figurative plat, on which are indicated the dimensions and the natural and artificial limits which surround said land.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *March*, 5, 1801.

Truly translated from record book C, pages 221, 222, and 223. St. Louis, January 18, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
43	John Bte. Pratte.	1,000	Concession, September 5, 1779.	Carlos Dehault Delassus.	Antonio Soulard, Nov. 5, 1800; certified March 5, 1801. On the waters of Grand river, 28 miles NW. from St. Genevieve.

Evidence with reference to minutes and records.

August 12, 1806.—The board met agreeably to adjournment. Present: the Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, esquire.

John B. Pratte, claiming one thousand arpents of land situate on Grand river, district of St. Genevieve, produces a concession from Charles Dehault Delassus, dated September 5, 1799, stating the same to have been granted for the purpose of farming, and declaring claimant to be an ancient inhabitant, with a survey of said land, taken November 5, 1800, and certified March 5, 1801.

Amable Partney, being duly sworn, says that the said tract of land was settled in the year 1798 by claimant, who built two or three cabins on the same, fenced in a field of about twenty-five or thirty acres, and

has at this day about one hundred arpents of the same under cultivation, and about twelve houses or outhouses, and that the same was, prior to and on the 1st day of October, 1800, actually inhabited and cultivated for claimant's use; that he had then a wife, nine children, and forty-five slaves, and claims no other lands in his own name. The board, from the testimony of a number of witnesses produced on the part of the United States, by their agent, reject this claim, and require further proof.—(See book No. 1, p. 454.)

John Baptiste Pratte, sr., claiming one thousand arpents of land.—(See book No. 1, page 454.) It is the opinion of a majority of the board that this claim ought not to be confirmed. Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 537.)

December 13, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment. John B. Pratte, by his legal representatives, claiming one thousand arpents of land.—(See book No. 1, page 454; No. 5, page 537; record book C, page 221, and page 200 of this book.) The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

ST. GENEVIEVE, *October* 25, 1832.

The heirs and legal representatives of John B. Pratte, claiming one thousand arpents of land situated on Grand River waters, in the former district of St. Genevieve, in pursuance of and by virtue of a concession and order of survey, heretofore filed with the former commissioners. When Louis Lasource personally appeared before Lewis F. Linn, one of the commissioners appointed to finally settle and adjust land claims in Missouri, and authorized by the said board of commissioners to receive testimony in this behalf; when said Lasource, after being duly sworn, deposeth and saith, that he knows of the cultivation and habitation of said tract of land by John B. Pratte, in 1800 or 1801; that he has seen said Pratte when residing on the place, where and when he had all his work hands; that his number of hands were very numerous, and that the land under cultivation was quite a large field, how many arpents he does not know.

LOUIS LASOURCE.

Sworn to and subscribed the day and date before written, in presence of—

L. F. LINN.

Colonel Bte. Vallé appeared in behalf of said claimant, and, after being duly sworn, deposeth and saith that the signature to the concession is in the handwriting of Charles Dehault Delassus, and the signature to the petition is in the handwriting of John B. Pratte; and that to the best of his knowledge the land claimed (under said concession, and now before the board of commissioners) was in a state of cultivation in 1801, and that it has always been cultivated and inhabited ever since by Pratte, his heirs or representatives.

J. BTE. VALLÉ.

Subscribed in presence of— L. F. LINN.

(See book No. 6, pages 71 and 72.)

June 27, 1833.—The board met pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

John Bte. Pratte, by his heirs and legal representatives, claiming one thousand arpents of land situate on the waters of Big river, county of St. Francis, (see book C, page 221 and following; also page 71 of this book,) produces a paper purporting to be an original concession from Charles Dehault Delassus, dated September 5, 1799; also a plat of survey by Antoine Soulard, dated March 5, 1801.

STATE OF MISSOURI, *County of Washington:*

Jacob Mostiller, a witness, aged fifty-six years, being duly sworn, deposeth and saith that he was well acquainted with John B. Pratte, sr., and with a tract of land, he thinks about one thousand arpents, claimed by him by concession, on the waters of Big river, in the late district of St. Genevieve, now county of St. Francis; that he knows that in the year 1801 the said John Bte. Pratte had negroes on the land claimed—a man, woman, and children; that some land was cleared and some small houses put up, and he believes some digging was done; that he saw Mr. Monteon there, who said he was there doing business for said Pratte; and that the said tract of land has been inhabited and cultivated by said John Bte. Pratte, or those claiming under him, ever since he had a stock on the farm, and was frequently there in person.

JACOB MOSTILLER.

Sworn to before me, the commissioner, this 9th day of May, 1833.

L. F. LINN, *Commissioner.*

And also came John F. McNeal, a witness, aged about seventy years, who, being duly sworn as the law directs, deposeth and saith that he was well acquainted with Jean Bte. Pratte, the original claimant; he also knows the tract of land claimed; that he understood it was claimed by virtue of a Spanish concession; that in 1802 he saw on the land a white man who was said to be the manager of said Pratte, and some negroes on the land, and some land cleared, say for eight acres at least, and the same was in cultivation; that the houses and field had the appearance of having been of several years' standing; he had oxen at work there, and he saw cattle and hogs there, but does not know whose they were.

JOHN F. McNEAL.

Sworn to and subscribed before me, the commissioner, this 10th day of May, 1833.

L. F. LINN, *Commissioner.*

Also came John Stewart, a witness, aged about sixty-four years, who, being duly sworn, deposeth and saith that he was well acquainted with the said John Bte. Pratte, the original claimant; he also knows the land claimed; that he understood it was claimed under a Spanish grant; that he was there in 1801, and frequently passed there afterwards; that he saw John Bte. Pratte, junior, acting as a manager for the claimant; there were some negroes there, and in 1803 there were two fields, both in cultivation; that he saw a stock of cattle, horses, hogs, &c., at different times as he passed; that he understood the same was inhabited and cultivated ever since.

JOHN STEWART.

Sworn to and subscribed before me, the commissioner, this 10th day of May, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, pages 200, 201, and 202.)

November 6, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jean Baptiste Pratte, claiming 1,000 arpents of land.—(See pages 200, 201, and 202, of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Jean Bte. Pratte, or his legal representatives, according to the concession.—(See book No. 6, page 301.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 44.—JOHN COONTZ, *claiming* 450 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and commander-in-chief of Upper Louisiana, &c.:

John Coontz, C. R., has the honor to represent that having, with the permission of the government, crossed over this side, where he has made choice of a tract of land in his Majesty's domain to make a plantation thereon; therefore he supplicates you, sir, to have the goodness to grant to him a piece of land of four hundred and fifty arpents in superficie, which quantity is necessary to comprise the water and timber sufficient for the maintenance of his family and cattle.

The petitioner, having no other views but to live as a submissive and peaceable cultivator of the soil, hopes to render himself worthy of the favor which he solicits of your justice.

JOHN COONTZ, (supposed to be.)

ST. ANDRÉ, *May* 29, 1800.

Nota.—The above signature is illegible to the translator.

Be it forwarded to the lieutenant governor, with information that the statement here above is true, and that the petitioner deserves the favor which he solicits.

JAMES MACKAY.

ST. ANDRÉ, *May* 29, 1800.

ST. LOUIS OF ILLINOIS, *May* 30, 1800.

By virtue of the information from the commandant of St. André, Don Santiago Mackay, I do grant to the petitioner the tract of land of four hundred and fifty arpents which he solicits, if it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the said quantity of land asked, in the place designated; which having executed, he shall draw a plat of survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, December 13, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
44	John Coontz and E. Hempstead.	450	Concession, May 30, 1800.	Carl. Dehault Delassus.	

Evidence with reference to minutes and records.

November 13, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Coontz and Edward Hempstead, claiming 450 arpents of land situate in the district of St. Charles, produce the record of a concession from Charles Dehault Delassus, lieutenant governor, to John Coontz, dated 29th (30th) May, 1800; a transfer of one-half of said tract to Edward Hempstead, dated June 18, 1808. Said transfer unauthenticated. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 399.)

November 29, 1832.—The board met pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

John Coontz and Edward Hempstead, claiming 450 arpents of land, (see book D, page 259; book No. 5, page 399,) produce a paper purporting to be an original concession from Carlos Dehault Delassus, dated May 30, 1800.

M. P. Le Duc, duly sworn, saith that the signature to said concession is in the proper handwriting of said Carlos Dehault Delassus.—(See book No. 6, page 67.)

November 6, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

John Coontz and Edward Hempstead, claiming 450 arpents of land.—(See page 67 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said John Coontz, or his legal representatives, according to the concession.—(See book No. 6, page 302.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 45.—HENRY DIELLE, *claiming* 400 *arpents, and* 1 *arpent by* 40.

To Mr. Zenon Trudeau, lieutenant governor and commander-in-chief of the western part of Illinois, &c.:

Henry Dielle, residing in St. Genevieve, supplicates very humbly, and has the honor to state, that wishing to establish a farm and a plantation, in order to feed, raise, and fatten cattle, and to cultivate in a manner corresponding to such an establishment, which it is impossible to do with success in the villages or their vicinity, he has found a place quite suitable to form such an establishment, having upon it many sugar maple trees, (avec une sucrerie d'érables,) upon the south fork of the river Saline. This concession would take its beginning from the mouth of a branch of said fork, (on the opposite side of which is such another concession, belonging to Messrs. Parent and Govrot,) and would consist of forty arpents in length of front along the said fork by ten arpents in depth. In consequence, the petitioner applies to you, sir, praying you may be pleased to grant to him, his heirs and assignees, in full property, the concession of the said land, such as it is here above designated and specified, not only to make sugar thereon and to raise and feed cattle, but also to make such cultivation as will be suitable to this land, a great part of it being hilly.

Done at New Bourbon January 30, 1798.

H. DIELLE.

ST. LOUIS, *February* 15, 1798.

The surveyor of this jurisdiction, Don Ant. Soulard, shall put Mr. Henry Dielle in possession of the land asked by him in the present petition, at the foot of which he shall make a proces verbal of his survey, and the whole to be returned to us, to be sent to the governor general of the province, who will definitively determine upon the concession of the said land.

ZENON TRUDEAU.

To Mr. Zenon Trudeau, lieutenant governor and commander-in-chief of the western part of Illinois, &c.:

Henry Dielle, residing in St. Genevieve, supplicates very humbly, and has the honor of representing to you, that having married six years ago, and having built his house at the place called Le Moulin, (The Mill,) he had obtained (upon the hills at the end of the field on the hills of New Bourbon) from Mr. François Vallé one arpent in length of front along the said hills by forty arpents in depth, adjoining the land of Madame Widow Leclerc, which is the last one of the above-mentioned field on the hills of New Bourbon (la dernière du susdit pré des côtes de la Nouvelle Bourbon,) the said F. Vallé being then in the belief that said arpent in front constituted a part of his concession for the mill seat, which arpent the petitioner has enclosed, cleared, and regularly cultivated since five years. But by the survey which the said Mr. Vallé caused to be taken by the King's surveyor having resulted that the concession of the mill seat of the said Vallé does not comprise the said arpent in front of the petitioner by its depth of forty arpents, and is of course a part of the King's domain, and that consequently the petitioner has no more any title to keep possession of it, he applies to you, sir, praying that you may be pleased to grant to him, his heirs and assignees, in full property, the concession of the land, consisting of one arpent in front on the hills of New Bourbon by the depth of forty arpents, adjoining the land of Madame Widow Leclerc, the last one in the field on the hills of the said New Bourbon, and on the opposite side adjoining the King's domain; which arpent in front, containing forty arpents in superficie, the petitioner with his slaves has enclosed with rails, and cultivated in wheat since five years. In so doing, he shall not cease to pray for the conservation of your days.

Done at New Bourbon February 6, 1798.

H. DIELLE.

ST. LOUIS, *February* 15, 1798.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put Mr. Henry Dielle in possession of the land asked for in the present petition; and as the land is a part of the lands comprised in the field of New Bourbon, the said proprietor shall have his name inserted in the certificate of survey for the lands of the said field, and the present document shall serve to prove his right of property in the said lands.

ZENON TRUDEAU.

Truly translated. St. Louis, December 7, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
45	Henry Dielle....	400 & 40	2 concessions, Feb'ry 15, 1798.	Zenon Trudeau....	400 arpents on the south fork of Saline river. 40 arpents in the field of New Bourbon.

Evidence with reference to minutes and records.

December 7, 1807.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas and Frederick Bates.

Henry Dielle, claiming four hundred arpents of land, situated on the south fork of the river Saline,

district of St. Genevieve, produces, in support of the same, a concession from Zenon Trudeau, lieutenant governor, dated February 15, 1798.

Camille Delassus, being duly sworn, says that in 1798 claimant showed him, the witness, a concession, which is the same as the one above related. Laid over for decision.—(See book No. 3, page 168.)

June 4, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Henry Dielle, claiming 400 arpents of land.—(See book No. 3, page 168.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 360.)

December 13, 1832.—F. R. Conway, esq., appeared pursuant to adjournment.

Henry Dielle, claiming 400 arpents of land; also one arpent in front by 40 in depth, (book No. 3, page 168; No. 4, page 360; record book D, page 54,) produces a paper purporting to be an original concession from Zenon Trudeau, dated February 15, 1798, for 400 arpents of land; also a paper purporting to be a concession from Zenon Trudeau, dated February 15, 1798, for one arpent in front by forty in depth. The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th October last:

St. Genevieve, *November* 2, 1832.

Henry Dielle, claiming 400 arpents of land lying on the waters of the Saline, in the former district of St. Genevieve; when Cathrine Bolduc, after being duly sworn, deposeth and saith that she is acquainted with the handwriting of Zenon Trudeau, and knows that his name attached to the concession here presented is the handwriting of said Trudeau, and she knows that Henry Dielle took possession of the land in 1798.

VE. BOLDUC.

Sworn to and subscribed before me, L. F. Linn, one of the commissioners appointed for the final adjustment of land claims in Missouri.

L. F. LINN.

(See book No. 6, pages 72 and 73.)

November 6, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Henry Dielle, claiming 400 arpents of land and a 40-arpent lot.—(See pages 72 and 73 of this book.) The board are unanimously of opinion that this claim of 400 arpents ought to be confirmed to the said Henry Dielle, or his legal representatives.

The board remark that the 40-arpent lot is, in their opinion, confirmed by the first section of the act of Congress of June 13, 1812; otherwise, it is recommended for confirmation.—(See book No. 6, page 303.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 46.—Julien Ratté, *claiming* 150 *arpents.*

Don Charles Dehault Delassus, lieutenant colonel in the armies of his Catholic Majesty, and lieutenant governor of Upper Louisiana.

Julien Ratté supplicates very humbly, and has the honor to state, that wishing to make and improve a plantation, and having searched for a piece of land suitable to his views, he has found one situated on the headwaters of Saline river, at a place called Le Rocher à Casetorneau; the said tract of land consisting of 150 arpents in superficie. The petitioner hopes that you will be pleased to grant to him this small quantity of land to make his plantation and raise cattle thereon; in so doing the petitioner shall never cease to pray for the conservation of your days.

Done at New Bourbon October 1, 1799.

his
JULIEN ⋈ RATTÉ.
mark.

Camille Delassus, *witness to the mark.*

We, captain, civil and military commandant of the post of New Bourbon, of Illinois, certify to Don Charles Delassus, lieutenant colonel in the armies of his Catholic Majesty, and lieutenant governor of Upper Louisiana, that Mr. Ratté, who has presented the foregoing petition, is an ancient and very honest inhabitant of this country, who deserves, under all points of view, to obtain the concession solicited, situated in a vacant place, which has not been granted to any person, and is a part of the King's domain, to make his plantation and raise cattle thereon.

Done at New Bourbon, &c., October 5, 1799.

PEDRO DELASSUS DELUZIERE.

St. Louis of Illinois, *October* 18, 1799.

By virtue of the information from the commandant of the post of New Bourbon, Captain Don Pedro Delassus Deluziere, by which it is notorious that the petitioner has more than the means and the number of hands (populacion) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land solicited by him, if it is not prejudicial to any person. And the surveyor, Don Antonio Soulard, shall put the interested party in possession of the quantity of land he petitions for in the place designated, which, when done, he shall draw a plat of survey, which he shall deliver to the party, with his certificate, to serve in obtaining the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting of all classes of land of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, December 11, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
46	Julien Ratté.....	150	Concession, October 18, 1799.	Carl. Dehault Delassus.	On the headwaters of Saline river.

Evidence with reference to minutes and records.

December 13, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

Julien Ratté, by his heirs and legal representatives, claiming 150 arpents of land, (see book F, pages 127 and 128; Bates's Decisions, page 104, where it is not confirmed,) produces a paper purporting to be an original concession from Charles Dehault Delassus, dated October 18, 1799. The following testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

ST. GENEVIEVE, *October* 27, 1832.

Julien Ratté, by his heirs and legal representatives, claiming 150 arpents of land on the waters of the Saline, in this former district of St. Genevieve, in pursuance and by virtue of an original concession. When Pierre Robert and Joseph St. Gemme appeared before L. F. Linn, one of the commissioners appointed for the purpose of settling the private land claims in Missouri.

When the said Robert and St. Gemme, being duly sworn, depose and say that they know that said Ratté occupied and cultivated said land in 1804; had built cabins on it then; that it has been in his possession and occupation and that of his family and representatives ever since.—(See book 6, page 75.)

J. B. ST. GEMME.

his
PIERRE ⋈ ROBERT.
mark.

L. F. LINN, *Land Commissioner.*

November 6, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Julien Ratté, claiming 150 arpents of land.—(See page 75 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Julien Ratté, or his legal representatives, according to the concession.—(See book No. 6, page 303.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 47.—HIACINTHE EGLIS, *claiming* 800 *arpents.*

To the Lieutenant Governor of Upper Louisiana:

Hiacinthe Eglis, inhabiting this country since nearly ten years and having not yet received any gratuitous concession out of his Majesty's domain, has the honor to supplicate you to have the goodness to grant to him the quantity of 800 arpents of land in superficie, to establish thereon a plantation and raise cattle. The said land is situated in the point formed by the rivers Maramec and Mississippi, and bounded as follows: To the northwest and southwest by the river Maramec, to the southeast by the Mississippi, and to the northeast by the lands of Mr. Philip Fein, distant about sixteen miles to the south of this town.

The petitioner, full of confidence in the generosity of the government, hopes to obtain of your justice the favor which he solicits.

HIACINTHE EGLIS.

ST. LOUIS, *December* 15, 1799.

ST. LOUIS OF ILLINOIS, *December* 16, 1799.

The surveyor of this Upper Louisiana, Don Antonio Soulard, shall survey the quantity of land which the petitioner solicits for him to enjoy in the same manner as he asks; and the operation being executed he shall make out a certificate of his survey, which he shall deliver original to the interested, in order that with said certificate he may apply to the intendency general of these provinces, to which tribunal corresponds, by order of his Majesty, the granting of lands and town lots belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the demand of the interested, book No. 2, pages 8 and 9.

SOULARD.

Truly translated. St. Louis, January 3, 1833.

JULIUS DE MUN

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
47	Hyacinthe Eglis.....	800	Concession, December 16, 1799.	Carlos Dehault Delassus.	James Mackay, deputy surveyor, February 20, 1806; recorded by Soulard, surveyor general, February 26, 1806; at the mouth of Maramec river.

Evidence with reference to minutes and records.

June 14, 1806.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose and James L. Donaldson, esqs.

John Mullanphy, assignee of Hyacinthe Eglis, claiming 800 arpents of land, situate at the point of the rivers Mississippi and Maramec, district of St. Louis, produces a concession from Charles D. Delassus, dated December 16, 1799; a certificate of survey of 300 arpents, dated February 20, 1806, and a deed of transfer of the same, dated February 9, 1805.

This claim being unsupportable by actual habitation and cultivation, the board reject the same, and require further proof of the date of said concession; they observe that the same is not duly registered.—(See page 530; B. No. 1, page 311.)

September 6, 1806.—Present: The honorable John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

In the case of John Mullanphy, assignee of Hyacinthe Eglis, page 311. Anthony Soulard, being duly sworn, says that he knows of nothing contradicting the date of the concession; and further that he knows of Zenon Trudeau having promised said Hyacinthe Eglis a concession.—(See book No. 1, page 530.)

November 15, 1809.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

John Mullanphy, assignee of Hyacinthe Eglis, claiming 800 arpents of land, situate at the point of the rivers Mississippi and Maramec, in the district of St. Louis.—(See book No. 1, pages 311 and 350.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 194.)

December 19, 1832.—F. R. Conway, esq., appeared pursuant to adjournment.

Hyacinthe Eglis, by his legal representative, John Mullanphy, claiming 800 arpents of land, (see book A, pages 30 and 33; minutes No. 1, pages 311 and 330; No. 4, page 194,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated December 16, 1799; also a plat and certificate of survey for 300 arpents, dated February 20, 1806, by James Mackay, and recorded by Antonio Soulard.

M. P. Le Duc, being duly sworn, says that the signature to the concession is in the proper handwriting of said Carlos Dehault Delassus, and that the signatures to the plat and certificate of survey are in the proper handwriting of said Mackay and Soulard.—(See book No. 6, page 87.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Hyacinthe Eglis, claiming 800 arpents of land.—(See page 87 of this book.) The board remark that the survey produced in this case is only for 300 arpents. The board are unanimously of opinion that this claim ought to be confirmed to the said Hyacinthe Eglis, or his legal representatives, according to the concession.—(See book No. 6, page 304.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 48.—Etienne Pepin, *claiming* 1,600 *arpents.*

To Don Carlos Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Etienne Pepin, father of a family, Canadian by birth, ancient inhabitant of this country, and residing for the present at Portage des Sioux, has the honor to represent to you that, not having as yet received any concession of consequence from the government, he hopes that you will please to make him enjoy the same favors which you have been pleased to grant to all those who have wished to form plantations; therefore, he has the honor to supplicate you to have the goodness to grant to him, in full property, the concession of a tract of land of sixteen hundred arpents in superficie, to be taken between the river Dardaine and the pond called A Bequet, (Bequet's pond,) at about four or five miles to the northwest of the village of Portage des Sioux.

The petitioner, having always lived as a peaceable and submissive cultivator of the soil, hopes that you will please do justice to his demand in a way favorable to the accomplishment of his views.

St. Louis, *October* 17, 1800.

his
ETIENNE ⋈ PEPIN.
mark.

As witness of the signature:
Antonio Soulard.

St. Louis of Illinois, *October* 18, 1800.

Considering that the petitioner has been a long time in this country, and being assured that he possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land

which he solicits, if it is not prejudicial to any one; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in the place designated; and this being executed, he shall draw a plat of his survey, delivering the same to the party with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered the present on book No. 1, pages 1 and 2, No. 1.

F. SAUCIER.

Truly translated. St. Louis, January 4, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
48	Etienne Pepin.....	1, 600	Concession, October 18, 1800.	Carlos Dehault Delassus.	

Evidence with reference to the minutes and records.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Etienne Pepin, claiming 1,600 arpents of land situate on the Dardennes, district of St. Charles, produces record of a concession from Delassus, lieutenant governor, dated October 18, 1800.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 477.)

December 19, 1832.—F. R. Conway appeared pursuant to adjournment.

Etienne Pepin, by his legal representative, John Mullanphy, claiming 1,600 arpents of land, (see book B, page 509; minutes No. 5, page 447,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated October 18, 1800; also, deed of conveyances.

M. P. Le Duc, duly sworn, saith that the signature to said concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 88.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F Linn, A. G. Harrison, F. R. Conway, commissioners.

Etienne Pepin, claiming 1,600 arpents of land.—(See page 88 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Etienne Pepin, or to his legal representatives, according to the concession.—(See book No. 6, page 304.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 49.—ANDRÉ AND J. B. BLONDEAU DREZY, *claiming* 12 *by* 40 *arpents.*

To Mr. Charles Tayon, captain commandant of St. Charles of Missouri:

SIR: André Blondeau Drezy and Jean Baptiste Blondeau Drezy have the honor of representing to you that, wishing to settle themselves at the place commonly called La Perruque, therefore they supplicate you to have the goodness to grant to them a concession of twelve arpents of land in width by forty in depth, situated on the said Perruque, adjoining on one side to one Louis Marchant and on the other sides to the King's domain. The said petitioners presume to hope, sir, that you will please to grant to them the object of their demand, a favor which they expect of your justice.

ANDRÉ & J. B. BLONDEAU DREZY.

ST. CHARLES, *March* 14, 1799.

Be it forwarded to the lieutenant governor, with information that the land solicited belongs to his Majesty's domain and does not do prejudice to anybody.

CHARLES TAYON.

ST. LOUIS, *March* 18, 1799.

The petitioner may settle himself on the twelve arpents in front by forty in depth at the place where he asks; and as soon as it is possible for the surveyor to go on said place he shall have boundaries fixed for the petitioner, and that will serve to him to solicit the concession of the governor general, to whom alone corresponds the delivering of them.

ZENON TRUDEAU.

Truly translated. St. Louis, January 4, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
49	André and Jean Baptiste Blondeau Drezy.	480	Concession, March 18, 1799.	Zenon Trudeau.	James Mackay, deputy surveyor, April 10, 1805; recorded by Soulard, surveyor general, April 15, 1805; district of St. Charles.

Evidence with reference to minutes and records.

August 25, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas and Clement B. Penrose, commissioners.

The representatives of Charles Tayon, junior, who was assignee of A. and J. Bte. Blondeau, claiming 480 arpents of land situate between the rivers Dardennes and Perruque, district of St. Charles, produce a concession from Zenon Trudeau, for twelve by forty arpents, dated March 18, 1799, under survey of the same, dated April 10, 1805.

Isidore Savoy, being duly sworn, says that the aforesaid J. Bte. Blondeau settled the said tract of land in the beginning of 1796, raised a crop on it, and lived thereon until the fall of that year, when his wife being very ill, he removed to the village of St. Charles, in order to procure that medical assistance which her situation required; that she died some time after, leaving him with a large family of children; that, in that situation, he determined upon remaining in the said village, and gave up the said tract. The board reject this claim.—(See book No. 1, page 490.)

November 15, 1809.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

John Mullanphy, assignee of Andrew and Baptiste Blondeau Drezy, claiming 480 arpents of land situate on the waters of the river Dardennes, in the district of St. Charles, produces to the board a concession for the same from Don Zenon Trudeau, lieutenant governor, dated the 18th of March, 1799; also a plat of survey, dated the 10th of April, 1805, signed Mackay. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 194.)

December 19, 1832.—F. R Conway, esq., appeared pursuant to adjournment.

Andrew and J. Bte. Blondeau Drezy, by their legal representative, John Mullanphy, claiming 480 arpents of land, (see book A, page 44; minutes No. 1, 490; No. 4, page 194,) produces a paper purporting to be an original concession from Zenon Trudeau, lieutenant governor, dated 18th of March, 1799; also a plat of survey, certified by James Mackay, deputy surveyor, and recorded by A. Soulard, surveyor general.

M. P. Leduc, being duly sworn, saith that the signature to the concession is in the proper handwriting of the said Zenon Trudeau, and that the signatures to the plat and certificate of survey are in the proper handwriting of the said Mackay and Soulard.—(See book No. 6, page 88.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

André and Jean Baptiste Blondeau Drezy, claiming 480 arpents of land.—(See page 88 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said André and John Baptiste Blondeau Drezy, or their legal representatives, according to the concession.—(See book No. 6, page 304.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 50.—SILVESTER LABBADIE, *claiming eight by forty arpents.*

To the Lieutenant Governor:

Silvester Labbadie, inhabitant and merchant of this town of St. Louis, in the best form possible, in his right, says that, wishing to establish a plantation for cultivation and raising of cattle, to these ends he supplicates you to be willing to grant to him eight arpents of land in front by eight in depth; bounded in front (east) by the road leading to Mr. De Lor's village, and on the north side by that of Maria Borchoa, widow of Augustin Choto, and on the two other sides by his Majesty's domain, and opposite the back part of Don Benito Vasquez's plantation, in the place commonly called the Little Prairie. Favor which he hopes to receive of your equitable justice.

SILVESTER LABBADIE.

ST. LOUIS OF ILLINOIS, *August* 5, 1788.

Don Manuel Perez, captain of the regiment of infantry of Louisiana, lieutenant governor and commander of this western part and district of Illinois:

Cognizance being taken of the statement of the foregoing memorial, presented by Mr. Silvester Labbadie, inhabitant and resident of this town, bearing date the 5th of August of the present year, I have granted and do grant to him, his heirs, and others who may represent his right, in fee simple, for the eight arpents of land in front by eight arpents in depth, in order that he may thereon establish the plantation which he solicits; said land being bounded on the front (east) by the road which leads to the small village of Vide Poche and the Prairie à Catalan, (said front being opposite the back part of Don Benito Vasquez's plantation,) on the north side by that of Maria Theresa Borchoa, and on the two other sides by the King's domain, on condition to establish and improve it in the term of one year, to begin from this date; and, on the contrary, to remain incorporated to the royal domain. Said land shall be liable to public taxes and others which it may please his Majesty to impose.

Given in St. Louis of Illinois, August 9, 1788.

MANUEL PEREZ.

ORLEANS, *May* 27, 1791.

The surveyor of this province, Don Carlos Trudeau, shall establish the party upon the eight arpents of land in front, which he solicits, by the usual depth of forty, in the place designated in the foregoing petition, provided they are vacant and do not cause any prejudice, under the precise condition to make the road and regular clearing in the peremptory term of one year; and this concession shall be null if at the expiration of the precise time of three years the land should not be improved; and during said time it shall not be alienable. Under which supposition the operations of survey shall be extended in continuation, and remitted to me, in order to provide the interested with the corresponding title in form.

ESTEVAN MIRO.

Registered.

Truly translated. St. Louis, January 14, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
50	Silvester Labbadie.	320	Concession, August 9, 1798; order of survey, May 27, 1791.	Manuel Perez, lieutenant governor; Estevan Miro, governor general.	Prairie à Catalan.

Evidence with reference to minutes and records.

May 13, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose.

The representatives of Silvester Labbadie, claiming eight by forty arpents of land situate on the Mississippi, district of St. Louis, produce a concession from Stephen Miro, dated May 27, 1797, with a proviso that the same does not prejudice any one, and a certificate of survey of 300 arpents, dated June 21, 1806.

Grégoire Sarpy, being duly sworn, says that the said Silvester Labbadie, having obtained the aforesaid concession, proceeded to the improvement and cultivation of said land, but was prevented from so doing by the lieutenant governor, who, upon the remonstrance of the inhabitants of the village, ordered him, the said Silvester Labbadie, to stop any further improvements on the said land until the intendant below should be made acquainted with the circumstances of said claim, and have decreed otherwise.

The board reject this claim for want of actual inhabitation and cultivation on the 1st of October, 1800.—(See book No. 1, page 294.)

November 28, 1808.—Board met. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

The representatives of Silvester Labbadie, claiming eight arpents front on the Mississippi by forty arpents in depth, produce to the board a concession from Manuel Perez, lieutenant governor, to Silvester Labbadie, for eight arpents front by eight arpents in depth, back to the road leading from St. Louis to Vide Poche, or Prairie Catalan, dated August 9, 1788; a concession from Estevan Miro, for eight arpents in front by forty arpents in depth, to Silvester Labbadie, dated Orleans, May 27, 1791. A plat of survey of three hundred and twenty arpents, dated January 1, 1806, certified January 27, 1806. Laid over for decision. (At the margin the following: Survey to be ordered on this claim to ascertain the road from St. Louis to Prairie à Catalan.)—(See book No. 3, page 373.)

August 16, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Silvester Labbadie, representatives of, claiming eight arpents front by forty in depth of land.—(See book No. 1, page 294; book No. 3, page 373.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 309.)

January 12, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized by a resolution of the board of commissioners of the 1st of December last to receive evidence.

Silvester Labbadie, by his heirs and legal representatives, claiming eight arpents of land in front by forty arpents in depth, (see record book A, page 525; minutes No. 1, page 294; No. 3, page 373; and No. 5, page 309,) produces a paper purporting to be an original concession from Manuel Perez, dated August 9, 1788, and an order of survey, dated May 27, 1791, signed by Estevan Miro, governor general of Louisiana.

M. P. Leduc, being duly sworn, saith that, having had many opportunities of seeing the official signatures of the above-named Manuel Perez and Estevan Miro, he is of opinion that the signatures affixed to the said concession and order of survey are in their proper handwriting.

P. Chouteau, sr., being duly sworn, saith that at the date of said concession Manuel Perez was lieutenant governor of Upper Louisiana, and Estevan Miro governor general of the province of Louisiana, and that their signatures affixed to the above-mentioned concession and order of survey are in their proper handwriting. He further saith that, as soon as the said land was surveyed, he often went in company with the said Silvester Labbadie on said piece of land to look at Labbadie's slaves working at the clearing of said land; that said Silvester Labbadie was his brother-in-law, and confided to him all his affairs; and he perfectly knew that the said land was improved by virtue of the concession he obtained at the time of its date.—(See book No. 6, page 94.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Silvester Labbadie claiming eight by forty arpents of land.—(See page 94 of this book.) The board remark that the concession of Manuel Perez, lieutenant governor, is for eight arpents in front by eight in depth; but the order of survey of Estevan Miro, governor general, is for eight arpents in front by forty in depth. The board are unanimously of opinion that this claim ought to be confirmed to said Silvester Labbadie, or his legal representatives, according to the concession made by Miro.—(See book No. 6, page 304.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 51.—GABRIEL CERRÉ, *claiming an island at the mouth of Cuivre.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Gabriel Cerré, merchant of this town, and one of the most ancient inhabitants, without speaking of his attachment to the government, nor of the services which he has been happy enough to render on several occasions, which facts must be known to you, has the honor to supplicate you to have the goodness to grant to him, in full property, the island situated across the mouth of Cuivre river, in the Mississippi, at about forty-five miles of this town; the said island being evidently a part of his Majesty's domain, since it is separated from our shore but by a small channel, which is navigable only in the spring freshets. The said island being high and arable land, he would wish to make a plantation thereon, and, after a while, occupy himself in felling building timber and wood for fuel, both of which will soon be very much wanted in this town. The petitioner, full of confidence in your justice, hopes that you will please consider his demand in a manner favorable to the accomplishment of his views, and you will do justice.

CERRÉ.

ST. LOUIS OF ILLINOIS, *May* 20, 1800.

ST. LOUIS OF ILLINOIS, *May* 25, 1800.

After examining the contents of the foregoing statement, it being manifest to me that the conduct and personal merit of the petitioner make him recommendable among the ancient inhabitants of this country, and that the said island belongs to this side of the river Mississippi, I do grant it to him in all its extents of width, length, and superficie, such as it now stands, for him to possess and enjoy, as well as his heirs, and dispose of it as of a property to him belonging; provided it is not prejudicial to the territorial right of the United States of America, stipulated in article IV of the treaty of amity, navigation, and limits, concluded between both powers on the 27th of October, 1795, and ratified on the 25th of April, 1796.

And Don Antonio Soulard, surveyor general of this Upper Louisiana, shall take cognizance of this title for his intelligence and government in what concerns him; and, afterwards, the interested shall have to solicit the title in form from the intendant general of these provinces of Louisiana, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered by order of the lieutenant governor.—(Pages 17 and 18 of book No. 1 of titles of concessions under my charge.)

SOULARD.

Truly translated. St. Louis, January 4, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
51	Gabriel Cerré.	An island.	Concession, May 25, 1800.	Carlos Dehault Delassus.	An island at the mouth of Cuivre river, in the Mississippi.

Evidence with reference to minutes and records.

July 8, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose and James L. Donaldson, esq., commissioners.

John Mullanphy, assignee of Gabriel Cerré, claiming an island situate at the mouth of the river Cuivre, in the Mississippi, produces a concession from Charles D. Delassus, May 25, 1800, and an act of public sale of the effects and property of said Gabriel Cerré, deceased, dated July 28, 1805.

The board reject this claim, and require further proof, &c.—(See book No. 1, page 394.)

November 15, 1809.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

John Mullanphy, assignee of Gabriel Cerré, claiming an island of 800 arpents of land at the mouth of the river Cuivre, in the Mississippi, in the district of St. Charles.—(See book No. 1, page 394.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 194.)

December 19, 1832.—F. R. Conway, esq., appeared pursuant to adjournment.

Gabriel Cerré, by his legal representative, John Mullanphy, claiming an island at the mouth of Cuivre, in the Mississippi.—(See book No. 1, page 394. No. 4, page 194.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated May 25, 1800; also deed of conveyance.

M. P. Leduc, being duly sworn, saith that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 89.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Gabriel Cerré, claiming an island at the mouth of Cuivre, in the Mississippi.—(See page 89 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to said Gabriel Cerré, or his legal representatives, according to the concession.—(See book No. 6, page 305.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 52.—BENITO VASQUEZ, *claiming nine arpents of land in front.*

To the Lieutenant Governor:

Benito Vasquez, inhabitant of the town of St. Louis, in the best form possible, in his right, says that wishing to establish a plantation, in order to cultivate it and raise cattle thereon, he supplicates you to be pleased to grant him nine arpents of land of his Majesty's domain, bounded north by the land of Joseph Brazeau, south by that of Mr. Motar, east by the river Mississippi, and to the west by the main road of the Little Prairie. Favor which he expects of your equitable justice.

BENITO VASQUEZ.

ST. LOUIS OF ILLINOIS, *November* 18, 1786.

Don Francisco Cruzat, lieutenant colonel of infantry by brevet, captain of grenadiers in the stationary regiment of Louisiana, commander and lieutenant governor of this western part and district of Illinois.

Cognizance being taken of the statement made in the petition presented by Don Benito Vasquez, an inhabitant of this town, bearing date 18th of November of this present year, I have granted and do grant to him, his heirs, or others who may represent his right, in full property, the nine arpents of land which he solicits, which are bounded on one side by the lands of Joseph Brazeau, on the other by those of Joseph Motar, to the east by the edge of the Mississippi, and to the west by the main road which leads to the *Prairie à Catalan*, (Praderia à Catalan,) on condition to establish said land in the term of one year, to begin from this date, and on the contrary the said nine arpents to remain incorporated to the royal domain. Said land shall be liable to all public taxes and others which it may please his Majesty to impose.

Given in St. Louis of Illinois, the 20th day of November of the year 1786.

FRANCO. CRUZAT.

Truly translated. January 16, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date and situation.
52	Benito Vasquez.	9 in front, depth from the Mississippi to the main road.	Concession, November 20, 1786.	Francisco Cruzat.	Between St. Louis and Carondelet.

Evidence with reference to minutes and records.

July 19, 1806.—The board met agreeably to adjournment. Present: Hon. J. B. C. Lucas, Clement B. Penrose, James L. Donaldson, commissioners.

Joseph Brazeau, assignee of Benito Vasquez, claiming nine arpents of land situate in the district of St. Louis, running north and south, bounded northerly by a tract the property of said claimant, being part of a tract granted said Benito Vasquez, by concession from Francis Cruzat, dated November 20, 1786, produces the said concession, together with an assignment of said land, dated May 26, 1800.

Jacque Clamorgan, being duly sworn, says that the said Benito settled the said tract of land about the year 1788; built a house on the same, and that the same has been actually cultivated, either by the said Benito or his representatives, to this day; and that three crops had been raised on the same prior to the year 1800. The board reject this claim for want of actual inhabitation on the first day of October, 1800; and remark, that the said Benito, having raised three crops on the same, had, by the Spanish laws and usages, acquired the right of domain.—(See book No. 1, page 412.)

August 19, 1811.—The board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Joseph Brazeau, assignee of Benito Vasquez, claiming nine arpents front, running back to the road leading from St. Louis to Carondelet.—(See book No. 1, page 412.) The board order that this tract be surveyed at expense of claimant.

January 15, 1812.—Board met. Present: John B. C. Lucas, Clement B. Penrose, Frederick Bates, commissioners.

Joseph Brazeau, claiming under Benito Vasquez.—(See book 5, page 319.) A majority of the board declare that they would have confirmed this claim had it been found not to have exceeded twenty arpents. John B. C. Lucas, commissioner, makes the same remarks as in the claim of Auguste Choteau, (p. 559,) to wit: That he cannot give an absolute vote, under the present circumstances, upon the claim, inasmuch as the board has heretofore ordered a survey to be made under the foregoing concession, for the purpose of examining the quantity, and inasmuch as the same reasons which induced the board to make said orders previous to the decision of the claim still exist, and the said order remains in force, not having been rescinded; he further remarks that the claim ought to be confirmed without being able at present to say what quantity.—(See book No. 5, pages 319 and 562.)

January 12, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized, by a resolution of the board of commissioners of the 1st of December last to receive evidence.

Benito Vasquez, by his legal representative, Bernard Pratte, claiming nine arpents of land in front, by the depth comprised between the Mississippi and the public road leading to the village of Carondelet.—(See

book B, page 417; book D, page 362. Minutes, No. 1, page 412; No. 5, pages 319 and 562. L. T. No. 4, page 15.) Produces a paper purporting to be an original concession from Francis Cruzat, dated November 20, 1786.

M. P. Le Duc, being duly sworn, saith that the signature to the said concession is in the proper handwriting of the said Francisco Cruzat.

Peter Chouteau, senior, being duly sworn, saith that the signature to the said concession is in the proper handwriting of the said Cruzat. He further saith that immediately after getting the said concession the said Benito Vasquez had a house built on said land, and had some of his hands employed in improving the same.—(See book No. 6, page 95.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Benito Vasquez, claiming nine arpents of land in front, by the depth from the Mississippi to the main road leading to Carondelet.—(See page 95 of this book.) The board remark, that in the petition the words *in front* were evidently omitted after the word *nine*. The board are unanimously of opinion that this claim ought to be confirmed to the said Benito Vasquez, or his legal representatives, according to the boundaries asked for in the petition, and expressed in the concession.—(See book No. 6, page 305.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 53.—JEAN BAPTISTE PUJEOL, *claiming* 240 *arpents.*

To Mr. Zenon Trudeau, lieutenant colonel by brevet, captain in the stationary battalion of Louisiana, lieutenant governor of the western part of Illinois, and commander-in-chief of the said part, &c.

SIR: Jean Baptiste Pujeol, inhabitant of the village of Carondelet, has the honor to represent to you that he would wish to establish a plantation on the banks of the river Maramec, on this side, but as he cannot do it without your consent, therefore the petitioner begs of you to grant to him six arpents of land in front, by forty in depth; the upper line of which (tract) is formed by the direction of a branch that comes down from the hills and empties itself into the said Maramec. The petitioner hopes, sir, that you will please to grant to him, conformably to his demand, a concession which shall serve to him as a title of property for him, his heirs or assigns; and he shall never cease to pray for your conservation and prosperity; and you will do justice.

JEAN BAPTISTE PUJEOL.

ST. LOUIS, *November* 11, 1796.

ST. LOUIS, *November* 11, 1796.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put the individual called Jean Baptiste Pujeol in possession of six arpents of land in front by forty in depth, in the place designated, according to his demand, provided that the said land belongs to the King's domain, and be not prejudicial to any one.

ZENON TRUDEAU.

Registered at the demand of the interested—(Book No. 2, pages 7 and 8.)

SOULARD.

Truly translated. St. Louis, January 15, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
53	Jean Baptiste Pujeol.	240	Concession, 11th November, 1796.	Zenon Trudeau.	On the Maramec.

Evidence with reference to minutes and records.

September 20, 1806—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose and James L. Donaldson, esquires.

Bernard Pratte, assignee of John B. Pujeol, claiming six by forty arpents of land, situate on the Maramec, district of St. Louis, produces a concession from Zenon Trudeau, dated November 11, 1796, and a deed of transfer of the same, dated the 4th of January, 1804.

Richard Averitt, being duly sworn, says that the said Pujeol settled the said tract of land in 1797 or 1798, and that the same has been actually inhabited and cultivated to this day, with the exception of one or two years.

John James, being also duly sworn, says that the said tract of land was prior to, and on the 1st day of October, 1800, actually inhabited and cultivated.

The board reject this claim for want of a duly registered warrant of survey.—(See book No. 2, page 18.)

November 30, 1808.—Board met. Present: The honorable John B. C. Lucas, Clement B. Penrose and Frederick Bates.

Bernard Pratte, assignee of John Baptiste Pujeol, claiming six by forty arpents of land situate on Maramec river. Laid over for decision. At the margin: Survey to be ordered, there being a natural boundary.—(See No. 3, page 382.)

July 11, 1810.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Bernard Pratte, assignee of Jean Baptiste Pujeol, claiming six by forty arpents of land.—(See book No. 2, page 18; book No. 3, page 382.) The Board order that this claim be surveyed conformably to a concession from Zenon Trudeau, lieutenant governor, to Jean Baptiste Pujeol, dated 11th of November, 1796, and recorded in book C, page 461, of the recorder's office.—(See book No. 4, page 429.)

January 15, 1812.—Board met. Present: John B. C. Lucas, Clement B. Penrose and Frederick Bates, commissioners.

Bernard Pratte, claiming under John Baptiste Pujeol.—(See book No. 4, page 429.) A majority of the board declare that they would have confirmed this claim, had it been found not to have exceeded two hundred and forty arpents. John B. C. Lucas, commissioner, makes the same remarks as in the claim of Auguste Chouteau, page 559, to wit: John B. C. Lucas, commissioner, declares that he cannot give an absolute vote under the present circumstances upon the claim, inasmuch as the board has heretofore ordered a survey to be made under the foregoing concession for the purpose of ascertaining the quantity, and inasmuch as the same reasons which induced the board to make said order, previous to the decision of the claim, still exist, and the said order remains in force, not having been rescinded. He further remarks that the claim ought to be confirmed, without being able at present to say what quantity.—(See book No. 5, pages 561 and 559.)

January 12, 1832.—F. R. Conway, esquire, appeared pursuant to adjournment.

Jean Baptiste Pujeol, by his legal representative, Bernard Pratte, claiming six arpents of land in front by forty in depth.—(See book C, page 462; minutes, No. 2, page 18; No. 3, page 382; No. 4, page 429; No. 5, page 561.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated 11th November, 1796.

M. P. Le Duc, being duly sworn, saith that the signature to the concession is in the proper handwriting of the said Zenon Trudeau.

Peter Chouteau, sr., being duly sworn, saith that the signature to the concession is in the proper handwriting of the said Zenon Trudeau; he further saith that before and about 1800 he bought of said Pujeol, several in succession, the crops of tobacco he raised on said tract of land, whereon said Pujeol resided; that he had a garden, corn-fields, an dlarge tobacco plantations; that he lived many years on said land.—(See book No. 6, page 96.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jean Baptiste Pujeol, claiming two hundred and forty arpents of land.—(See page 96 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Jean Baptiste Pujeol, or his legal representatives, according to the concession.—(See book No. 6, page 306.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 54.—James Mackay, *claiming* 200 *and more arpents.*

To Don Charles Dehault Delassus, lieutenant governor and commander-in-chief of Upper Louisiana:

James Mackay, commandant of St. André of Missouri, has the honor to represent that, having often sundry reports to make to the government, on which account his presence is required in this town, he would wish to have a place of residence in the same; therefore, considering that all the town lots are conceded, he has the honor to supplicate you to have the goodness to grant to him, to the south of this town, a vacant tract of land of about two hundred and some arpents in superficie, which tract of land is bounded as follows: to the north by the land of Mr. Auguste Chouteau; to the south by lands of Mr. Ant. Soulard; to the east by the public road going from this town to Carondelet, and to the west by his Majesty's domain.

The petitioner, confiding in your justice, hopes that his zeal for his Majesty's service, and the small salary which he enjoys, will be strong motives in the opinion of a chief who, like you, makes his happiness consist in distributing favors to the officers who have the honor to serve under his orders. In this belief he hopes to obtain of your justice the favor which he solicits.

JAQUE MACKAY.

St. Louis, *October* 9, 1799.

St. Louis of Illinois, *October* 9, 1799.

Cognizance being taken of the foregoing memorial of Mr. James Mackay, and due attention being paid to his merit and good services, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put the interested party in possession of the land which he solicits in the place designated in this memorial; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order that it shall serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, February 20, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
54	James McKay.	200 and more.	Concession, October 9, 1799.	Carlos Dehault Delassus.	Antonio Soulard, —— 24, 1802; certified by him Dec. 17, 1802; south of St. Louis, adjoining the commons.

Evidence with reference to minutes and records.

July 22, 1806.—The board met agreeably to adjournment. Present: John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

James Mackay, claiming 200 arpents of land or thereabouts, situate in the field of St. Louis, produces a concession from Charles D. Delassus, dated October 9, 1799, and a survey of the same, dated November 24, and certified December 17, 1802. Auguste Chouteau, being duly sworn, says that the said tract of land was surveyed in 1804 or 1805; that he never heard of a concession having been granted for the same until the survey was taken; that the said tract is adjoining a tract claimed by the witness, and that the same interferes with a tract claimed by the inhabitants of St. Louis as a common. The board, from the above testimony, are satisfied that the aforesaid concession is antedated.—(See book No. 1, page 417.)

St. Louis, *December* 28, 1813.—James Mackay claims about 30 arpents of land near the town of St. Louis; produces a concession from Charles D. Delassus, lieutenant governor, for about 200 arpents, dated October 9, 1799; survey of 288 arpents, December 17, 1802, (certified.) M. P. Le Duc, as agent of claimant, abandons all but about 30 arpents, the part abandoned supposed to be comprehended by the survey of the commons; it appearing from the minutes, book 1, page 417, that no testimony has been introduced on the merits of this claim. A witness now admitted. Antoine Soulard, duly sworn, says that this tract was granted to claimant by C. D. Delassus, lieutenant governor, on the recommendation of his predecessor, Z. Trudeau, who had promised the same. It was surveyed under the Spanish government, and has ever since been considered as property of claimant; that corn was raised on the premises for claimant during three or four of the last years.

Note.—No more abandoned than may fall within the commons, should they be confirmed.

At the margin: confirmed 30 arpents of land.—(See recorder's minutes, page 117; see Bates's Decisions, page 36.)

February 18, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment, having been authorized by a resolution of the board of commissioners of the 1st of December last to receive evidence.

James Mackay, by his legal representative, claiming 200 and more arpents, it being a special location.—(See book B, pages 433 and 434; minutes No. 1, page 417; minutes of recorder, page 117.) The claimant further refers to book B, page 486, in order to show that the claim for the common of St. Louis does not interfere with this claim; also to book No. 5, page 552. Produces a paper purporting to be a concession from Carlos Dehault Delassus, dated October 9, 1799.

M. P. Le Duc, being duly sworn, saith that the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus. For further testimony of M. P. Le Duc in behalf of this claim, see next claim below, to wit: Deponent further says that he informed Mr. Soulard that in case he would abandon the part of his claim which was included in the common of St. Louis, Mr. Bates would confirm the balance of said claim; thereupon Soulard called on Mr. Bates and made the abandonment, upon which Bates confirmed the part of said claim which lies east of the common, and, at the same time, Soulard, agent for Mackay, made the same abandonment on Mackay's claim; and that, since that time, Soulard told the deponent that Mackey disapproved of said abandonment, and that he, the said deponent, never acted as agent for Mackay in said claim; that he does not know that Soulard ever was authorized by Mackay to make said abandonment; that since the time of said abandonment Mackay remained as ostensible owner and claimant of said land; that he built thereon a house, and lived and died in it.

The deponent further says that what he understands by these claims interfering with the common of St. Louis, is the part of said claim included in the survey of said common, made by Mackay, in 1806, as recorded.

Deponent believes that taxes were paid by Mackay and Soulard on said lands until 1820; and that the part of Mackay's claim which was not confirmed was sold under an execution, as being the property of said Mackay.—(See book No. 6, page 103.)

July 31, 1807.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose and Frederick Bates, commissioners. Same (James Mackay) claiming about 282 arpents in the commons of St. Louis, produces a concession from Carlos D. Delassus, dated 9th of October, 1799. Survey and certificate dated the 17th of December, 1802. Laid over for decision.—(See book No. 3, page 21.)

November 4, 1809.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners. James Mackay, claiming 282 arpents of land situate in the commons of St. Louis.—(See book No. 1, page 417; book No. 3, page 21.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 186.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners. James Mackay claiming 200 and more arpents of land.—(See page 103 of this book.) The board, after minutely examining the original papers in this case, see no cause for entertaining even the suspicion of the concession being antedated, as expressed by the former board, and they are unanimously of opinion that this claim ought to be confirmed to the said James Mackay or to his legal representatives, according to the concession.—(See book No. 6, page 306.)

L. F. LINN.
F. R. CONWAY.
A. G HARRISON.

No. 55.—BERNARD PRATTE, *claiming* 7,056 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel of the stationary regiment of Louisiana and lieutenant governor of the upper part of the same province, &c.:

SIR: The undersigned, convinced that the resources of agriculture are the most infallible means to secure to his family an independent existence, and to shelter them hereafter from the disasters of poverty, and wishing to participate in the gratuitous gifts made by the government to the inhabitants of this dependency, has the honor to represent to you that he has the project of forming sundry establishments, as well for agriculture as for the raising of cattle; therefore the undersigned humbly supplicates, and has recourse to your authority, in order to obtain, in full property, one league square of land in superficie, to be taken in any vacant part of his Majesty's domain, in the place which will be found most convenient to the execution of his project, without prejudice to any one. He hopes that you will be pleased to take into consideration the well-grounded motives of his demand, and that your decision will be favorable.

BERNARD PRATTE.

ST. LOUIS, *September* 18, 1799.

ST. LOUIS OF ILLINOIS, *October* 19, 1799.

Having examined the statement on the other side, and considering that the petitioner was born in this country, and that his family is one among the most ancient inhabitants of this country, whose known conduct and personal merit are recommendable, and being satisfied to evidence that he possesses more means than is necessary to improve the land he solicits, I do grant to him and his heirs the land which he solicits, in case it is not prejudicial to any one; and the surveyor, Don Antoine Soulard, shall put the interested party in possession of the land which he asks, in a vacant place of the royal domain, and this being executed, he shall draw a plat of survey, delivering the same to the party, with his certificate, in order to serve to the said party to obtain the concession and title in form from the intendent general, to whom corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the desire of the interested, (No. 17, pages 26 and 27 of book of registers of memorials, decrees, and titles of concessions, No. 1.)

SOULARD.

Truly translated. St. Louis, February 22, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
55	Bernard Pratte.	7,056	Concession, October 19, 1799.	Charles Dehault Delassus.	Nathaniel Cook, D. S., 15th February, 1806; certified 20th February, 1806, by A. Soulard; on river St. Francis.

Evidence with reference to minutes and records.

May 5, 1806.—The board met agreeably to adjournment. Present: The honorable Clement B. Penrose and James L. Donaldson, commissioners.

Bernard Pratte, claiming 7,056 arpents of land situate on the river St. Francis, district of St. Genevieve, produces a concession from Charles D. Delassus for the same, not duly registered, and dated October 19, 1799; and a survey of the same, taken 15th and certified 19th February, 1806. No condition inserted in said concession. The board required further proofs of the date of said concession, which were not adduced.

The board reject this claim.—(See book No. 1, page 276.)

December 7, 1807.—The board met agreeably to adjournment. Present: Hon. John B. C. Lucas and Frederick Bates, commissioners.

The same, (James Maxwell,) assignee of Bernard Pratte, claiming 7,056 arpents of land situate on the river St. Francis, district of St. Genevieve, produces a concession from Charles D. Delassus for the same, (not duly registered,) and dated October 19, 1799; and a survey of the same, taken the 15th and certified 19th of February, 1806. No condition inserted in said concession. Also a deed of conveyance from said Pratte to claimant, dated May 8, 1806, and duly acknowledged the 9th of May of the same year. Laid over for decision.—(See book No. 3, page 163.)

May 31, 1810.—Board met. Present: J. B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James, Maxwell, assignee of Bernard Pratte, claiming 7,056 arpents of land.—(See book No. 1, page 276; book No. 3, page 163.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 356.)

February 18, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized by a resolution of the board of commissioners of the 1st of December last to receive evidence.

Bernard Pratte, claiming 7,056 arpents of land, (see book C, page 256; No. 1, page 276,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated October 19, 1799; also a plat of survey, taken 15th and certified 19th February, 1806, by Antonio Soulard.

M. P. Le Duc, duly sworn, saith that the signature to the concession is in the proper handwriting of

Carlos Dehault Delassus, and the signature to the plat of survey is in the proper handwriting of Antoine Soulard.—(See book No. 6, page 104.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Bernard Pratte, claiming 7,056 arpents of land.—(See page 104 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to said Bernard Pratte, or his legal representatives, according to the concession.—(See book No. 6, page 306.)

Conflicting claims.

Samuel Holstead, by letter addressed to L. F. Linn, commissioner, dated October 9, 1832, states that in 1809 he purchased an improvement of John Murphy, son of William Murphy, senior, south and adjoining a tract confirmed to said W. Murphy. About the year 1805, by order of governor Wilkinson, the said Wm. Murphy had an additional tract surveyed for him, which included the improvement purchased by said Holstead, and on which he now lives. He further states that Pratte's claim was first surveyed in 1806, and the said survey was made to adjoin the south line of the additional tract of Wm. Murphy; but the said additional tract failing of confirmation, said Holstead's improvement was, of course, on public land. In 1821 said Holstead came to St. Louis, and proved his pre-emption right, but could not enter the land, a part being included in Pratte's claim. Said claim was not at that time (1821) designated on the plat, but Pratte forbid the sale of it.

Pratte did not go down to show his lines; they were *guessed* at, and *made* to adjoin the south line of the tract originally granted to William Murphy.

A certificate of Wm. Murphy, saying that Pratte's survey was made to adjoin the south line of his (Wm. Murphy's) additional tract, now the improvement of said Holstead.

Also certificate of Laken Walker, to the same end.

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON

No. 56.—HENRY DIELLE, *claiming* 5,000 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

SIR: Henry Dielle, inhabitant of St. Genevieve, father of a numerous family, owner of slaves, and of all the means necessary for farming on a large scale, having never obtained any concession from the government, has the honor to supplicate you, with all due respect, to be willing to grant to him in full property a tract of land of 5,000 arpents in superficie, to be taken in a vacant part of his Majesty's domain, at his choice, upon the waters of the river St. Francis or thereabouts. The undersigned, full of confidence in the generosity of the government and in your justice, presumes to hope that you will be pleased to do justice to his demand in such a way as to enable him to fulfil his views.

H. DIELLE.

ST. LOUIS, *December* 28, 1799.

We forward the present petition to the lieutenant governor of Upper Louisiana, and do observe to him that the statement of the petitioner is conformable to truth; that by his means, his conduct, and his good morals, he deserves, in every point of view, to obtain of your justice the favor which he solicits from the government.

FRANCISCO VALLÉ.

ST. LOUIS OF ILLINOIS, *December* 29, 1779.

Cognizance being taken of the statement on the other side, and of the information given by the commandant of St. Genevieve, Captain Don Francisco Vallé, and considering that the petitioner is one of the most ancient inhabitants of this country, whose known conduct and personal merit are recommendable, and being satisfied to evidence that he possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, in case it is not prejudicial to any one; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks in one of the places designated; and this being executed, he shall draw a plat of survey, which he shall deliver to the party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, February 22, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date and situation.
56	Henry Dielle.....	5,000	Concession, February 29, 1799.	Carlos Dehault Delasus.	Nathaniel Cook, D. S., February 3, 1806; certified by Soulard, February 19, 1806; on St. Francis river.

Evidence with reference to minutes and records.

May 5, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose and James L. Donaldson, commissioners.

The same, (Bernard Pratte,) assignee of Henry Dielle, claiming 5,000 arpents of land, situate as aforesaid. Produces a concession from Charles Dehault Delassus for the same, not duly registered, and dated December 29, 1799; a survey of the same, taken the 3d and certified February 19, 1806; a deed of transfer of the same, dated November 14, 1805. No condition expressed in said concession. The board required further proof of the date of the said concession, which was not adduced. The board reject this claim.—(See book No. 1, page 276.)

December 7, 1807.—The board met agreeably to adjournment. Present: the Hon. John B. C. Lucas and Frederick Bates, commissioners.

The same, (James Maxwell,) assignee of Bernard Pratte, who was assignee of Henry Dielle, claiming 5,000 arpents of land situate on the river St. Francis, district of St. Genevieve. Produces a concession from Charles Dehault Delassus for the same, not duly registered, and dated December 29, 1799; a survey of the same taken the 3d and certified February 19, 1806; a deed of transfer of the same, dated November 14, 1805; also a deed of conveyance from said Pratte to claimant, dated May 8, 1806, and duly acknowledged May 9, of the same year. No condition expressed in said concession. Laid over for decision.—(See book No. 3, page 163.)

May 31, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Maxwell, assignee of Bernard Pratte, assignee of Henry Dielle, claiming 5,000 arpents of land.—(See book No. 1, page 276; book No. 3, page 163.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 356.)

February 18, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized by a resolution of the board of commissioners of the 1st of December last to receive evidence.

Henry Dielle, by his assignee, Bernard Pratte, claiming 5,000 arpents of land on the waters of the St. Francis.—(See record book C, page 257; minutes No. 1, page 276.) Produces a paper purporting to be a concession from Charles Dehault Delassus, dated February 29, 1799; also a plat of survey taken the 3d and certified February 19, 1806, by Antoine Soulard.

M. P. Le Duc, duly sworn, saith that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus, and the signature to the plat of survey is in the proper handwriting of A. Soulard.—(See book No. 6, page 105.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Henry Dielle, claiming 5,000 arpents of land.—(See page 105 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to said Henry Dielle, or his legal representatives, according to the concession.—(See book No. 6, page 105.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 57.—MATHIEU SAUCIER, *claiming* 1,200 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Mathieu Saucier, a native of this country, father of eight children, and son of an officer in the French troops of the navy, has the honor of representing to you that he would wish to form an insulated plantation in order to raise cattle thereon, and to establish his numerous family as soon as they shall be of age to work for themselves. Therefore, full of confidence in the generosity of a government which he and those related to him have always served with fidelity, he has the honor respectfully to supplicate you to have the goodness to grant to him, in full property, the quantity of twelve hundred arpents of land in superficie, to be taken in a vacant place of his Majesty's domain on the north side of the Missouri. Full of confidence in your justice, he awaits with hope the good effect thereof; this new favor shall be one more tie which will invariably bind him and his family to the soil which has seen their birth, and to the government which has always treated them as its own subjects.

MATH. SAUCIER.

ST. LOUIS, *November* 25, 1800.

ST. LOUIS OF ILLINOIS, *November* 28, 1800.

Considering that the petitioner has grown old in this country, and that his family is sufficiently large to obtain the quantity of land which he solicits, and as we are assured that he possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in the place designated, and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, February 22, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
57	Mathew Saucier.....	1,200	Concession, November 28, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

December 9, 1811.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Chouteau, assignee of Mathew Saucier, claiming 1,200 arpents of land situate on the Mississippi, district of St. Charles, produces record of a concession from Delassus, lieutenant governor dated November 28, 1800. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 498.)

February 18, 1833.—F. R. Conway, esquire, appeared pursuant to adjournment.

Mathew Saucier, by his legal representative, Pierre Chouteau, senior, claiming 1,200 arpents of land, (see book D, pages 163 and 164; book No. 5, page 498,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated November 28, 1800. M. P. Le Duc, duly sworn, saith the signature to the concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 105.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Mathew Saucier, claiming 1,200 arpents of land.—(See page 105 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Mathew Saucier, or his legal representatives, according to the concession.—(See book No. 6, page 307.)

L. F. LINN.
F. R. CONWAY.
A. G HARRISON.

No. 58.—PURNEL HOWARD, *claiming* 400 *arpents.*

To Don Charles Dehault Delassus, lieutenant governor and commander-in-chief of Upper Louisiana, &c.:

Purnel Howard, C. R., has the honor to represent to you that, with the permission of the government, he has settled himself on a tract of land in his Majesty's domain, on the north side of the Missouri; therefore he supplicates you to have the goodness to grant to him, at the same place, the quantity of land corresponding to the number of his family, composed of himself, his wife, and four children; the petitioner having sufficient means to improve a plantation, and having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to obtain the favor which he solicits of your justice.

PURNEL HOWARD, + mark.

ST. ANDRÉ, *November* 11, 1799.

Be it forwarded to the lieutenant governor, with information that the statement above is true, and that the petitioner deserves the favor which he solicits.

SANTIAGO MACKAY.

ST. ANDRÉ, *November* 11, 1799.

ST. LOUIS OF ILLINOIS, *November* 25, 1799.

By virtue of the information given by Don Santiago Mackay, commandant of the settlement of St. André, in which he testifies as to the truth of the number of individuals stated to compose the family of the petitioner, the surveyor, Don Antonio Soulard, shall put him in possession of 400 arpents of land in superficie, in the place where asked by him, this quantity corresponding to the number of his family, conformably to the regulation of the governor general of the province; and this being executed, the interested party shall have to solicit the title of concession in form from the intendant general of the same province, to whom, by royal order, corresponds the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land, of 500 arpents in superficie, has been measured, the lines run and bounded, in favor and in presence of Purnel Howard. Said measurement has been taken with the perch of Paris, of 18 French feet, lineal measure of the same city, according to the agrarian measure of this province. Said land is situated on the north side of the Missouri, at the distance of two miles from said river, and at about sixty miles west of this town of St. Louis, and is bounded on its four sides—north, south, east, and west—by vacant lands of the royal domain. The said survey and measurement was taken without having regard to the variation of the needle, which is 7° 30′ east, as is evinced by the foregoing figurative plat, on which are noted the dimensions, courses of the lines, other boundaries, &c. This survey was taken by virtue of the decree of the lieutenant governor and sub-delegate of the royal fisc, Don Carlos Dehault Delassus, bearing date November 25, 1799, here annexed.

In testimony whereof, I do give the present, with the foregoing figurative plat drawn conformably to the survey executed by the deputy surveyor, Don Santiago Mackay, on the 28th of March, 1804.

ANTONIO SOULRAD, *Surveyor General.*

Truly translated. St. Louis, February 23, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
58	Purnel Howard.	400	Concession, November 25, 1799.	Carlos Dehault Delassus.	James Mackay, deputy surveyor, March 28, 1804; certified by Soulard, north side of Missouri, 60 miles west of St. Louis.

Evidence with reference to minutes and records.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joshua Dodson, assignee of Purnel Howard, claiming four hundred arpents of land situate on Smith's creek, district of St. Charles, produces record of a concession from Delassus, lieutenant governor, dated November 25, 1799; record of a plat of survey, dated March 28, 1804; record of a transfer from Howard to claimant, dated March 30, 1804.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 430.)

February 18, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

Purnel Howard, by his legal representative, claiming four hundred arpents of land, (see record book C, pages 384 and 385; book No. 5, page 430,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated November 25, 1799; also a plat of survey, dated March 28, 1804, by Soulard.

M. P. Le Duc, being duly sworn, saith that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus, and the signature to the plat of survey is in the proper handwriting of A. Soulard.—(See book No. 6, page 106.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Purnel Howard, claiming four hundred arpents of land.—(See page 106 of this book.) The board remark that there is evidently a mistake in the certificate of survey, for it is therein stated five hundred arpents, when the survey shows four hundred. The board are unanimously of opinion that this claim ought to be confirmed to the said Purnel Howard, or to his legal representatives, according to the concession.—(See book No. 6, page 307.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 59.—Pierre François Devolsey, *claiming six by forty arpents.*

On the 15th of September, 1767, on the demand of Mr. Pierre François Devolsey, (ecuyer,) an officer in the troops detached from the marines, residing at the post of St. Louis, who desires to cultivate land we have granted and do grant to him in fee, for him, his heirs, and assigns, a tract of land of six arpents in front, in the prairie which is to the south of the Little river; the said front runs north and south, by the ordinary depth of forty arpents, running east and west, adjoining on the south side to the King's domain or lands not granted, and on the north side to the land conceded to Madame Chouteau, on condition that said land shall be improved in one year and a day, and that it shall be subject to the public charges and others which it may please his Majesty to impose.

Given in St. Louis the day and year as above, and we have signed.

ST. ANGE.
LABUXIERE.

Truly translated from Livre Terrein, No. 1, pages 14 and 15. St. Louis, February 20, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
59	Pierre François Devolsey	240	Concession, September 15, 1767.	St. Ange.....	In the little prairie, south of St. Louis.

Evidence with reference to minutes and records.

February 15, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized by a resolution of the board of commissioners of the 1st of December last to receive evidence.

Pierre François Devolsey, by his legal representative J. P. Cabanné, claiming six arpents of land in

front by forty in depth, (see Livre Terrein, No. 1, page 14; record book F, page 152,) produces a paper purporting to be a copy of a concession from St. Ange, lieutenant governor, dated September 15, 1767; also a deed of conveyance from François Dupuis to J. P. Cabanné, dated October 2, 1817; also a copy of Devolsey's last will and testament and a translation of the same; also a paper purporting to be the deposition of Paul Portneuf, alias Ladéroute, before F. M. Guyol, a justice of the peace for the county of St. Louis, on the 10th of March, 1819.

Pierre Chouteau, senior, being duly sworn, saith that Devolsey was a captain in the French service, and had a concession granted to him for the above piece of land; that Devolsey did not settle himself on said land, because at that time no one would have dared to live out of town on account of the Indians, but cut his wood and made his hay on the same; that any one who wanted to cut timber on the same had to ask Devolsey's permission. He says also that the signature affixed to the concession in Livre Terrein, No. 1, pages 14 and 15, which is exhibited to him, is in the true handwriting of St. Ange, then lieutenant governor. He further states that he knew Paul Portneuf, alias Ladéroute; that he was a natural son of a former commandant and a man of good repute; that he, the deponent, having been thirty years among the Indians, he never paid attention, during his short stays in St. Louis, whether there was any field on said land, at least he does not remember of having seen any; that at the time when Theodore Hunt was recorder of land titles, and receiving evidences under the act of Congress, 1824, he, the deponent, went before the said Hunt and gave his testimony in behalf of this claim, and Mr. Rene Paul went with him as his interpreter; that said land is situated immediately south and adjoining Madame Chouteau's land, in the little prairie south of St. Louis, and is bounded east by the road to Carondelet, south and west by lands which were then vacant.

Rene Paul, being duly sworn, saith that, in 1825, he, being then commissioned deputy surveyor, was requested, by Theodore Hunt, to go and identify all the possessions in the little prairie, according to their respective concessions, and conformably to the testimonies given by Baptiste Riviere, alias Bacanné, and Rene Dodier, who had been previously sworn to that effect; that he identified the claim of Cabanné, under Devolsey, to be in the little prairie south of St. Louis, bounded north by lands granted to Madame Chouteau, east by the Carondelet road, south by lands granted to Bacanné, and west by lands said to be the commons of St. Louis, containing six arpents of land in front by forty in depth. The northeast corner thereof being on the west side of the road, and eight linear arpents south of the south boundary line of Soulard's land. He further states that, in 1825, he went with P. Chouteau, sr., before T. Hunt, and served as interpreter to said Chouteau when he gave his testimony in behalf of this claim.

Laurent Reed, being duly sworn, saith that he is seventy-three years of age, and when a boy he knew Devolsey, who then lived in St. Louis, and he continued to know him until his death. He believes that Devolsey died about forty years ago, more or less; that he knew that one of Devolsey's negroes cultivated a small field in the little prairie, but does not remember exactly the place, it being so long since; that said negro cultivated tobacco, melons, and other articles of produce.—(See book No. 6, page 100.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Pierre François Devolsey, claiming six by forty arpents of land.—(See page 100 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Pierre François Devolsey, or his legal representatives, according to the concession; and they remark that their opinion was formed independently of the deposition of Portneuf, produced in this case.—(See book No. 6, page 307.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 60.—GABRIEL CERRÉ, *claiming ten by forty arpents*

To Don Manuel Perez, captain of the regiment of infantry of Louisiana, lieutenant governor, &c.:

Having examined the contents of the memorial presented by Don Gabriel Cerré, residing in this town of St. Louis, and bearing date the 11th of March, 1789, I granted and do grant to him in fee, for him, his heirs and assigns, a tract of land of ten arpents in front by forty in depth, situated on river Gravois, which empties into river Des Peres, at the distance of two leagues from this town and about eight arpents from the river Mississippi, bounded on every side by the King's domain, under condition to establish and improve the same in the term of one year from this date; on the contrary, to remain incorporated to the royal domain. The said land to be subject to the public charges and others which it may please his Majesty to impose.

Given in St. Louis of Illinois on the 15th day of March, of the year 1789.

MANUEL PEREZ.

Truly translated from Livre Terrein.—(Book No. 4, pages 21 and 22.) St. Louis, February 10, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
60	Gabriel Cerré.....	400	Concession, March 15, 1789.	Manuel Perez...	On Gravois, two leagues from St. Louis.

Evidence with reference to minutes and records.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Gabriel Cerré, claiming 400 arpents of land situate on the river Maramec, (Gravois,) district of St.

Louis, produces a concession from Charles D. Delassus, lieutenant governor, dated August 13, 1799. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 384.)

February 8, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized by a resolution of the board of commissioners of the 1st of December last to receive evidence.

Gabriel Cerré, by his legal representative, Frederic Dent, claiming ten arpents of land in front by forty arpents in depth, (see Livre Terrein, No. 4, pages 21 and 22,) for general notice, see record book F, page 346,) produces a paper purporting to be a certified copy of a concession granted by Manuel Perez, lieutenant governor, dated March 15, 1789.

Pascal Cerré, being duly sworn, saith that he is acquainted with the tract mentioned in the above concession; that it was granted to his father by Manuel Perez in the year 1789; that in the beginning of June, 1789 or 1790, but he rather thinks it was in 1789, his father had two ploughs at work on said land, and planted a cornfield, which was not fenced in; that he had a cabin built and an orchard planted; that he, the said deponent, planted said orchard with his own hands, and had it fenced in, and had grass mowed on said land, and had two haystacks made in the enclosure of said orchard; that his father remained in possession until the deponent's mother died, when a division of the property took place, and the said land fell into the deponent's hands; that now he has no kind of interest in said property, having sold the same to Abraham Gallatin; that said land was surveyed by Antoine Soulard under the Spanish authorities.—(See book No. 6, page 98.)

May 22, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

In the case of Gabriel Cerré, claiming 10 arpents of land in front by 40 in depth, (see page 98 of this book,) the claimant produces a paper purporting to be a plat of survey, signed by Jos. C. Brown, and dated February 13, 1822.

Joseph C. Brown, duly sworn, says that the plat of survey presented by the claimant was executed by him conformably to the survey he made of said land, and that what is therein stated is true.—(See book No. 6, page 169.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Gabriel Cerré, claiming 400 arpents of land.—(See pages 98 and 169 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to said Gabriel Cerré, or his legal representatives, according to the concession.—(See page 308, book No. 6.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 61.—B. Cousin, *claiming* 899 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel in his Catholic Majesty's armies attached to the stationary regiment of Louisiana, and lieutenant governor of Upper Louisiana:

Bartholomew Cousin humbly supplicates, and has the honor of representing to you, that, since he resided in Cape Girardeau, he has constantly fulfilled the functions of interpreter and writer of Don Lewis Lorimier, commandant of said post—duties which have taken up the best part of his time, and rendered his presence always necessary, in a settlement whose population is considerable, and composed of Americans. Convinced of the equity and beneficence of the government which he has the honor to serve, the petitioner would think he was unjust towards himself if he neglected any longer to represent the need he has of receiving the reward of his services; and, with a confidence inspired by a legitimate demand, he now applies to you, sir, in order that you may be pleased to take his prayer into consideration, and grant him an indemnification proportionate to the length and utility of his services. It is not a pecuniary gratification which the petitioner solicits; his desires are limited to obtain, in the way of salary, a species of property which the government has made, till now, the object of gratuitous liberality. The favor which the petitioner desires is a concession of six thousand arpents in superficie, and he prays you to grant to him, his heirs, or assigns, the said quantity of land, on a vacant part of this district, at the distance of about fifteen miles to the west of this place, on the forks of a river commonly called White Water, and to order that, in surveying this land, there shall be allowed to him three-twentieths on the length of each line, on account of the roads, (les eaux,) creeks, and ponds, the unfertile lands, and the loss in chaining, occasioned by the inequalities of the land.

The petitioner presumes to expect this favor of a just and generous government, which will not leave useful services without their reward; and he shall never cease to pray Heaven for the preservation of your precious life.

B. COUSIN.

Cape Girardeau, *October* 8, 1799.

St. Louis of Illinois, *October* 15, 1799.

In consequence of the foregoing demand made by Don Bartholomew Cousin, of Cape Girardeau, and in consideration of the information given by Don Luis Lorimier, commandant of said post; and, also, in consideration of the services which the petitioner has rendered in fulfilling, with the greatest zeal, the functions of interpreter and writer in the affairs which required a correspondence with the officers of the other side, belonging to the United States of America; and, also, in all the petitions, requests, and other documents in demand of right in justice from the inhabitants of said Cape Girardeau, who are almost all Americans; in which laborious work he has been employed by the said Don Luis Lorimier, all of which is to me evident and notorious, I have determined to grant him the favor which he asks, and I do grant to him and his successors the quantity of six thousand arpents of land in superficie, in the way of reward for the above-mentioned services which he rendered very faithfully, and with the greatest disinterestedness. Therefore, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put the interested in possession of six thousand arpents in superficie, which he solicits, in the place designated in his demand,

and with the allowance of three-twentieths, *which are to be deducted on the length of each line,* (que han de ser rebajados sobre lo largo de cada linea,) in order that he may enjoy and dispose of this concession as being his own property; and the survey being executed, the corresponding certificate shall be delivered to him, in order to serve to obtain the title of concession in form from the competent authority.

CARLOS DEHAULT DELASSUS.

We, commandant of the post of Cape Girardeau of Illinois, for his Catholic Majesty, have the honor to inform the lieutenant governor that the petitioner, since he has resided in this place, has been constantly employed by us in the capacity of public scrivener and interpreter of the French, English, and Spanish languages—functions which the population of this settlement has rendered indispensable, and which the petitioner has always fulfilled with a great deal of assiduity, faithfulness, and exactness. For these reasons we are led now to recommend him to the beneficence of the government, and do certify that the land for which he asks a concession is a part of his Majesty's domain.

L. LORIMIER.

CAPE GIRARDEAU, *October* 8, 1799.

Truly translated from book D, page 314, of record in this office. St. Louis, November 13, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
61	Bartholomew Cousin.	899, balance of 7,935.	Concession, October 15, 1799.	Carlos Dehault Delassus.	Antonio Soulard, December 8, 1801. Certified by him March 1, 1802. Fourteen miles W.NW. of Cape Girardeau.

Evidence with reference to minutes and records.

August 30, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas Clement B. Penrose, and James L. Donaldson, esq.

Bartholomew Cousin, claiming 6,000 arpents of land situate on the river White Water, district of Cape Girardeau, produces a concession from Charles D. Delassus, dated the 15th of October, 1799, and a survey of the same taken the 8th of December, 1801, and certified the 1st of March, 1802, the same being granted as a compensation to claimant for his service to government. Claimant produces also a letter from Charles D. Delassus, the lieutenant governor, dated the 15th of October, 1799, wherein he acknowledges his claim to the generosity and benevolence of the Spanish government for the many services he had rendered the country since his arrival in the same, showing a disposition to do more for him when occasion should offer, and promising to procure him the appointment of interpreter to the district of Cape Girardeau, with a fixed salary annexed to the same; an official letter from the same to the governor general, dated the 25th June, 1802, wherein, after reciting the service rendered by claimant to government, he recommends him to said governor; and, lastly, another official letter from the same to claimant, wherein he dispenses him (as far as in his power) with a compliance with the fourth article of the regulations, to wit, settlement and inhabitation; said letter dated 20th March, 1803.

Anthony Soulard, being duly sworn, says that the above claimant was employed by government as interpreter of the English language to Louis Lorimier, commandant of that district; that the object of government was to extend the settlement of said district to the river St. Francis; that Zenon Trudeau, whose favorite claimant was, had recommended him to Delassus; that some time after, having shown a desire to move from said district, Delassus persuaded him to remain and promised him an office with some salaries annexed to the same, together with other compensations, for his former service to government. The board reject this claim, and remark that they are satisfied that the said concession was granted at the time the same bears date.—(See book No. 1, page 512.)

May 25, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Bartholomew Cousin, claiming 6,000 arpents of land situate on White Water, district of Cape Girardeau. Laid over for decision.—(See book No. 4, page 70.)

March 9, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Bartholomew Cousin, claiming 6,000 arpents of land.—(See book No. 1, page 512; book No. 4, page 70.) On the motion of John B. C. Lucas, commissioner, as follows, to wit: Whereas it appears in the minutes of the former board that the said board have remarked that they are satisfied that the said concession was granted at the time the same bears date, and inasmuch as it does not appear that any suggestion of fraud and antedate was made, either by the agent of the United States or any of the members of the board, which being the case, shows that no question did exist before the said board as to fraud or antedate to which this decision, by way of remark, can apply; and whereas any decision, without question, is in itself preposterous and might be considered as officious: Therefore, resolved, that this remark and decision be rescinded. A question being taken on the motion, it was negatived. And on the question being taken on the claim, it is the unanimous opinion of the board that this claim ought not to be confirmed.

Board adjourned till Monday next, 9 o'clock a. m.

JOHN B. C. LUCAS.
CLEMENT B. PENROSE.

(See book No. 4, page 294.)

October 11, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, W. Updyke, F. R. Conway, commissioners.

Bartholomew Cousin, claiming 7,935 arpents of land, of which 7,056 arpents have been confirmed. (For confirmation, see Bates's report, (decision,) page 67. For record of claim, see book B, page 314; minutes, book No. 1, page 512; book No. 4, pages 70 and 299.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Bartholomew Cousin, claiming 899 arpents of land, it being the balance of 7,935 arpents, of which 7,056 have been confirmed.—(See page 20 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Bartholomew Cousin, or his legal representatives, according to the concession.—(See book No. 6, page 308.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 62.—J. St. Vrain, *claiming* 4,000 *arpents.*

Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana:

Sir: Don Santiago de St. Vrain, captain of militia, commander of his Majesty's galley Lafleche, has the honor to represent to you that, having a numerous family, he would wish to obtain of the goodness of this government a tract of land upon which he may collect his family and keep it near him, referring you, in this particular, to the orders which my lord the Baron de Carondelet, governor general of these provinces, &c., has passed to the lieutenant governor of this Upper Louisiana, by which he is enjoined to give lands to Mr. Deluziere, and to his children, as soon as they arrive, and according to their means; therefore, sir, the petitioner prays you to grant to him four thousand arpents of land in superficie, to be taken on the vacant lands of the King's domain. The petitioner prays you to permit him to have the said land surveyed in the manner which will appear most advantageous to his interest, and most suitable to his intention of distributing the said land among his children, as soon as they are old enough to settle themselves. The zeal and activity which the petitioner has always shown for the service of his Majesty incline him to hope that he will obtain this favor of your justice.

SANTIAGO DE ST. VRAIN.

St. Louis, *November* 17, 1799.

St. Louis of Illinois, *November* 18, 1799.

Having examined the foregoing petition, and by virtue of the orders of the Baron de Carondelet, formerly governor of these provinces, dated May 8, 1793, who enjoins "to give to each son of Don Pedro Carlos Delassus concessions according to his means."

Being convinced that the quantity which he solicits is in accordance with his means; considering, also, that he is entitled to this favor on account of his good services since he has been employed in his Majesty's small squadron of galleys, I do grant to him the four thousand arpents in superficie, which he solicits for him and his heirs, in order that he may distribute them, as he states, among his children; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the said quantity, in the place which will be chosen by the petitioner on the domain of his Majesty, without prejudice to anybody; and he shall make a proces verbal of his survey in continuation, in order to serve said petitioner to solicit the title in form from the intendant, to whom corresponds, by royal order, the granting and distributing all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana:

I do certify that a tract of land of four thousand arpents in superficie was measured, the lines run and bounded, in favor and in presence of Don Santiago de St. Vrain. Said measurement was taken with the perch of the city of Paris, of eighteen French feet, lineal measure of the same city, conformably to the agrarian measure of this province. These lands are situated at about fifty miles north of St. Louis, and bounded to the N.NW. by lands of John Baptist Desgroseillers; S.SE. by lands of various proprietors; E.NE. by lands of Albert Tison; and W.SW. by the river Cuivre. Said survey and measurement was executed without regard to the variation of the needle, which is 7° 30′ E., as it is evident by referring to the foregoing figurative plat, on which are noted the dimensions, direction of the lines, and other boundaries, &c. This survey was executed by virtue of the decree of the lieutenant governor and sub-delegate of the royal fisc, Don Carlos Dehault Delassus, dated November 18, 1799, here annexed. In testimony whereof, I do give the present, with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, Mr. James Rankin, on the 14th February, 1804, who signed on the minutes, which I do certify.

ANTONIO SOULARD, *Surveyor General.*

St. Louis of Illinois, *March* 5, 1804.

Truly translated. St. Louis, January 5, 1833.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
62	Jacques St. Vrain, by John Mullanphy, as assignee, and likewise ent'd by St. Vrain's children, claiming the same as their property under the concession.	4,000	Concession, Nov. 18, 1799.	Carlos Dehault Delassus.	Jas. Rankin, deputy surveyor, Feb. 14, 1804. Certified by Soulard, March 5, 1804. On Cuivre river, 55 miles north of St. Louis.

Evidence with reference to minutes and records.

May 3, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, esq.

John Mullanphy, assignee of Jacque St. Vrain, claiming 4,000 arpents of land situate on the river Cuivre, district of St. Charles, produces a concession from Charles D. Delassus, dated November 18, 1799; a survey of the same, dated February 14, 1804, and certified March 5, 1804; and a deed of transfer of the same, from the said Jacque St. Vrain to the claimant, dated November 12, 1804.

Marie P. Le Duc, being duly sworn, says that the aforesaid concession is his own handwriting; that he arrived at St. Louis on the 22d November, 1799, and was on his way from New Madrid at the time the same bears date; that about eight or ten days after his arrival he entered with Mr. Delassus as his secretary; that, when with Delassus in that capacity, he was in the habit of writing decrees or concessions; that he wrote several in 1800-'1-'2, and was there informed by the lieutenant governor that such had been promised some time towards the latter end of 1799, and they were accordingly dated of that date. Being asked whether he had any decrees or concessions in 1803, bearing date prior to October 1, 1800, answered, he did not recollect he had. He further said that petitions would remain sometimes with the lieutenant governor before he gave his decrees thereon, and that Jacque St. Vrain was for about ten years captain of a galley up the Mississippi.

Lewis Lebeaume, being also sworn, says that he believes the petition annexed to the aforesaid concession to be his handwriting, and that he did, about the time the same bears date, write one for him for the same quantity of arpents; that he saw the aforesaid concession in the possession of the said Jacque St. Vrain some time about October or November, 1800, when he, the said St. Vrain, was preparing to send the same down to New Orleans to have his title completed. St. Vrain is brother to the lieutenant governor, Delassus, and holds no other claim of that quantity of land. The board reject this claim.—(See book No. 1, page 271.)

November 15, 1819.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

John Mullanphy, assignee of Jacque St. Vrain, claiming 4,000 arpents of land situate on the Cuivre, in the district of St. Charles.—(See book No. 1, page 271.) It is the opinion of the board that this claim ought to be confirmed.—(See book No. 4, page 193.)

December 19, 1832.—F. R. Conway, esq., appeared pursuant to adjournment.

Jacque de St. Vrain, by his legal representative, John Mullanphy, claiming 4,000 arpents of land, (see book of records A, pages 18 and 19; minutes No. 1, pages 271 and 272; No. 4, page 193,) produces a paper purporting to be an original concession from Dehault Delassus, dated November 18, 1799; also, a plat and certificate of survey, dated March 5, 1804, by A. Soulard; also, deeds of conveyance.

M. P. Le Duc, being duly sworn, saith that the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus, and that the signature to the plat and certificate of survey is in the handwriting of A. Soulard.—(Book No. 6, page 89.)

April 17, 1833.—The board met pursuant to adjournment. Present: A. G. Harrison, F. R. Conway, commissioners.

In the case of St. Vrain, claiming 4,000 arpents of land, see page 89 of this book.

Albert Tison, duly sworn, says that at the time the concession for the said tract of 4,000 arpents of land was granted to said St. Vrain he had four children living, to wit: Charles, Felix, Odille, and Ceran.

Adjourned until to-morrow, at 10 o'clock a. m.

A. G. HARRISON.
F. R. CONWAY.

(See book No. 6, page 156.)

October 17, 1833.—The board met pursuant to adjournment. Present: A. G. Harrison, F. R. Conway, commissioners.

Jacque de St. Vrain's children, claiming 4,000 arpents of land, under the same concession produced by John Mullanphy, (see page 89 of this book,) it being the same tract of land claimed by said Mullanphy, as assignee.

Albert Tison, duly sworn, says that at the time the concession for the said tract of 4,000 arpents of land was granted to the said St. Vrain he had four children, to wit: Charles, Felix, Odille, and Ceran; that said St. Vrain had altogether nine children, of whom eight are now alive, to wit: Charles, Ceran, Odille, Isabelle, Savigny, Domitille, Emma, and Marcelin, and Felix, who died last year, leaving a widow and four children; that at his death said St. Vrain was insolvent; that said St. Vrain sold said tract of land to John Mullanphy for 12½ cents an arpent, and received in payment goods at an enormous price. The witness verily believes that said Mullanphy did not give more in real value for said land than 2 cents an arpent; that said St. Vrain was not obliged to sell the said tract of land for the support of his children, but did it, unfortunately, to suit his own purposes; that he was not authorized by any authorities to sell said property.

Claimants, for the purpose of showing that the Spanish government had made concessions to the said Jacque de St. Vrain, without any stipulations in favor of his children, refer to the following concessions: One for 3,250 arpents, dated in 1799, surveyed in 1801; another for 900 arpents, being a complete grant made by Morales, dated April 22, 1802; and, thirdly, one for 10,000 arpents, dated in 1796.—(See book No. 6, page 274.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jacque St. Vrain, claiming 4,000 arpents of land.—(See pages 89, 156, and 274, of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Jacque St. Vrain, or his legal representatives, according to the concession.—(See book No. 6, page 308.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 63.—ANTONIO SOULARD, *claiming* 204 *arpents* 48 *perches.*

To the Lieutenant Governor:

Antonio Soulard, captain of militia, surveyor general of Upper Louisiana, and adjutant interim of this post, has the honor to represent to you that, wishing to increase his means by living in a secure and economical rural way, in order to be able to support his family, he has in view a tract of vacant land of about 14 arpents in front by about 15 in depth, situated to the south of this town, opposite to the piece of land asked for in augmentation by Don Gabriel Cerré, father-in-law of the petitioner, and which you have been pleased to grant him. The said tract of land to be bounded north by lands adjoining this town, south of the mill creek, south and east by vacant lands of the royal domain, and west by a public road of eighty feet in width, which leads from this town to the village of Carondelet, and which divides the land of Gabriel Cerré from that solicited by the petitioner; therefore, the petitioner supplicates you to condescend to grant to him the said tract of land, in remuneration of his zeal and of the services he has rendered with the greatest care and attention for several years without any salary or emolument whatsoever; and, as the enclosing of lands to cultivate in common is abolished, and thereby all right to lands in community annulled, he is confident that there shall be no obstacles to the attainment of the favor which he solicits. And he further prays that you will be pleased to allow him the time necessary (according to the smallness of his means) to effect his settlement on the above-mentioned place.

ANTONIO SOULARD.

ST. LOUIS OF ILLINOIS, *August* 7, 1798.

ST. LOUIS OF ILLINOIS, *August* 7, 1798.

Being convinced of the truth of the inconveniences related by the petitioner, and in consideration of the zeal which he has always manifested for the service of his Majesty, and for which he deserves the greatest consideration, the said surveyor of these settlements, Don Antonio Soulard, shall survey for himself the land which he solicits, giving to the same the boundaries which he asks for; and he shall take his own certificate of the dimensions and boundaries which surround it, in order to serve in soliciting the concession from the governor general of the province.

ZENON TRUDEAU.

Truly translated. St. Louis, February 21, 1833.

JULIUS DE MUN.

Don Antonio Soulard, surveyor general of Upper Louisiana.

ST. LOUIS OF ILLINOIS, *January* 20, 1800.

I do certify that on the 20th of January of this present year, by virtue of the decree, here annexed, of the lieutenant governor, Don Zenon Trudeau, dated 7th August, 1798, I went on my land in order to survey the same, conformably to my petition for 14 arpents and 2 perches in front by 15 arpents in depth, or 204 arpents 48 perches in superficie; which measurement was taken in my presence, as owner, and in the presence of the adjoining neighbors, with the perch of Paris, of 18 feet in length, according to the custom adopted in this province of Louisiana, and without regard to the variation of the needle, which is 7° 30′ E., as it is evinced by the foregoing figurative plat; said land is situated in the part marked A, at about 93 perches to the north, 7½° east of the south tower of this town, and bounded on its four sides as follows: north by the piece of vacant land next to the mill creek; south in part by vacant lands of the royal domain, by a cross road, and by lands of Joseph Brazeau; east by the road going from St. Louis to the village of Carondelet, and by lands of Gabriel Cerré; and west by vacant lands of the royal domain; and in order that it shall be available according to law, I do give myself the present certificate, with the foregoing figurative plat, on which are designated the dimensions and the natural and artificial limits which surround said land.

ANTONIO SOULARD, *Surveyor General.*

Truly translated. St. Louis, February 21, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
63	Antoine Soulard.....	204 and 48 perches.	Concession, August 7, 1798.	Zenon Trudeau.	Antonio Soulard; surveyed and certified Jan- January 20, 1800; 93 perches south of St. Louis.

Evidence with reference to minutes and records.

December 16, 1813.—Antoine Soulard, claiming 56 arpents 9 perches of land situate below near the town of St. Louis. Produces notice; also concession from Zenon Trudeau, dated August 7, 1798, for 14 by 15 arpents; a plat and certificate of survey of 204 arpents 48 perches, January 20, 1800; a certificate from Carlos Howard, lieutenant colonel of regiment of Louisiana, and military commandant, dated August 1, 1797. The difference between the claim and the concession abandoned, as lying within the claim of the people for commons.

James Mackay, duly sworn, says that the concession alleged as the basis of this claim was made, as stated, by Z. Trudeau, lieutenant governor, to claimant; that some time thereafter witness assisted claimant to run the lines of the said tract.—(See next page.)

December 17, 1813.—Antoine Soulard, claiming 56 arpents of land, as stated yesterday.

Jacque Clamorgan, duly sworn, says that Zenon Trudeau, late lieutenant governor, did grant to claimant a tract of land on the westerly part of claimant's tract, below and near the town of St. Louis, and on the opposite side of the road from the present residence of claimant, but knows not the quantity. Witness knows further, that when Zenon Trudeau came to the country as lieutenant governor, he did promise said tract of land to the present wife of claimant, then unmarried; and it was in fulfillment of this promise that the grant was afterwards made to her husband.—(See recorder's minutes, pages 80 and 81; B.'s Decisions, 33.)

February 18, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized, by a resolution of the board of commissioners of the 1st December last, to receive evidence.

Antoine Soulard, by his legal representatives, claiming 204 arpents 48 perches.—(See book F, pages 244, 245, and 256; recorder's minutes, pages 80 and 81.) Claimant further refers to book B, pages 486, 487, and 488, in order to show that the claim for the common of St. Louis does not interfere with this claim. Produces a paper purporting to be a concession from Zenon Trudeau, dated August 7, 1798; also a plat of survey by Antoine Soulard, dated January 20, 1800, and certified same day.

M. P. Le Duc, being duly sworn, saith that the signature to the concession is in the true handwriting of the said Zenon Trudeau; and that the signature to the plat and certificate of survey is the proper handwriting of Antoine Soulard. Deponent further says that he informed Mr. Soulard that in case he would abandon the part of his claim which was included in the common of St. Louis, Mr. Bates would confirm the balance of said claim; thereupon Soulard called on Mr. Bates and made the abandonment, upon which Bates confirmed the part of said claim which lies east of the common; and at the same time Soulard, as agent for Mackay, made the same abandonment on Mackay's claim; and that since that time Soulard told the deponent that Mackay disapproved of the said abandonment, and that he, the said deponent, never acted as agent for Mackay in said claim; that he does not know that Soulard ever was authorized by Mackay to make said abandonment; that since the time of said abandonment Mackay remained as ostensible owner and claimant of said land, that he built thereon a house, and lived and died in it.

The deponent further says that what he understands by these claims interfering with the common of St. Louis, is the part of said claim included in the survey of said common, made by Mackay in 1806, as recorder. Deponent believes that Mackay and Soulard paid taxes on the said lands until 1820, and that the part of Mackay's claim which was not confirmed was sold under an execution as being the property of said Mackay.—(See book No. 6, page 103.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Antoine Soulard, claiming 204 arpents 48 perches of land.—(See page 103 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Antoine Soulard, or his legal representatives, according to the concession.—(See book No. 6, page 309.)

Conflicting claim.—Said to conflict with the commons of St. Louis.

A. G HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 64.—Pierre Delassus Deluziere, *claiming* 7,056 *arpents.*

To Don Zenon Trudeau, lieutenant governor of the western part of Illinois, &c.:

Pierre Carlos Dehault, knight, lord of Delassus, Deluzieres, and knight of the great cross of the royal order of St. Michael, residing in New Bourbon, dependency of the post of St. Genevieve, has the honor to represent that when he was at the city of New Orleans in May, 1793, he resolved to come up in the Illinois country, on the positive assurance given to him by his lordship the Baron de Carondelet, governor general of Louisiana, that he would order and authorize you to grant him a tract of land for the exclusive exploration of lead mines, and of a sufficient and convenient extent for said exploration, provided it should not be formally granted to another; which warranty and assurances of the government are to be found formally expressed in a letter here subjoined, and directed to your petitioner by the said baron, under the date of May 8, 1793, and which you have been pleased to assure me was exactly conformable to the official letter you received on that subject from the governor general. The long and cruel disease which your petitioner experienced on his arrival in Illinois, in August, 1793, the hostile threats of an invasion on the part of the French against this country some short time after, the orders you gave to the inhabitants not to go any distance from their post, and the care and trouble which, to your knowledge, I have taken in that time to countenance the wise and efficacious means you had taken so successfully in putting the posts of Illinois in a state of defence in case of an attack, of which care, endeavor, and zeal on my part his lordship Louis de las Casas, captain general of Havana, being informed, I received from him a letter bearing date May 20, 1794, by which he gives me the most honorable evidence of his satisfaction, as appears by copy of said letter here subjoined; that the occurrence of several circumstances having hindered your petitioner to make a search of a tract of land containing lead mineral, he now, with the assistance of his children and son-in-law, and persons acquainted with the country, visited a place

situated on one of the branches of river St. François, called Gaboury, in the district of St. Genevieve, and about twelve leagues from this post, which has not been yet granted, makes part of the King's domain, and where it is ascertained some mineral had been anciently dug; besides, the external and internal appearances, according to mineralogical principles, indicate that the spot contains lead mineral, therefore your petitioner has resolved to try in that place a regular exploration of a lead mine; he is so much induced to prosecute such an undertaking, that he expects the arrival of his eldest son, now emigrated in Germany, who is well learned in mineralogy, having studied it particularly, and having been engaged in a similar branch in Europe with your petitioner, and will be very useful in exploring and conducting the one now solicited. Your petitioner flatters himself that you will not refuse to give this concession the extent of a league square, in order to secure the necessary fuel for the melting of the mineral and other necessaries. Under these considerations, your petitioner humbly prays you, sir, that in conformity to the intentions of the government, manifested in the subjoined letter, of which you have been notified by the governor general himself, you will be pleased to grant for himself, his heirs, and assigns, in full property, the concession of a league square of land situated on said branch of river St. François, called Gaboury, in the district of St. Genevieve, with the exclusive right to explore the lead mines in the same, and to cultivate and raise cattle on the said land if necessary; in so doing, your petitioner will ever pray.

DELASSUS DELUZIERES.

NEW BOURBON, *March* 3, 1795.

ST. GENEVIEVVE, ILLINOIS, *March* 10, 1795.

We, the commandant of said post, do inform the lieutenant governor that the concession demanded in the within petition is part of the King's domain, and has not been granted to any body, and that its extent, fixed to a league square, is indispensable and necessary to secure the timber for the melting of mineral and other necessary supply.

FRANÇOIS VALLÉ.

[Letter.]

To Zenon Trudeau:

The knight, Don Pierre Dehault Delassus, has entered into a contract with this intendancy to deliver yearly, during the term of five years, thirty thousand pounds of lead in balls or bars. In order that he may comply with his contract, your worship will put him in possession of the land he may solicit for the exploration, benefit, and enjoyment of the mines; for which purpose he is to present a memorial, directed to me, and which your worship will transmit, that I may give him the corresponding decree of concession, being understood that, in the mean time, your worship will put him in possession. God preserve your worship many years.

EL BARON DE CARONDELET.

NEW ORLEANS, *May* 7, 1793.

[Letter.]

Mr. Dehault Delassus:

I send you back the primitive titles of the concession granted to Mr. François Vallé, of St. Genevieve, who transferred it to Mr. Dodge, one moiety of which this last ceded to Mr. Tardiveau, who made a gift of it to you, together with the approbation and *visa* you desired. By this opportunity I write to Mr. Zenon Trudeau to grant you the land where you will have made the discovery of lead mines, with adjacent lands of sufficient extent for their exploration: provided, nevertheless, that it should not be conceded to another. Your son-in-law and your sons shall have, also, as you desired, a plantation in any place they will select in Illinois, of an extent proportionate to the establishment and improvement they propose to make. This is my answer to your letter No. 3. God have you in his holy keeping.

EL BARON DE CARONDELET.

NEW ORLEANS, *May* 8, 1795.

[Letter.]

Sir Don Peter Dehault Delassus Deluzieres:

The Baron de Carondelet, governor general of this province, has manifested to me, in his letter of the 27th of February last, the zeal and activity with which your worship (although laboring under a weak state of health) has manifested in exciting the inhabitants and Indians to join in the common defence of those settlements, and most particularly the post under your command; I do hope that your worship will continue with the same efficaciousness, in similar circumstances, and give me an opportunity to reward your worship. God preserve your worship many years.

LUIS DE LAS CASAS.

HAVANA, *May* 20, 1794.

[Decree.]

ST. LOUIS, ILLINOIS, *April* 1, 1795.

Having read the present petition, the subjoined letter of the Baron de Carondelet, directed to the petitioner, under the date of May, 1793, also, the official letter to us directed by said governor general,

authorizing and giving us order to grant the petitioner a concession in the spot selected by him, and of a sufficient extent to explore exclusively the lead mines in the same; also, the above information of the commandant of St. Genevieve, by which he testifies that the land petitioned for is of the King's domain, and that it is indispensable that the quantity should be a league square: We, the lieutenant governor, in conformity with said orders and intentions of the government, have granted, and do grant, unto the petitioner, and to his heirs and assigns, in fee, the concession demanded, situate on a branch of the river St. François, called Gaboury, in the place selected by him, the extent of which shall be a league square, to the end that he may explore exclusively the lead mines belonging to the same, and, if necessary, to cultivate and raise cattle; hereby commanding Don Francis Vallé, captain and commandant of St. Genevieve, in whose district the land is situated, to put the petitioner in possession thereof; the regular survey of which will be done as soon as the surveyor will be appointed and commissioned for the Upper Louisiana.

ZENON TRUDEAU.

St. Genevieve, Illinois, *April* 15, 1795.

We, Don Francis Vallé, captain commandant civil and military of the post of St. Genevieve, in compliance with the aforegoing decree of Don Zenon Trudeau, lieutenant governor of the western part of Illinois, bearing date the first instant, have this day, the 15th of the same month, put the knight Peter Delassus Deluzieres in possession of the league square of land, situate on a branch of the river St. François, called Gaboury, as granted to him by the aforesaid decree, conformable to orders, and with the approbation of his lordship, the governor general of this province. The said concession to be in future regularly surveyed by the King's surveyor, who is soon to be named and appointed for this upper colony. *In præmissoram fidem.*

FRANCIS VALLÉ.

To Don Carlos Dehault Delassus, colonel of the royal armies and lieutenant governor of Upper Louisiana.

Humbly petitions Peter Charles Dehault Delassus Deluzieres, knight, &c., residing in New Bourbon, and has the honor to represent that in conformity to the orders of the governor of this province, your predecessor, Don Zenon Trudeau, did grant to your petitioner a concession of a league square of land, situate on a branch of the river St. François, called Gaboury, with the exclusive right to explore the lead mines on the same, as appears by his decree, bearing date April 1, 1795, of which concession and land your petitioner was put in possession by Don Francis Vallé, captain commandant of the post of St. Genevieve, in whose district the land is situated, as appears by his act, bearing date the 15th day of April of said year. And whereas it is mentioned in said decree of Don Zenon Trudeau that said concession will be regularly surveyed by the surveyor who was to be appointed by the government for Upper Louisiana; and whereas Don Antonio Soulard has been commissioned and appointed as such surveyor, therefore, under these considerations, your petitioner requests you, sir, that after mature consideration of the instruments here submitted relating to said concession, you will be pleased to give the necessary orders to Don Antonio Soulard, surveyor of Upper Louisiana, to proceed without delay to the regular survey of said concession of a league square, on the said branch of river St. François, called Gaboury, to explore, exclusively to any other, the lead, &c., and of which land he has already been put in possession by the commandant of St. Genevieve, and has already begun the exploration; he hopes to obtain his demand, inasmuch as he did not hurry the survey, in order to give him the necessary time to attend to the surveying of concessions belonging to other inhabitants who wished to have their surveys quickly executed. In so doing you will do justice.

PETER DELASSUS DELUZIERES.

New Bourbon, *November* 25, 1799.

By virtue of the contents of the above memorial and the accompanying documents, and also from what appears by the official letter of the Baron de Carondelet, late governor of these provinces, bearing date the 7th and 8th of May, 1793, on file in these archives, the surveyor, Don Antonio Soulard, will survey the league square of land which was granted to the party interested by the decree of my predecessor, the lieutenant governor, Don Zenon Trudeau, dated April 1, 1795, conformable to orders of his lordship the governor, and of which land he has been put in possession, as appears by decree of Francis Vallé, commandant of St. Genevieve, bearing date April 15, of the year last mentioned, to be hereafter surveyed by the surveyor of this Upper Louisiana when appointed and commissioned.

CHARLES DEHAULT DELASSUS.

St. Louis, *November* 29, 1799.

Truly translated. St. Louis, November 18, 1833

JULIUS DE MUN.

No.	Name of original claimant.	Quantity in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
64	Pierre Delassus Deluziere.	7, 056	Concession, April 1, 1795.	Zenon Trudeau...	Antoine Soulard, December 14, 1799; certified March 5, 1800. On the waters of St. Francis, district of St. Genevieve.

Evidence with reference to minutes and records.

June 28, 1806.—The board met agreeably to adjournment. Present: Hon. Clement B. Penrose and James L. Donaldson, esq.

The same (P. D. Deluziere) claiming 7,056 arpents of land situate on the waters of the river St. Francis, district of St. Genevieve, produces a concession from Zenon Trudeau for the same, dated April 1, 1795, stating that in consequence of a letter from the Baron de Carondelet to claimant under, date of May 8, 1793, and also of an office from the said baron to him, the said lieutenant governor, ordering and authorizing him to grant to said claimant, on any spot he might choose, a sufficient extent of land to enable him to work exclusively such mine as might be found on the same; and also in consequence of a certificate from François Vallé, then commandant of St. Genevieve, that the quantity of land petitioned for is vacant, and that it is absolutely necessary that the extent be a league square. He grants and concedes to claimant, in full property, the aforesaid tract, and directs the commandant of St. Genevieve to put him in possession of the same. Said concession bears no terms or conditions. An order of survey from Charles Dehault Delassus, dated November 29, 1799, and a survey of the same, dated December 14, 1799, and certified March 5, 1800. He also produced a certificate from François Vallé, dated March 10, 1795, that the league square petitioned for is vacant, and that quantity absolutely necessary to the working of the mine. A letter from Louis de las Casas, captain general at the Havana, to claimant, dated May 20, 1794, wherein he much approves of the conduct of claimant, and the services he has rendered government in forming the establishment of New Bourbon, and rousing the people and adjacent Indians to the common defence of the country. A certified copy of a letter on file, from the Baron de Carondelet to claimant, dated New Orleans, May 8, 1793, declaring to him that he had given order to Zenon Trudeau, then lieutenant governor, to concede to him a mine which he had discovered, together with as much land as might be necessary for the working of the same; and further to concede to his sons and son-in-law as much land as they might wish to establish. The board reject this claim.—(See book No. 1, pages 387 and 388.)

December 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Pierre Charles Dehault Delassus Deluziere, claiming 7,056 arpents of land.—(See book No. 1, page 387.) It is the opinion of a majority of the board that this claim ought not to be confirmed. Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 541.)

October 9, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updyke, F. R. Conway, commissioners.

Pierre Delassus Deluziere, claiming 7,056 arpents of land.—(See book No. 1, page 387; No. 5, page 541; record book C, pages 450 and 451.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated April 1, 1795, to P. D. de Luziere; also a certificate of delivery of property, by François Vallé, dated April 17, 1795; also an order of survey dated November 29, 1799, by Carlos Dehault Delassus; also a plat of survey, executed on the 14th of December, 1799, and certified March 5, 1800, by Antoine Soulard; also an original letter, signed the Baron de Carondelet, and addressed to Don Zenon Trudeau, dated May 7, 1793; also an original letter, purporting to be signed by the Baron de Carondelet, addressed to Dehault Delassus, dated May 8, 1793; also a certificate of William Milburn, of the position of the tract upon the general map.

Pascal Cerré, duly sworn, saith, that the signature to the certificate of delivery is the handwriting of François Vallé; that the signature to the concession is the handwriting of Zenon Trudeau; that the signature to the certificate of survey is the handwriting of Antoine Soulard; that the signatures to the two above-mentioned letters are the handwriting of the Baron de Carondolet.—(See book No. 6, page 14.)

November 27, 1832.—The board met pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners:

In the case of Pierre Delassus Deluziere, claiming 7,056 arpents of land.—(See page 14 of this book, No. 6.)

Albert Tison and Frémon Delauriere, being duly sworn, prove the signature of said Deluziere to his petition, dated March 3, 1795. They also prove the handwriting of François Vallé to a certificate, dated March 10, 1795; also the handwriting of said Delassus Deluziere to a petition, dated November 25, 1799; also the handwriting of Carlos Dehault Delassus to an order of survey, dated November 29, 1799; also the handwriting of Antonio Soulard to a plat of survey of a league square—(the above-mentioned papers already presented in evidence on the 9th of October last.) Said witnesses also prove the handwriting of François Vallé to a certified copy of a letter of Don Luis de las Casas, captain general of Havana, addressed to the Chevalier Delassus Deluziere, dated May 20, 1794; also the handwriting of Zenon Trudeau to a decree of concession of a league square to Pierre Delassus Deluziere, dated April 1, 1795; also the handwriting of François Vallé, commandant of St Genevieve, to a certificate of delivery of possession of a league square, situated on a branch of the St. Francis called Gaboury; also prove the signature of the Baron de Carondelet to a letter, dated May 17, 1793, addressed to Mr. Dehault Delassus.

Albert Tison saith that Pierre Deluziere was known in France and by the Baron de Carondelet by the name of Dehault Delassus, and that during the French revolution he took the name of Deluziere. The above-named witnesses also prove the handwriting of the Baron de Carondelet to an original letter, dated May 7, 1793, addressed to Don Zenon Trudeau; also that said Deluziere had no salary as commandant of New Bourbon; that he enjoyed the confidence and esteem of the governor general and of the lieutenant governor of Upper Louisiana; that he was a personal friend and allied by blood to the Baron de Carondelet.—(See book No. 6, page 54.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Pierre Delassus Deluziere, claiming 7,056 arpents of land.—(See page 54 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Pierre Delassus Deluziere, or his legal representatives, according to the concession.—(See book No. 6, page 309.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 65.—Francis Tayon, *claiming* 2,944 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province

Francis Tayon, jr., a farmer, born on this side of the Mississippi, father of a family, and member of one of the oldest families in this country, has the honor respectfully to supplicate you to have the goodness to assist him in furthering his views of establishing himself, and therefore to be pleased to grant to him, in full property, a concession for a tract of land of ten thousand arpents in superficie, situated in a vacant place of the domain between Mine à Breton and this town, without being prejudicial to the little village of Boyer's family, the petitioner having the project to form on said place a considerable farm for cultivation and a grazing farm—in a word, to employ all the means in his power to give value to said property, in order to secure to his family an independent existence—hopes that, considering the remoteness of the tract of land which he solicits for, and the certainty that the said concession shall not be prejudicial to anybody, you will be pleased to do justice to his demand in a way favorable to the accomplishment of his views; favor which he presumes submissively to expect of your justice.

his
FRANÇOIS + TAYON.
mark.

Anto. Soulard, *witness of the signature.*

St. Louis, *October* 15, 1799.

St. Louis of Illinois, *October* 15, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, in case it does not cause prejudice to anybody; and the surveyor, Don Anto. Soulard, shall put the interested in possession of the quantity of land which he asks, in the place designated, which being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the concession and title, in form, from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land of ten thousand arpents in superficie was measured; the lines run and bounded in favor of Francis Tayon, and in presence of Nicholas Boilvin, his agent. The said measurement was taken with the perch of the city of Paris, of eighteen French feet lineal measure of the same city, conformably to the agrarian measure of this province, the said land being situated at about fifty-five miles west-northwest from the post of St. Genevieve, bounded north and west by vacant lands of the royal domain, south by lands belonging to the inhabitants of Mine à Breton, and east by a creek which empties its waters into the river Maramec. The above survey and measurement was taken without regard to the variation of the needle, which is 7° 30′ E., as appears by the foregoing figurative plat, on which are noted the dimensions, courses of the lines, other boundaries, &c. The survey was executed by virtue of the decree of the lieutenant governor and sub-delegate of the royal fisc, Don Carlos Dehault Delassus, dated October 15, 1799, here annexed; and in order that it shall be available according to law, I do give the present with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, Thomas Maddin, on the 6th of February, 1804, who signed the minutes to which I certify.

ANTO. SOULARD, *Surveyor General.*

St. Louis of Illinois, *February* 25, 1804.

Truly translated. St. Louis, February 26, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
65	Francis Tayon.	*2, 944	Concession, Oct. 15, 1799.	Carlos Dehault Delassus.	Thomas Maddin, deputy surveyor, February 6, 1804; certified by Soulard, February 25, 1804; 55 miles W.NW. of St. Genevieve.

* Being a balance of 10,000, of which a league square has been confirmed.

Evidence with reference to minutes and records.

May 3, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

Peter Chouteau, assignee of Francis Tayon, jr., claiming 10,000 arpents of land situate on the river Renaud, district of St. Charles, (St. Genevieve,) produces a concession from Carlos D. Delassus, without any condition inserted in the same, dated October 15, 1799; a survey of the same, dated February 6, 1804, and certified the 25th of the same month and year, and a deed of transfer of the same from the said

Francis Tayon, jr., to the said Peter Chouteau, dated January 3, 1804. In this case the board required that the age of the claimant at the time of obtaining said concession should be proved, which was refused.

It appeared in testimony by Anthony Soulard and Auguste Chouteau that Mr. Charles Tayon had rendered services to the Spanish government from the year 1770; that he was second in command at the siege of St. Joseph, which he contributed to take; that afterwards, from his merits, he received a commission of second lieutenant; that he was commandant of St. Charles from the year 1792 to the year 1804, during which time he rendered many services to the government in operations against the Indians, training the militia, and protecting the district; that he never received any compensation, except eleven dollars a month as lieutenant and his fees of office, which were trifling, and seldom paid, exclusive of the lands claimed by him and his family; that he spent a great part of his own property in his public employment, and appeared to have devoted himself to the interest of the province. The board was satisfied that Mr. Charles Tayon, the father of the original proprietor, Francis Tayon, jr., was an active and meritorious officer.

The board reject this claim, and are of opinion that although it appears that the decree is antedated, yet, from testimony and circumstances, it had not been antedated from fraudulent designs, but merely to make the date of the decree correspond with the date of the petition; and further, they are satisfied that the said decree or order of survey was issued before the 1st of October, 1800.—(See book No. 1, p. 272.)

August 18, 1810.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Peter Chouteau, assignee of Charles (Francis) Tayon, jr., claiming 10,000 arpents of land.—(See book No. 1, page 272.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 464.

February 18, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized by a resolution of the board of commissioners of the 1st of December last to receive evidence.

Francis Tayon, by his legal representative, Pierre Chouteau, sr., claiming the balance of 10,000 arpents of land, of which a league square has been confirmed, (see book C, pages 379 and 380; minutes No. 4, page 464; No. 3, page 64, wherein a league square has been confirmed,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated October 15, 1799; also a plat of survey, dated 6th and certified 25th February, 1804, by Anthony Soulard.

M. P. Le Duc, being duly sworn, saith that the signature to the concession is in the proper handwriting of Carlos D. Delassus, and the signature to the plat and certificate of survey the true handwriting of Soulard.—(See book No. 6, page 107.)

November 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Francis Tayon, jr., claiming balance of 10,000 arpents of land.—(See page 107 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Francis Tayon, or his legal representatives, according to the concession.—(See book No. 6, page 309.)

A. G. HARRISON.

No. 66.—Nicholas Barsaloux, *claiming four by forty arpents.*

On the 20th of April, 1768, on the demand of Mr. Nicholas Barsaloux, residing in this post of St. Louis, who wishes to cultivate the soil, taking in consideration the means he is possessed of, we have granted and do grant to him, his heirs or assigns, in fee simple, a tract of land of four arpents in front, in the prairie south of the little creek, said front running north and south by the usual depth of forty arpents, running east and west adjoining on the north side to the land taken by the individual named Bacanné, and on the south side by the land of Mr. Beausoleil, on condition of cultivating the said land in the term of one year and one day, under pain of having said land reunited to the King's domain.

Given in St. Louis the said day and year.

ST. ANGE.
LABUXIERE.

Translated from Livre Terrein, page 17.

On the 29th of May, 1774, I, the undersigned, have baptized with the customary ceremonies of the church, Louis, son of Nicholas Barsaloux, and of Magdalena Lepage; the godfather has been François Lepage, and the godmother, not knowing how to sign, has made her mark.

FRANÇOIS LEPAGE.
Mark of the godmother, +
FR. VALENTIN, *Curate.*

On the 11th of May, 1771, the ceremonies of baptism have been supplied by us, missionary priest, to Marie Archange, legitimate daughter of Nicholas Barsaloux, and of Magdelaine Lepage, his wife. The godfather, Antoine Royer; the godmother, Marie Oubremeau, wife of Lapensée.

PRE. GIBAULT.

I, the undersigned, certify to have faithfully copied the above from the register of the parish of St. Louis, this November 2, 1830.

EDM. SAULNIER.

In the year 1776, on the 10th of August, I, a Capuchin priest, apostolic missionary, curate of St Louis, Illinois, province of Louisiana, have baptized Jean Baptiste, born yesterday, and being legitimate son of Barsaloux and of Magdelaine Lepage, his father and mother. The godfather has been Noël Langlois, and the godmother, Madelaine Barcello, who have signed with me, the day and year as above.

F. BERNARD.
NOEL LANGLOIS.
Godmother, +

In the year 1771, on the 8th of September, there being no curate, I, the undersigned, certify that a girl named Marie Archange, five months old, daughter of Mr. Barsaloux, died in the village of St. Louis of Illinois, province of Louisiana, and was buried in the churchyard of this village.

In testimony whereof I sign.

RENE KIERSERAUX.

In the year 1776, on the 16th of December, I, a Cupuchin priest, apostolic missionary, curate of St. Louis, province of Louisiana, bishoprick of Cuba, have buried in the cemetery of this church the body of Nicholas Barsaloux, 40 years of age, to whom had been administered all the sacraments of our mother, the holy church.

In testimony whereof I have signed the day and year as above.

F. BERNARD, *qui supra.*

I, the undersigned, priest, doing the functions of curate, and having in my possession the registers of the parish of St. Louis, do certify to have made researches in the register of baptism for the certificates of Louis, Marie Archange, and Jean Baptiste Barsaloux, and have found no other but the three above mentioned, besides the certificate of burial of Mr. Nicholas Barsaloux and of Marie Archange. And further, I certify that I have faithfully copied all these extracts.

EDM. SAULNIER.

St. Louis, *July* 19, 1831.

Truly translated. St. Louis, March 6, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
66	Nicholas Barsaloux.	160	Concession, April 20, 1768.	St. Ange.	

Evidence with reference to minutes and records.

March 5, 1833.—The board met pursuant to adjournment. Present: F. R. Conway and A. G. Harrison, commissioners.

Nicholas Barsaloux, by his legal representative, claiming four arpents of land in front by forty arpents in depth.—(See Livre Terrein, No. 1, page 16; book F, page 153.)

René Dodier, being duly sworn, saith that he well knew Nicholas Barsaloux; that he died a long time ago, perhaps 47 or 48 years ago; that he, the deponent, will be 71 years of age in June next; that to his knowledge Barsaloux cultivated a piece of land south of the mill creek; that said Barsaloux had a small house built upon wheels, and used to have it hauled on said piece of land when he wanted to work on the same; that he saw said Barsaloux work on said land several years in succession; that he was known as the lawful owner of said land. He further states that the first tract of land south of said mill creek belonged to Ortey; then came Cambas, Jervais, Mad. Chouteau, Devolsey, Bacanné, Barsaloux, Beausoliel, &c. He further says, that when a young man he heard that said Barsaloux was one among the first settlers that came to this place, and that said Barsaloux had a wife and children.

The claimant states that, by referring to Livre Terrein for the concession, it is to be observed that said claim was not reunited to the domain; further, that said Barsaloux, being one of the first settlers, had no other lands granted to him by written concession but a town lot in St. Louis, and no confirmation but for the said town lot.

Adjourned until to-morrow, at 10 o'clock.

F. R. CONWAY.
A. G. HARRISON.

March 6, 1833.—The board met pursuant to adjournment. Present: F. R. Conway and A. G. Harrison, commissioners.

In the case of Nicholas Barsaloux, the claimant produces two papers purporting to be copies of certificates of baptism of Louis and Marie Archange Barsaloux, and of Jean Baptiste Barsaloux; also a certificate of the burial of Marie Archange, and of Nicholas Barsaloux, her father. Certified by E. Saulnier, curate of St. Louis, 19th July, 1831.—(See book No. 6, pages 110 and 111.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Nicholas Barsaloux, claiming 160 arpents of land.—(See pages 110 and 111 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Nicholas Barsaloux or his legal representatives, according to the concession.—(See book No. 6, page 309.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 67.—CHARLES TAYON, *claiming* 1,600 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of same province:

Charles Tayon, sub-lieutenant in the army, captain of militia, commandant of the post of St. Charles of Missouri, has the honor to represent to you that he had obtained of Don Francisco Cruzat, lieutenant governor of this part of Illinois, on the 7th June, 1786, a tract of land of 40 arpents front by 40 arpents in

depth, or 1,600 arpents in superficie, as appears by the original title here annexed. The said land is situated on River Des Peres, at about six or eight miles from this town; and some time after this he received orders of your predecessor, Don Zenon Trudeau, to go and take the command of St. Charles. The little value of land prevented him to sell several properties which he was obliged to leave without cultivating; but when Americans and others were admitted in the country and landed property began to increase in value, and there being a surveyor appointed by the government for this upper part of Louisiana, he wished to have the said land surveyed, but to his great surprise he found that possession had been taken of it by surveys made by virtue of orders given by Don Zenon Trudeau. His love for peace and the consideration which he has for those who, without any bad intentions, have been put in possession of tracts of land over which your petitioner has unquestionable rights by virtue of the title in form with which he is vested and the improvements which he has made on the said lands, he would wish that you would be pleased to grant to him the same quantity of land, to be taken in any other vacant part of the domain at his choice, and that you would give orders to the surveyor of this Upper Louisiana to put him in possession of the said land by surveying the same, after which he would have to deliver to me a figurative plat and certificate of his survey, in order to serve, as it is fit, in support of my original title. The petitioner, full of confidence in your justice, hopes that you will be pleased to approve his views of conciliation, and do justice to his demand in such a way as will prevent him from laying any claims against those who are in actual possession of the tract of land above-mentioned; in doing which you will do justice.

CHARLES TAYON.

St. Louis, *January* 14, 1800.

St. Louis of Illinois, *January* 16, 1800.

Having taken cognizance of the foregoing statement and of the original title annexed thereto, expedited in favor of the interested party by the lieutenant colonel, Don Francisco Cruzat, on the 7th June, 1786, by which he unquestionably appears to be the owner of the land designated, and submitting himself, to avoid difficulties, to lose his rights, as a proof of our approbation of these dispositions, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall survey in favor of Don Carlos Tayon the quantity of land mentioned in his above said title and concession, in any other vacant place of the royal domain, at his will and choice; and this operation being concluded, he shall deliver to the interested the corresponding documents and his original title in support of the same, in order to serve to him as he shall think fit; and this is as a remuneration for the praiseworthy motives which have determined him to make this voluntary sacrifice of his original property.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, February 25, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
67	Charles Tayon	1,600	Concession, January 16, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Chouteau, assignee of Charles Tayon, claiming 1,600 arpents of land situate in the district of St. Louis, produces record of a concession from Delassus, lieutenant governor, dated 16th January, 1800; record of a transfer from Tayon to claimant, dated 17th December, 1803. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 506.)

February 18, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, having been authorized by a resolution of the board of commissioners of the 1st of December last to receive evidence.

Charles Tayon, by his legal representative, Pierre Chouteau, senior, claiming 1,600 arpents of land, (see book D, pages 160 and 161; minutes No. 5, page 506,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated 16th January, 1800.

M. P. Le Duc, duly sworn, saith that the signature to the concession is in the proper handwriting of Charles Dehault Delassus.—(See book No. 6, page 107.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Tayon claiming 1,600 arpents of land.—(See page 107 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Tayon, or his legal representatives, according to the concession.—(See book No. 6, page 309.)

A. G. HARRISON.
F. R. CONWAY.
L. F. LINN.

No. 68.—Antoine Gagnier, *claiming* 1,800 *arpents.*

To Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana:

Sir: Antoine Gagnier has the honor to represent to you, that wishing to establish himself in this province, wherein he has been residing for some time, therefore he has recourse to the benevolence of this

government, praying that you may be pleased to grant to him a tract of land of eighteen hundred arpents in surperficie, to be taken on the vacant lands of his Majesty's domain in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
ANTOINE ⋈ GAGNIER.
mark.

ST. LOUIS, *June* 10, 1800.

ST. LOUIS OF ILLINOIS, *June* 12, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the interested party in possession of the quantity of land which he asks in a vacant place of the royal domain; and, this being executed, he shall draw a plat of his survey, delivering the same to the party with his certificate, in order to serve him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, March 19, 1833.

JULIUS DE MUN, *T. B. C.*

Recorded in book No. 2, pages 65 and 66; No. 7, 1805.

SOULARD, *Surveyor General, District of Louisiana.*

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
68	Antoine Gagnier....	1,800	Concession, June 12, 1800.	Carlos Dehault Delassus.	R. L. Nash, deputy surveyor, February, 1804. Recorded by Soulard, February 28, 1806. On the Missouri, 120 miles above its mouth.

Evidence with reference to minutes and records.

November 19, 1811. Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tison, assignee of Antoine Gagnier, claiming 1,800 arpents of land situate on the Missouri, district of St. Charles. Produces a record of concession from Charles D. Delassus, surveyor general, dated January 12, 1800; record of a plat of survey, dated February, 1804, certified February 28, 1806; record of a transfer from Gagnier to claimant, dated January 11, 1805.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 426.)

March 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

Antoine Gagnier, by Albert Tison, claiming 1,800 arpents of land on the Missouri, Howard county.—(See book B, pages 463 and 464. Minutes No. 5, page 426.) Produces a paper purporting to be a concession from Carlos Dehault Delassus, dated June 12, 1800; also a plat and certificate of survey received for record by Antoine Soulard, February 28, 1806; also a deed from said Gagnier to A. Tison, dated January 11, 1805.

Frémon Delauriere, duly sworn, says that the signature to the concession and to plat of survey are in the respective handwriting of said Delassus and Soulard.—(See book No. 6, page 114.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Antoine Gagnier, claiming 1,800 arpents of land.—(See page 114 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to said Antoine Gagnier, or his legal representatives, according to the concession.—(See book No. 6, page 310.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 69.—JOHN WATKINS, *claiming* 7,056 *arpents.*

To Mr. Zenon Trudeau, lieutenant colonel and lieutenant governor of the western part of Illinois:

John Watkins, residing in this part of Illinois, has the honor to represent that there being in this part of the country a great scarcity of horned cattle and hogs, and the petitioner having the means of bringing a certain quantity of them from the American settlements on the Ohio, which importation he thinks would be advantageous to the general welfare of the community, inasmuch as most of the inhabitants are in need of those animals so necessary to farmers, and the scarcity of which has prevented, to this day, to have a well regulated meat market, and has been the cause that St. Louis and other places have often been without meat; he is confident that you will consider in a favorable way the plan which he has formed to establish an extensive stock farm, (*vacherie,*) which may in a few years provide for the urgent need already stated. In this consideration, and, as the petitioner believes, having been recommended to you by the

governor general, in order to obtain lands in your jurisdiction, he, in the most humble manner, has recourse to you, praying that you will be pleased to grant to him one league square of land in the place commonly known by the name of Richland, comprising in the said league square the branch called Rivière Sauvage, which empties itself in the river Maramec, about ten leagues above Renaud's fork. In so doing the petitioner shall never cease to pray for the conservation of your days.

JOHN WATKINS.

ST. LOUIS OF ILLINOIS, *July* 23, 1797.

Zenon Trudeau, lieutenant colonel of infantry and lieutenant governor of the western part of Illinois.

The surveyor, Don Antonio Soulard, shall survey for the petitioner the league square of land which he petitions for in the place designated by him; the said petitioner being from this day empowered to take possession of the said land, the present decree serving to him as a title of concession (having been particularly ordered by the governor general of this province, the Baron de Carondelet, to grant land to him) until he presents himself to the general government with this document, in order that conformably to the survey he may obtain one in due form and have it recorded.

ZENON TRUDEAU.

ST. LOUIS OF ILLINOIS, *July* 24, 1797.

Recorded book No. 1, folios 29, 30, and 31. No. 20.

SOULARD.

Truly translated. St. Louis, March 20, 1833.

JULIUS DE MUN.

I declare that I have had in my hands, during the government of the Lieutenant Governor Don Zenon Trudeau, the concession by him made to the late Doctor John Watkins, bearing date July 24, 1797, which said concession was registered at the survey office under my care; I declare, also, that said Doctor John Watkins made several applications to me, as well in my public capacity of surveyor of the province as that of his private agent, to have the lands included in said concession surveyed, which survey I deferred making upon the principle that the affairs of Doctor Watkins were in some measure my own, and as such I was in the habit of postponing them to the claims and interests of absolute strangers, which postponement was the cause of said survey not having been sooner effected. I certify further that I saw and read an official letter of the Baron de Carondelet, governor general of Louisiana, for his Catholic Majesty, addressed to the said lieutenant governor, Don Zenon Trudeau, which directed him to grant to the said Doctor John Watkins that quantity of land which would correspond to his wishes and to his means of establishment in this country.

ANTONIO SOULARD.

ST. LOUIS, *December* 6, 1817.

TERRITORY OF MISSOURI, *county and township of St. Louis:*

Be it remembered, that on the 19th day of December, A. D. 1817, before me, the undersigned, F. M. Guyol, one of the justices of the peace in and for the county and township aforesaid, personally came and appeared Antoine Soulard, who, being duly sworn according to law, made oath and declareth that this foregoing affidavit by him made contains the truth, the whole truth, and nothing but the truth.

[L. S.] Given under my hand and seal this day, month, and year above written.

F. M. GUYOL, *J. P.*

Frederick Bates, secretary, exercising the government of the Territory of Missouri, to all whom it may concern:

Be it known that F. M. Guyol is and was, on the 19th instant, a justice of the peace within and for the county of St. Louis, in the Territory of Missouri, regularly commissioned. In testimony whereof I have hereunto affixed the seal of the Territory.

[L. S.] Given under my hand, at St. Louis, the 23d day of December, A. D. 1817, and of the independence of the United States the forty-second.

FREDERICK BATES.

A true copy. St. Louis, November 23, 1833.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim	By whom granted.	By whom surveyed, date, and situation.
69	John Watkins.	7, 056	Concession, July 24, 1797.	Zenon Trudeau.	James Mackay, D. S., February 18, 1805; recorded by Soulard Feb. 27, 1806; on the Maramec.

Evidence with reference to minutes and records.

September 17, 1806.—The board met agreeably to adjournment. Present: the honorable John B. C. Lucas and James Donaldson, commissioners.

The same, (John Watkins,) claiming a league square, or 7,056 arpents, situate on the Maramec, district of St. Louis, produces a duly registered concession from Zenon Trudeau, dated July 24, 1797, and a survey of the same taken the 18th, and certified February 27, 1806.

Anthony Soulard, being duly sworn, says that when the said claimant left this place for New Orleans, he, the witness, received from him, among other papers left to his charge, the aforesaid concession; that he does not know whether it was granted at the time it bears date, but that he has seen among the official papers of Zenon Trudeau an order from the Baron de Carondelet, to said Zenon Trudeau, to grant said claimant a league square. The board reject this claim, and are satisfied that the same was granted at the time it bears date.—(See book No. 2, page 10.)

September 22, 1808.—Board met. Present: The Hon. John B. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Watkins, claiming 7,056 arpents of land situate on the river Maramec, district of St. Louis. Laid over for decision.—(See book No. 3, page 262.)

June 12, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, Frederick Bates, commissioners.

John Watkins, claiming 7,056 arpents of land.—(See book No. 2, page 10; book No. 3, page 262.) It is the opinion of the board that this claim ought not to be confirmed. Clement B. Penrose and Frederick Bates, commissioners, declare that the opinion of the former board, as to the date of the concession in this claim, must be an error, as the said concession bears no date. John B. C. Lucas, commissioner, declares that he does not concur with the opinion of the former board, so far as it appears by their minutes that they are satisfied that the concession was granted at the time it bears date.—(See book No. 4, page 376.)

March 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

John Watkins, claiming 7,056 arpents of land situate on the Maramec.—(See book C, pages 367 and 368; minutes, No. 2, page 10; No. 3, page 262; No. 4, page 376.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated July 24, 1797; also, a plat and certificate of survey, received for record by A. Soulard, February 27, 1806.

Albert Tison, being duly sworn, saith that the signatures to the above papers are in the respective handwriting of said Zenon Trudeau and said Soulard. He further says that to his knowledge the above land was inhabited and cultivated in about 1802 or 1803.—(See book No. 6, page 114.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

John Watkins, claiming 7,056 arpents.—(See page 114 of this book.) The board, upon a careful examination of the original concession, find that there is a date to the same in Zenon Trudeau's own handwriting, and they are unanimously of opinion that this claim ought to be confirmed to the said John Watkins, or to his legal representatives, according to the concession.—(See book No. 6, page 310.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No 70.—ESTHER, *claiming* 80 *arpents.*

To Don Zenon Trudeau:

Esther, a free mulatto woman, residing in this town of St. Louis, humbly supplicates, and has the honor of representing to you, that she would wish to obtain, in the part north of this town, a piece of land situated on the borders of the Mississippi, bounded on three sides by his Majesty's domain, and on the other side by the banks of the Mississippi. The northern part of the concession, now petitioned for, to be situated between the mound commonly called *La Grange de Terre* and the banks of the Mississippi, having at its two ends four arpents in front, running about from east-northeast to west-southwest, by twenty arpents in length or depth, running about from north-northwest to south-southeast, in order that the petitioner may enjoy the same in full property for her, her heirs or assigns, to make hay, pasture her cattle, or for any other purpose suitable to her interest; and the petitioner shall never cease to render thanks to your goodness.

One cross for Esther's mark.

ST. LOUIS, *October*, 1793.

We, lieutenant governor, after having ascertained that the land petitioned for belongs to his Majesty's domain, and that it is not prejudicial to any person, I certify to have put in possession the free mulatto woman named Esther, residing in this town of St. Louis, according to her petition, dated 2d instant, [+] And after having put her in possession ourselves, as appears by the document which we have drawn the next day, we have granted and do grant to the said Esther, in fee simple, for her, her heirs or assigns, or any other who may represent her rights, the piece of land here above designated, having four arpents in width at its two extremities, running from about east-northeast to west-southwest, by 20 arpents in length running from about north-northwest to south-southeast, situated to the north of this town; and the north end of the present concession shall be situated between the mound called La Grange de Terre and the Mississippi, and thence descending the said river until the complement of the above-mentioned 20 arpents in depth. The north-northwest, south-southeast, and west-southwest, which are about the courses of the lines, shall be bounded by his Majesty's domain, and the east-northeast side, which is the side facing the Mississippi, shall be bounded by the edge of its banks, in order that the said Esther may gather thereon the forage she requires, pasture her cattle, and for such other purposes as may suit her interest, remaining subject to the laws, taxes, and impositions which it may please his Majesty hereafter to impose. Given in the town of St. Louis of Illinois, this 5th day of October, 1793.

Approved thirty-two lines written at the margin here behind, and marked by a cross on the decree of delivery of possession.

ZENON TRUDEAU.

Nota.—The following is written at the margin:

[×] Of the piece of land described in her petition, having four arpents in front, running from about east-northeast to west-southwest, by twenty arpents in depth, running from about north-northwest to south-southeast, situated in the northern part of this town, between the mound called La Grange de Terre

and the banks of the Mississippi, descending the said river. Three sides of the land petitioned for are bounded by his Majesty's domain, and the other side, which is to the east-northeast, is bounded by the banks of the Mississippi, as appears by the plat.

In testimony whereof, we have given the present in the town of St. Louis, this day, October 3, 1793.

ZENON TRUDEAU.

Don Zenon Trudeau, lieutenant governor of the western part of Illinois.

In consequence of the demand to us made by the free mulatto woman named Esther, residing, &c.

Truly translated from Livre Terrein, book 5, pages 10 and 11. St. Louis, March 7, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
70	Esther, free mulatto woman.	80	Concession, October 5, 1793.	Z. Trudeau.....	Zenon Trudeau; October 3, 1793; north of St. Louis.

Evidence with reference to minutes and records.

August 22, 1806.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

The same, (Jacque Clamorgan,) assignee of Esther, a mulatto woman, claiming four by twenty arpents of land, situate in the prairie of St. Louis, produces a duly registered warrant of survey from Zenon Trudeau, dated the 2d October, 1798, granted for the purpose of cutting hay, and a deed of transfer of the same dated the 2d September, 1794.

Joseph Brazeau, being duly sworn, says that to his knowledge claimant did make hay on said land, but cannot say positively when.

The board reject this claim.—(See book No. 1, page 485.)

March 6, 1833.—The board met pursuant to adjournment. Present: F. R. Conway, A. G. Harrison, commissioners.

Esther, free mulatto woman, claiming eighty arpents of land.—(See Livre Terrein, No. 5, pages 10 and 11; book C, pages 159 and 160.)

René Dodier, being duly sworn, says that he knew Esther, a free mulatto woman, who lived with Clamorgan; that she had a grant of land near the mound commonly called La Grange de Terre; that she lived with Clamorgan as if she had been his wife; that Clamorgan had several children by her; that Esther had cattle which were sent to pasture, along with Clamorgan's cattle, on said piece of land, and that she was generally known as being the lawful owner of said land; that said land was comprised in the common field of St. Louis, the fence of said field running on this side of where now lives Mr. John Mullanphy. Witness further says that he thinks Esther's land extended to the bank of the Mississippi, as it did not run west of the road going to Bellefontaine.—(See book No. 6, page 111.)

April 26, 1833.—The board met pursuant to adjournment. Present: A. G. Harrison, F. R. Conway, commissioners.

In the case of Esther, claiming eighty arpents of land.—(See page 111 of this book.)

Jean Baptiste Riviere, dit Bacanné, duly sworn, says he knew Esther, a free mulatto woman, who lived with Clamorgan; that to his knowledge said Esther had to the north of St. Louis a small piece of land which had been given to her by the public at the end of their common fields, and that Esther made use of said piece of land as a pasture for her calves and cows; that the said land was situated between the mound commonly called La Grange de Terre and the next mound south of the Grange de Terre, and running from the descent of the hill between the above said two mounds to the Mississippi; that he does not know exactly how long she possessed the said land. He further says that when he said that the said land had been given to Esther by the public he meant the government.

François Duchouquette, duly sworn, says he knows that Esther owned a piece of land situated at the foot of the Grange de Terre, and running thence to the Mississippi, but does not know what quantity of land; that said Esther was the reputed owner of said land for more than ten years.

Elizabeth Hortez, duly sworn, said that she heard her husband and others say that Esther had a piece of land situated about the Grange de Terre, and running towards the Mississippi; that she always understood that Esther was the reputed owner of said land; that the cows which were at Clamorgan's were always called Esther's cows.—(See book No. 6, page 160.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Esther, free mulatto woman, claiming eighty arpents of land.—(See pages 111 and 160 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Esther or her legal representatives, according to the concession.—(See book No. 6, page 310.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 71.—JOHN NEYBOUR, *claiming* 8 *by* 40 *arpents.*

To Don Zenon Trudeau, lieutenant governor, and commander-in-chief of the western part of Illinois:

John Neybour, residing on the river Maramec, humbly supplicates, and has the honor to represent to you that he would wish to obtain of your goodness the quantity of eight arpents of land (in front) by forty arpents in depth, situated on the said river, and distant an arpent and a half from the small house belonging to Mr. Clamorgan, in ascending on the right shore of the said Maramec.

The said land now petitioned for having its front on the said Maramec, and its depth running in a northeast direction, in the same manner as other lands have been heretofore granted in said place. The petitioner shall never cease to render thanks to your goodness.

JOHN NEYBOUR, his + mark.

ST. LOUIS, *October* 19, 1795.

Don Zenon Trudeau, lieutenant governor, and commander-in-chief of the western part of Illinois, having ascertained that the eight arpents of land in front, situated on the banks of the Maramec, by the depth of forty arpents in a northeast direction, and distant an arpent and a half from the land of Mr. Clamorgan, belonging to his Majesty's domain, and shall not cause prejudice to anybody, Mr. Clamorgan shall put the said John Neybour in possession of the said tract, in order, afterwards, to deliver to him the concession for the same.

ZENON TRUDEAU.

ST. LOUIS, *October* 20, 1795.

By virtue of the lieutenant governor's decree, bearing date 20th instant, we do certify to have put Mr. John Neybour in possession of the tract of land here above petitioned for, situated on the river Maramec, consisting of eight arpents in front on the banks of the river Maramec, one arpent and a half above the house of Mr. Clamorgan, which is situated near the cart road leading to the Saline. The said four arpents in front shall extend in depth to the northeast, and shall be bounded south by the tract of one arpent and a half of said Clamorgan, and north by his Majesty's domain.

The present grant being prejudicial to no person. In testimony whereof, we have given the present in St. Louis, this 21st of October, 1795.

J. CLAMORGAN.

Don Zenon Trudeau, lieutenant governor, and commander-in-chief of the western part of Illinois.

In consequence of the demand to us made by Mr. John Neybour, a German by birth, and inhabitant of this dependency, whom we have caused to be put in possession by Mr. Clamorgan, under date of 21st of the present month, we have granted and do grant to the said John Neybour, in fee simple, to him, his heirs or assigns, or any other representing his rights, the tract of land above described, consisting of eight arpents in front by forty in depth; the said eight arpents being situated on the banks of the Maramec, bounded on the south side by a small tract of land of one arpent and a half, on which there is a house belonging to Mr. Clamorgan, and on the north side by his Majesty's domain, and running parallel in depth in a northeast direction.

The said concession not being prejudicial to any person, we do grant it to him, under charge and condition that he shall form an establishment thereon in one year from this day, under pain to have the same reunited to his Majesty's domain; and it shall be subject to the laws, taxes, and impositions which it may please his Majesty hereafter to impose.

Given in St. Louis, this 22d day of October, of the year 1795.

The word eight, erased, to stand good.

ZENON TRUDEAU.

Nota.—In the original, where the word eight (*huit*) is used, the word four (*quatre*) has been first written, and afterwards altered into eight, except in the fourth line from the top, in Clamorgan's certificate, where the word four (*quatre*) stands as first written.

At the foot of the concession, which was written by Clamorgan, the approval of the word eight is in Zenon Trudeau's own handwriting.

Truly translated. St. Louis, March 25, 1833.

JULIUS DE MUN.

JOHN WATKINS, *claiming* 800 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Doctor John Watkins has the honor of representing to you that, having purchased of John Neybour (as is evinced by the certified copy of the deed of sale, executed July 12, 1799, here annexed) a tract of land of eight arpents in front by forty in depth, situated on the river Maramec, such as it is designated in the title of concession which it has pleased your predecessor, Don Zenon Trudeau, to expedite in favor of the proprietor, the said John Neybour, under date of October 22, 1795, also here annexed for the better intelligence of your petitioner's demand, which is to supplicate your justice to be pleased to grant to him an augmentation of about six or seven arpents in front, it being the space comprised between the above-mentioned land and the land belonging to Mr. Gabriel Cerré, by the depth already mentioned. The petitioner has the honor to observe to you that he is owner of a very large number of cattle of all kinds; that

the quantity of land contained in his purchase aforesaid has but a small part of it fit for cultivation, the depth being hilly and sterile land. The quantity of land which he claims of your justice will enable him to extend his fields, and will give him a greater range for the pasture of his cattle; favor which the petitioner hopes to deserve from the generosity of the government and of your justice.

St. Louis, *October* 30, 1799.

St. Louis of Illinois, *October* 30, 1799.

In consequence of the authenticity of the documents annexed to the foregoing memorial, in which said documents are mentioned, and taking into consideration the just demand of the interested, the surveyor, Don Antonio Soulard, shall measure and set boundaries to the land purchased by the petitioner according to the tenor of the concession produced by him, including in said measurement the augmentation solicited in the foregoing memorial, provided it does not exceed six or seven arpents in front, conformably to what is expressed above. And this operation being executed, he shall deliver a certificate to the interested, in order to enable him, with the same, to obtain the confirmation of the primitive title, and the delivery of the concession in form from the intendancy general of these provinces, to which tribunal alone corresponds the granting of lands and town lots belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of Upper Louisiana.

I do certify that on the 5th of October of last year, (by virtue of the decree, here annexed, of the lieutenant colonel, Don Carlos Dehault Delassus, lieutenant governor of this Upper Louisiana, under date of 30th of October of the aforesaid year, and of other documents mentioned in the said memorial, and all annexed to the same,) I went on the land of John Watkins in order to survey the same, conformably to his demand of 613 arpents in superficie, which measurement has been taken in presence of the proprietor and of the adjoining neighbors, with the perch of Paris, of 18 feet in length, according to the custom adopted in this province of Louisiana, and without regard to the variation of the needle, which is 7° 30′ east, as is evinced by the foregoing figurative plat. The said land is situated at about sixteen miles to the southwest of this town of St. Louis, and bounded as follows: northeast by vacant lands of the royal domain, southwest by the margin of the river Maramec, southeast by land of Santiago Clamorgan, and northwest by lands of Don Gabriel Cerré; and that it shall be available according to law, I do give the present, with the foregoing figurative plat, on which are designated the dimensions and natural and artificial boundaries of said land.

ANTONIO SOULARD, *Surveyor General.*

St. Louis of Illinois, *December* 7, 1800.

Truly translated. St. Louis, March 27, 1833. JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
71	John Watkins, for himself, and as assignee of J. Neybour.	800	Concession for 320 to John Neybour, October 22, 1795.	Zenon Trudeau.	J. Clamorgan, October 21, 1795.
			Concession for augmentation, October 30, 1799.	Carlos Dehault Delassus.	Antoine Soulard, December 7, 1800; 16 miles from St. Louis, on the Maramec.

Evidence with reference to minutes and records.

October 6, 1808.—Board met. Present: The Hon. Clement B. Penrose and Frederick Bates, commissioners.

John Watkins, assignee of Joseph Neybour, claiming eight arpents front by forty arpents deep, situate on the river Maramec, district of St. Louis, produces to the board a concession from Zenon Trudeau, lieutenant governor, for the same, to Joseph Neybour, dated October 22, 1795, and registered in book of register No. 5; No. 29, a certified copy of a deed of transfer from said Neybour to claimant, dated July 12, 1798, and certified October 31, 1803; a plat and certificate of survey of 613 arpents, dated November 5, 1799, and certified October 6, (December 7,) 1800.

Pierre Tournat, alias Lajoy, sworn, says that Joseph Neybour settled on said land fourteen years ago, and inhabited and cultivated the same from that time until about 1801 or 1802, and that the same has been inhabited and cultivated ever since for claimant.

Same, claiming six or seven arpents front by forty arpents deep, as an augmentation of the foregoing claim, produces to the board, in support thereof, a concession from Don Carlos Dehault Delassus, lieutenant governor, to claimant for the same, dated October 30, 1799, and also the above-mentioned plat and certificate of survey.

Antoine Soulard sworn, says that he knows that before Zenon Trudeau, lieutenant governor, left this country, he did actually grant to claimant the aforesaid augmentation, but on a search made for the same it could not be found; says that he wrote the petition and concession signed by Delassus, lieutenant governor, now produced; but on being interrogated as to the date thereof, referred the board to a former answer made by him before this board on a similar question, May 2, 1806, page 270, book No. 1, to wit:

Question. Do you recollect when that was written, and is it your belief that it was written at the time it bears date?

Here the witness refused to answer; whereupon he was asked by the board whether he meant to give similar answers to the questions in all similar cases, and answered yes.—(See book No. 3, page 278.)

January 16, 1809.—Board met. Present: John B. C. Lucas and Frederick Bates, commissioners.

John Watkins, assignee of Joseph Neybour, a claim for eight arpents front by forty in depth, situate on the river Maramec, district of St. Louis.—(See book No. 3, page 278.) The board examining the original concession in this claim are satisfied that the quantity originally granted was four arpents front, and that the alteration made in said quantity is spurious. Confirmed to John Watkins 160 arpents, and order that the same be surveyed so as to include the improvement of Joseph Neybour, four arpents in front on the Maramec by forty arpents in depth, on any land not heretofore legally surveyed, that may be found vacant there, except the survey heretofore made for claimant. Certificate to issue on return of survey.—(See book No. 3, page 430.)

March 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn and A. G. Harrison, commissioners.

John Watkins, for self, and as assignee of John Neybour, claiming 800 arpents of land situate on the Maramec.—(See book C, page 536, and following; minutes, No. 3, pages 278 and 430; Livre Terrein, No. 5, page 29.) Produces a paper purporting to be a concession from Zenon Trudeau, dated 22d October, 1795, to John Neybour, for 400 arpents, an order of survey to John Watkins for 800 arpents, said survey taken 5th November, and certified by Antoine Soulard 7th December, 1800; a deed from John Neybour to John Watkins; a notice of A. Soulard to said Watkins; copy of a petition from said Soulard, certified by Frederick Bates, recorder of land titles; affidavit of A. Soulard and James Mackay; affidavit of Jacque Clamorgan, and a plat and certificate of survey for 613 arpents, taken 9th November, and certified by Soulard the 7th December, 1800.

M. P. Leduc, C. F. Delauriere, and A. Tison, being duly sworn, certify to the signature of all the above papers. A. Tison further states that to his knowledge the said tract of land was inhabited and cultivated in about 1802 or 1803.—(See book No. 6, page 114.)

November 8, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

John Watkins, in his own name, and as assignee of John Neybour, claiming 800 arpents of land.—(See page 114 of this book.) The board observe that after a minute examination of John Neybour's concession they see no good reasons for believing with the former board that the alteration mentioned was spurious, as the word *four*, altered into *eight*, was sanctioned by the lieutenant governor in the following, in his own handwriting, to wit: "The word eight, erased, to stand good;" immediately under which follows his own signature, making the quantity of arpents granted eight in front by forty in depth. The board are unanimously of opinion that 160 arpents (being the balance claimed by John Neybour) should be confirmed, the former board having already confirmed the other 160. Tho board are also of opinion that six or seven arpents in front by forty in depth, granted to John Watkins, should also be confirmed.—(See book No. 6, page 311.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 72.—J. M. PAPIN, *claiming* 8 *by* 25 *arpents.*

To the Lieutenant Governor:

Joseph Marie Papin, an inhabitant of this town of St. Louis, in the most respectful manner, in his right says, that wishing to form a plantation for the purpose of cultivation and raising of cattle, he supplicates you to grant to him 8 arpents of land of his Majesty's domain adjoining north to the land of Mr. Motard, east to the Mississippi, south to the land of Mr. Tayon, and west to the main road, (Camino Real,) leading to Mr. Delor's village; subjecting himself to leave a sufficient road between his concession and that of said Motard to enable people and cattle to pass; and also to leave vacant the Indian village near the river Mississippi, which is bounded north by Mr. Motard's plantation. Favor which the petitioner expects of your equitable justice.

J. M. PAPIN.

ST. LOUIS OF ILLINOIS, *March* 28, 1787.

Don Francisco Cruzat, lieutenant colonel of infantry by brevet, captain of grenadiers in the stationary regiment of Louisiana, commandant and lieutenant governor of the western part and district of Illinois.

Having examined the statement in the above memorial, dated 28th March of this present year, presented by Mr. John Marie Papin, inhabiting and residing in this town, I have granted and do grant in fee simple to him, his heirs, and others who may represent his right, the eight arpents of land solicited by him, and which shall begin from the plantation of Joseph Motard, (leaving free all the space contained in the prairie called the Little Indian village, in order that the animals belonging to the public may pass freely and go down to the Mississippi, as they have been and are yet accustomed to do,) until it reaches the plantation of Joseph Tallon; on condition to establish and improve the said tract of land in the term of one year, to begin from this date, and on the contrary to be reunited to the royal domain. And it shall be liable to public charges and others which it may please his Majesty to impose.

Given in St. Louis of Illinois, the 30th of March, 1787.

FRANCO. CRUZAT.

Registered at the desire of the interested. (Book No. 2, pages 12 and 13.)

SOULARD.

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Joseph Marie Papin has the honor to represent to you, in support of the title of concession which it has pleased the lieutenant governor, Don Francisco Cruzat, to grant to your petitioner under date of 30th March, 1787, which original document is here annexed, that the want of a surveyor appointed by the government having prevented him to have boundaries set to the said land up to this day, and in consequence of this operation not having heretofore been executed, he has the honor to supplicate you to have the goodness to order the surveyor of this Upper Louisiana to measure the said land when the petitioner shall require it, with the particular observation to give to the said land a depth of about twenty-five arpents, in order to avoid hereafter the difficulties which might result in accomplishing literally what is expressed in his petition, which says that the said land shall be bounded in the depth *by the road leading to Mr. Delor's village.* As a road is always subject to alterations which might increase or lessen his property, he wishes to have it invariably fixed to 25 arpents in depth. Favor which he hopes to obtain of your justice.

JN. PAPIN.

ST. LOUIS OF ILLINOIS, *December* 28, 1802.

ST. LOUIS OF ILLINOIS, *December* 29, 1802.

By virtue of the title of concession granted to the interested, under date of March 30, 1787, by the lieutenant governor, Don Francisco Cruzat, and in consideration of the survey which is solicited, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall measure the land designated in the primitive title here annexed, and also conformably to his demand in the foregoing memorial, in order that, being vested with the necessary documents, the petitioner may apply to the general intendancy of this province, and solicit the ratification and title of property in form from the same tribunal.

CARLOS DEHAULT DELASSUS.

Registered at the desire of the interested. (Book No. 2, pages 13, 14, and 15.)

SOULARD.

Truly translated. St. Louis, March 28, 1833.

JULIUS DE MUN.

I do certify to all whom it may concern that I have been several times requested by Mr. M. Papin to survey for him a concession near this town, conformably to his titles; one from Don Francisco Cruzat, under date of March 30, 1787, and the other from Charles Dehault Delassus, of December 29, 1802; which survey I was obliged to delay on account of various occupations of my office, and at other times when said survey might have been made the proprietor was absent.

ANTOINE SOULARD, *Surveyor General Territory Louisiana.*

ST. LOUIS, *February* 22, 1806.

Truly translated. November 22, 1833.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
72	Joseph M. Papin.....	8 by 17	First concession, March 30, 1787. Second concession, December 29, 1802.	Francisco Cruzat. Carlos Dehault Delassus.	Special location.

Evidence with reference to minutes and records.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jos. M. Papin, claiming 8 by 25 arpents of land situate on the commons of St. Louis, produces record of a concession from Delassus, lieutenant governor, dated December 29, 1802. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 479.)

March 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

Joseph M. Papin's legal representatives, claiming 8 by 17 arpents of land, situated south of Little river or Mill creek, on the west side of the road leading from St. Louis to Carondelet, which separates the same from the arsenal, about two and a half miles from St. Louis.—(See book C, pages 434 and 435, for first and second concessions, and certificate of Soulard, Livre Terrein, No. 4, page 16.) Produces a paper purporting to be a concession from Francisco Cruzat, dated March 30, 1787; also an additional concession from Carlos Dehault Delassus, dated December 29, 1802; a certificate of A. Soulard, surveyor general, dated February 2, 1806; a plat of survey, signed M. P. Le Duc, dated August 27, 1823.

Albert Tison, being duly sworn, says that the signatures to the above papers are in the respective handwriting of the above-named persons who signed them, except the signature of Francisco Crozat, with which he is not acquainted.—(See book No. 6, page 115.)

November 8, 1833.—The board met. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Joseph Marie Papin, claiming 200 arpents of land.—(See page 115 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Joseph Marie Papin, or to his legal representatives, according to Charles Dehault Delassus's concession.—(See book No. 6, page 311.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 73.—A. SAUGRAIN, *claiming* 20,000 *arpents.*

To Don Zenon Trudeau, lieutenant colonel, captain in the stationary regiment of Louisiana, and lieutenant governor of the western part of Illinois:

Ant. Saugrain, a Frenchman, has the honor to represent to you that, after having resided in several parts of the United States, he heard such advantageous reports of the assistance given by the Spanish government to foreigners who came to settle in this Upper Louisiana, that he conceived the project to come and settle himself in this province. In consequence, he had the honor of writing to you on the subject, and your answer, dated September 12, 1797, which he received, was so congenial to his wishes that from that moment he considered himself as a subject of his Majesty, and came to St. Louis, expecting, when it was in his power, to send for his family. The petitioner will not enter into a minute detail of the manner in which he has been formerly employed in the service of his Majesty by his excellency Count Galvez, governor general of this province, in the department of natural history, &c., as these particulars have come to your knowledge; but, according to your written promise, he has the honor to supplicate you to have the goodness to grant to him, in full property, twenty thousand arpents of land in superficie, four thousand arpents to be taken at about four miles southwest of the river Mississippi, and at fifty-seven miles from this town, and the remaining sixteen thousand arpents to be taken as follows: ten thousand arpents in a vacant place of the domain, at the petitioner's choice, and finally the other six thousand arpents in two different tracts of three thousand arpents each, in situations suitable to the accomplishment of his contemplated enterprises, without being prejudicial to the pretensions of any one whomsoever. And the petitioner, having in view the establishment of mills of various kinds, of a distillery, stock farm, &c., hopes that you will please to authorize him to have the right to choose the said tracts of land above mentioned, in all the extent of the district of St. Louis, and on the left side of the Missouri.

Your petitioner, having no other view but employing his industry in accordance with the fidelity which is due to the government, hopes to obtain the favor which he claims of your justice.

A. SAUGRAIN.

ST. LOUIS, *November* 8, 1797.

Don Zenon Trudeau, lieutenant governor of the western part of Illinois, &c.

The surveyor, Don Antonio Soulard, shall survey in favor of the interested party the twenty thousand arpents of land which he solicits in the place above cited, and shall deliver to the same the proces verbal of his survey, in order that with this decree it shall serve to him as a title of property until the corresponding title in form be expedited by the governor general.

ZENON TRUDEAU.

ST. LOUIS, *November* 9, 1797.

St. Louis, March 23, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
73	Antoine Saugrain..	20, 000	Concession, Nov. 9, 1797.	Z. Trudeau ...	7,000 arpents. Frémon Delauriere, deputy surveyor, January 1, 1806; 3,000 arpents by same, January 5, 1806; 3,000 arpents by same, January 7, 1806; received for record by Soulard, March 8, 1806; on Salt river.

Evidence with reference to minutes and records.

May 10, 1806.—The board met agreeably to adjournment. Present: Hon. Clement B. Penrose.

Anthony Saugrain, claiming 20,000 arpents of land situate in the district of St. Charles, produces a concession from Zenon Trudeau to claimant, dated November 9, 1797; a survey of 4,006 arpents, situate on the waters of the Missouri, dated December 27, 1803, and certified January 28, 1804; and another survey of 3,000 arpents, situate on the waters of the Mississippi, dated January 7, and certified February 15, 1804. Claimant produced a letter from Zenon Trudeau to him, inviting him to the country, dated September 12, 1797. The board reject this claim, and observe that they are satisfied that the above concession was granted at the time it bears date, and is *bona fide,* but not duly registered.—(See book No. 1, page 289.)

August 18, 1810.—Board met. Present: Clement B. Penrose, Frederick Bates, commissioners.

Antoine Saugrain, claiming 20,000 arpents of land.—(See book No. 1, page 289.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 465.)

March 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

Antoine Saugrain, by his heirs, claiming 20,000 arpents of land, of which a league square has been confirmed, (see book C, pages 252 and 253; minutes No. 1, page 289; No. 4, page 465,) produces a paper purporting to be a concession from Zenon Trudeau, dated November 9, 1797; three plats of surveys, one of which is for 7,000 arpents, and the two others for 3,000 arpents each.

M. P. Le Duc, duly sworn, says that the decree of concession, and the signature to it, are in the handwriting of Zenon Trudeau, and the signature to the petition is in the handwriting of A. Saugrain.

C. Frémon Delauriere, duly sworn, says that the three above plats of survey were executed by him, being at the time commissioned deputy surveyor.—(See book No. 6, page 116.)

November 8, 1833.—The board met pursuant to adjournment. Present: Lewis F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Antoine Saugrain, claiming 20,000 arpents of land.—(See page 116 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Antoine Saugrain, or his legal representatives, according to the concession.—(See book No. 6, page 312.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 74.—The sons of J. M. Papin, *claiming* 5,600 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the regiment (stationary) of Louisiana, and lieutenant governor of the upper part of the same province:

Joseph Papin, Hipolite Papin, Pierre Papin, Silvestre Papin, Didier Papin, Theodore Papin, Alexander Papin, brothers, and sons of Mr. J. M. Papin, all of them born under the domination of his Majesty, and accustomed to the generosity and goodness of his government, hope that you will be pleased to take into consideration their situation, and assist them in their intention of procuring to themselves an independent existence and help their parents who are living, since a long time, in unfortunate circumstances, unable to give them the necessary education, and render them fit to provide for their own wants. All your petitioners being of the same mind, have determined to supplicate you to grant them your protection, and, consulting only the goodness of your heart, to concede to each of them 800 arpents of land, or 5,600 arpents, to be taken in one or several vacant places of his Majesty's domain. The petitioners presume to expect this favor of your justice; they only regret to have nothing else to offer in return for so much goodness but the assurance of their devotedness and sincere and constant fidelity to the benevolent government under which they are born, and of which they hope to remain all their lives faithful subjects.

HIPOLITE PAPIN.
PIERRE PAPIN.
THEODORE PAPIN.
ALEXANDER PAPIN.
JOSEPH PAPIN.
DIDIER PAPIN.
SILVESTRE PAPIN.

St. Louis, *January* 19, 1800.

St. Louis of Illinois, *January* 21, 1800.

Cognizance being taken of the foregoing statement and of the praiseworthy motives which influence the petitioners, and considering that their family is one of the most ancient in the country, and deserving the favors of the government, I do grant to the petitioners, to them and their heirs, the land they solicit, provided it is not to the prejudice of any one; and the surveyor, Don Antonio Soulard, shall put the parties interested in possession of the quantity of land they ask for, in one or two vacant places of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to said parties, with his certificate, in order to serve to them to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated from Spanish record of concessions, (book No. 2, pages 15 and 16.) St. Louis, August 12, 1833.

JULIUS DE MUN.

No.	Names of original claimants.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
74	Joseph Papin, Didier Papin, Alexander Papin, Hipolite Papin, Silvestre Papin, Theodore Papin, and Pierre Papin	5,600	Concession, January 21, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

October 10, 1808.—Board met. Present: The honorable Clement B. Penrose and Frederick Bates, commissioners.

Joseph, Alexander, Hipolite, Pierre, Silvestre, Didier, and Theodore Papin—sons of Joseph M. Papin—claiming 800 arpents of land each, on any vacant land, produce to the board a concession from Charles Dehault Delassus, lieutenant governor, for the same, dated 21st January, 1800. Laid over for decision.—(See book No. 3, page 286.)

June 18, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joseph Papin, claiming 800 arpents of land.—(See book No. 3, page 286.) It is the opinion of the board that this claim ought not to be confirmed.

Alexander Papin, claiming 800 arpents of land.—(See book No. 3, page 286.) It is the opinion of the board that this claim ought not to be confirmed.

Hipolite Papin, claiming 800 arpents of land.—(See book No. 3, page 286.) It is the opinion of the board that this claim ought not to be confirmed.

Pierre Papin, claiming 800 arpents of land.—(See book No. 3, page 286.) It is the opinion of the board that this claim ought not to be confirmed.

Silvestre Papin, claiming 800 arpents of land.—(See book No. 3, page 286.) It is the opinion of the board that this claim ought not to be confirmed.

Didier Papin, claiming 800 arpents of land.—(See book No. 3, page 286.) It is the opinion of the board that this claim ought not to be confirmed.

Theodore Papin, claiming 800 arpents of land.—(See book No. 3, page 286.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 386.)

March 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

The sons of Joseph M. Papin, to wit, Joseph, Didier, Alexander, Hipolite, Silvestre, Theodore, and Pierre, claiming 800 arpents of land each, under the same concession.—(See book C, page 435; minutes No. 3, page 286; No. 4, pages 386 and 387; Spanish record of concession, No. 2, page 15, No. 11; see book No. 6, page 117.)

November 9, 1833.—The board met pursuant to adjournment. Presen: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

The sons of Joseph M. Papin, claiming 5,600 arpents of land.—(See page 117 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said sons of Joseph M. Papin, to wit, Joseph, Didier, Alexander, Hipolite, Silvestre, Theodore, and Pierre Papin, or their legal representatives, according to the concession.—(See book No. 6, page 312.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 75.—BERNARD PRATTE, *claiming* 800 *arpents.*

To Mr. Zenon Trudeau, lieutenant colonel and governor of the western part of Illinois, &c.:

SIR: The undersigned has the honor to represent to you that, having formed the project of making a plantation in this neighborhood, he wishes to obtain a piece of land on the river Des Peres, adjoining, south, the line of Mr. Papin, and bounded north by the St. Charles road, by forty arpents in depth. Favor which he expects of your justice.

BERNARD PRATTE.

ST. LOUIS, *May* 24, 1799.

ST. LOUIS, *May* 24, 1799.

Being satisfied that the land solicited is vacant, and of the domain of his Majesty, and that the granting of the same prejudices nobody; that the petitioner is in such circumstances as to enable him to form an establishment on a large scale, the surveyor, Don Antonio Soulard, shall put him in possession of 800 arpents of land in superficie, in the manner most convenient to the party interested, and advantageous for the location of other settlers; and afterwards he shall make out his plat of survey to enable him to solicit the concession of the governor general, who, knowing personally the petitioner and his family, has no need of a recommendation.

ZENON TRUDEAU.

I, the undersigned, transfer to Madame Beral Sarpy, and abandon to her, the above title of concession, as being her own and irrevocable property, and to enjoy the same as such.

BERNARD PRATTE.

ST. LOUIS, *October* 17, 1800.

I notify the party interested that the present petition having not been presented to me at the time, the place designated in the same has been taken by other surveys, and I must have an order from the lieutenant governor to be able to place the same quantity of land on any other vacant place which shall be chosen.

SOULARD.

ST. LOUIS, *May* 5, 1803.

On account of the above information, and of the authenticity of the title, the proprietor may take the same quantity of land on any other vacant part of the domain, and this to be executed by the surveyor without objections, provided the place chosen shall not be prejudicial to anybody.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *May* 6, 1803.

Truly translated. St. Louis, March 6, 1833.

JULIUS DE MUN.

Don Antonio Soulard, surveyor general of Upper Louisiana.

I do certify that a tract of land of 800 arpents in superficie was measured, the lines run and bounded, in favor of Mrs. Pelagie Sarpy, and in presence of the deputy surveyor, her agent; which concession was abandoned and ceded by the original owner, Bernard Pratte, to the said Pelagie Sarpy, as is evinced by

the transfer inserted below the memorial here annexed. Said measurement was taken with the perch of Paris, of 18 French feet lineal measure of the same city, conformably to the agrarian measure of this province; which land is situated at about 30 miles southwest of St. Louis, bounded on the four sides by vacant lands of the royal domain. The said survey and measurement were executed without regard to the variation of the needle, which is 7° 30′ E., as is evinced by the foregoing figurative plat, on which are designated the dimensions, courses of the lines, other boundaries, &c. Said survey was executed by virtue of the decree of the lieutenant governor, Don Zenon Trudeau, to which is adjoined that of the lieutenant governor and sub-delegate of the royal treasury, Don Carlos Dehault Delassus, under dates of May 24, 1799, and of May 6, 1803, here annexed. And, in order that all here above cited be available according to law, I do give the present, with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, John Terrey, on the 4th of January, 1804, and who signed on the minutes, which I certify.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *April* 15, 1804.

Truly translated. St. Louis, April 8, 1833.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
75	Bernard Pratte..	800	Concession, May 24, 1799. Concession, May 6, 1803.	Zenon Trudeau.. Carlos Dehault Delassus.	John Terry, deputy surveyor, January 4, 1804. Certified by Soulard April 15, 1804. Thirty miles SW. of St. Louis.

Evidence with reference to minutes and records.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Madame Barraul Sarpy, assignee of Bernard Pratte, claiming 800 arpents of land situate on the Maramec, district of St. Louis, produces record of a concession from Zenon Trudeau, lieutenant governor, dated May 24, 1799, and a certificate from the surveyor that the land is not vacant; record of an order from Delassus, lieutenant governor, to survey the same on vacant lands, dated May 6, 1803; record of a plat of survey dated January 4, and certified April 15, 1804; record of a transfer from Pratte to claimant, dated October 17, 1800.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 478.)

March 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn and A. G. Harrison, commissioners.

Bernard Pratte, by his assignee, Pelagie Sarpy, claiming 800 arpents of land, (see book C, pages 363 and 366; No. 5, page 478,) produces a paper purporting to be an original concession from Zenon Trudeau, dated May 24, 1799; also a plat of survey taken January 4, and certified April 15, 1804; a deed of conveyance, dated October 11, 1819, and a concession from C. D. Delassus, dated May 6, 1803.

M. P. Le Duc, duly sworn, says that the signatures to the concessions are in the proper handwriting of the said Zenon Trudeau and C. D. Delassus.—(See book No. 6, page 117.)

November 9, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Bernard Pratte, claiming 800 arpents of land.—(See page 117 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Bernard Pratte, or to his legal representatives, according to the concession.—(See book No. 6, page 312.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 76.—CHARLES GRATIOT, jr., *claiming* 2,500 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Charles Gratiot, junior, has the honor to represent to you that, being of an age at which he ought to think of procuring to himself an independent existence, he hopes that you will be pleased to assist him in his views, and grant to him the same favor which the government diffuses upon all his Majesty's subjects; therefore, having formed the project of establishing a farm on a large scale, he has the honor to supplicate you to have the goodness to grant to him, in full property, 2,500 arpents of land in superficie, to be taken in a vacant place of the King's domain, on the left bank of the Maramec, between the river called *A Calvé* and the Little Maramec, so as to include the bottom, situated at about fifty-four or sixty miles from the mouth of the said river Maramec, one of its branches, or thereabout.

The petitioner hopes that the numerous family of his father, the length of time they have been in the country, and their constant fidelity to the government, will have acquired to him, in your opinion, the right to obtain the favor which he presumes to expect of your justice.

CHARLES GRATIOT, JR.

ST. LOUIS, *December* 15, 1802.

ST. LOUIS OF ILLINOIS, *December* 16, 1802.

Whereas it is evident that the petitioner possesses more than sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in the place designated; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the desire of the party interested, pages 18 and 19, in book No. 1 of titles of concessions, No. 11.

SOULARD.

Truly translated. St. Louis, April 2, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
76	Charles Gratiot, jr.	2,500	Concession, December 16, 1802.	Carlos Dehault Delassus.	On the Maramec, 54 or 60 miles from its mouth.

Evidence with reference to minutes and records.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Gratiot, jr., claiming 2,500 arpents of land situate on the Maramec, district of St. Louis, produces record of concession from Charles D. Delassus, lieutenant governor, dated 16th December, 1802. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 427.)

March 13, 1833.—The board met pursuant to adjournment. Present: Lewis F. Linn, A. G. Harrison, commissioners.

Charles Gratiot, jr., claiming 2,500 arpents of land on the left bank of the river Maramec, between the river commonly called Cavé and Little Maramec, so as to include the bottom, and situated about 54 or 60 miles from the mouth of the river Maramec, (see book D, page 119; book No. 5, page 427,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated 16th December, 1802.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Carlos Dehault Delassus.—(See book No. 6, page 119.)

November 9, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Gratiot, jr., claiming 2,500 arpents of land.—(See page 119 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Gratiot, jr., or to his legal representatives, according to the concession.—(See book No. 6, page 313.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 77.—LEVY THEEL, *claiming* 200 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Levy Theel, R. C., has the honor to represent to you that he settled, about two years ago, (with the consent of Mr. Zenon Trudeau,) on a piece of land situated on the north side of the river Maramec, which land he has ever since continued to cultivate with success, without giving cause to anybody to complain about his conduct. Various circumstances have prevented him to present his petition to Mr. Trudeau in order to obtain the fulfilment of his promise; but, full of confidence in your justice, he hopes that you will be pleased to grant to him on the said river Maramec, and at the place which he cultivates, the quantity of two hundred arpents of land in superficie, which shall be bounded on one side by the plantation formerly belonging to Thos. Tyler, and now the property of Mr. Gabriel Cerré. Favor which he presumes to expect of your justice.

LEVY THEEL.

St. Louis, *December* 15, 1799.

ST. LOUIS OF ILLINOIS, *December* 15, 1799.

Whereas we are informed that the petitioner possesses sufficient means to work and improve the land which he is cultivating since two years, by virtue of the permit of our predecessor, and considering that he bears a good character, the surveyor, Don Antonio Soulard, shall put the party interested in possession of the same, and shall make out a plat and certificate of his survey, in order to serve to solicit the con-

cession from the intendant general of these provinces, to whom alone corresponds, by order of his Majesty, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, April 2, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted	By whom surveyed, date, and situation.
77	Levy Thiel.....	200	Concession, December 15, 1799.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Gratiot, assignee of Levy Thiel, claiming 200 arpents of land situate on the Maramec, district of St. Louis, produces record of a confirmation from Delassus, lieutenant governor, dated December 15, 1799.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 507.)

March 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn and A. G. Harrison, commissioners.

Levy Thiel, by Charles Gratiot, senior's, representatives, claiming 200 arpents of land, (see book D, page 120; No. 5, page 507,) produces a paper purporting to be an original concession from Carlos D. Delassus, dated December 15, 1799, and an agreement between C. Gratiot and Thiel, dated January 13, 1811.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus.—(See book No. 6, page 119.)

November 9, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Levy Thiel, claiming 200 arpents of land.—(See page 119 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Levy Thiel, or his legal representatives, according to the concession.—(See book No. 6, page 313.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 78.—MATHURIN BOUVET, *claiming* 20 *arpents square.*

To Mr. Zenon Trudeau, captain in the stationary regiment of Louisiana, lieutenant governor, and commander-in-chief of the western part of Illinois:

SIR: Mathurin Bouvet humbly supplicates, and has the honor to represent to you, that three years ago he went to a river known by the name of river Auhaha, the mouth of which is at the distance of about thirty-four leagues from St. Louis; that, having ascended sixteen leagues in the said river, he penetrated half a league inland in order to look at a saline, which he found to suit his wishes; and having worked the same in different places he settled himself at the place called Le Bastion; and having tried the water of the said saline he succeeded in making salt. This experiment being made, he came down with the intention of returning there with men and all necessary utensils for the said manufacture; but when he got back to the said place, he saw, with pain, that Indians of the Sac nation had been there in his absence and had taken away all his effects, tools, and kettles, which he had left, and also three valuable mares which they had stolen. The petitioner was not discouraged, and, considering the actual state of his affairs, had considerable work done; he had a furnace erected; a warehouse of thirty-five feet, a dwelling-house, and other small buildings, and cleared a pretty large field. After sometime he sent down his three men in search of provisions; but they, having fallen sick, would not come up again, so he found himself compelled to winter there alone, and as soon as the weather permitted, he hid (en cache) all his effects and came down by land. The Indians of the same nation, knowing of his absence, have taken advantage of it, and have robbed all he had left behind, to the value of upwards of twelve hundred dollars. The petitioner presumes to flatter himself that, taking into consideration all these losses and expenses, you will be pleased to grant to him a concession of the said place, in order that he may indemnify himself, and to encourage him in his intention of having thereon his manufactory of salt. He claims of your goodness that you will condescend to grant to him the concession of the said saline and twenty arpents square, (of which the said Bastion shall be the centre, the said twenty arpents running from north to south and from east to west,) in order that he may, with security, have the necessary works and buildings done, and secure the surrounding timber for the use of his said manufactory, and continue to make the roads which he has already begun from the river Auhaha to the said saline, and thence to the Mississippi, for the effectuation of his undertaking. The petitioner shall never cease to pray for your conservation in acknowledgment of your goodness.

M. BOUVET.

ST. LOUIS, *March* 17, 1795.

Don Zenon Trudeau, lieutenant governor and commander-in-chief of the western part of Illinois, after having examined the demand made in Mr. Bouvet's petition, we have granted to him the concession of twenty arpents square, situated on the river Auhaha, at fifteen leagues from its mouth, which falls into

the Mississippi at the distance of about thirty-four leagues from this town; the survey of said land shall be at his charge.

Done at St. Louis, June 1, 1795.

ZENON TRUDEAU.

Truly translated. St. Louis, April 1, 1833.

JULIUS DE MUN.

CHARLES GRATIOT, *claiming* 7,056 *arpents.*

To Don Carlos Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Charles Gratiot, merchant of this town, father of a very numerous family, has the honor to represent to you that on the 30th of November, in the year 1800, he bought at a public sale, of which a copy certified by yourself is here annexed, and which sale took place in your presence, a property, consisting in a saline, situated on the river Auhaha, and granted, with 20 arpents of land on each side, to Mathurin Bouvet, deceased, his creditor, by virtue of a petition which he presented to the lieutenant governor, Don Zenon Trudeau, under date of March 17, 1795, and of the decree of concession of the lieutenant governor above named, dated June 1, 1795, all said documents being here annexed. In consequence of the said titles, he has the honor to represent to you that, wishing to work the said saline, and determined to make all the sacrifices which such an enterprise carries along with it, he lays the foundation of his hopes of obtaining the augmentation of land which is necessary to an establishment requiring such a consumption of wood, on the generosity of a government of which he has always experienced the liberality and kindness; confiding in this opinion, he has the honor to supplicate you to have the goodness to grant to him, at the place purchased by him, an augmentation to the original concession of the late Mathurin Bouvet, which will complete one league square of land in superficie, or 7,056 arpents, and refers to the original title for the situation of the same.

The difficulty of raising cattle in the vicinity of this town made him have in contemplation the project of making a stock farm on the said land, which he hopes to do with advantage; and, as the above-named establishments always require a great extent of land, and that the government has never refused, in such cases, to grant similar concessions, he expects of your generosity that you will be pleased to assist him in his project, and that you will do justice to the favor which he hopes to obtain of your justice.

C. GRATIOT.

ST. LOUIS, *January* 5, 1801.

ST. LOUIS OF ILLINOIS, *January* 6, 1801.

Having examined the contents of the foregoing statement, and in consideration of the undertakings which the petitioner has in contemplation, and for the success of which he requires a great consumption of fuel and a considerable extent of land; considering, also, that if he succeeds in his projects it will be very advantageous to these settlements, I do grant to the petitioner the land which he solicits; and as it is situated in a desert where there are no establishments, and thirty or forty leagues, more or less, distant from this town, he shall not be obliged to have it surveyed immediately, but as soon as any settler shall appear in the vicinity of the above-mentioned place, in this case he must have it surveyed without delay; and Don Antonio Soulard, surveyor general of this Upper Louisiana, shall take cognizance of this title for his intelligence and government in what concerns him, in order that the party interested may, after the survey is made, solicit the title in form from the intendant general of these provinces of Louisiana.

CARLOS DEHAULT DELASSUS.

Registered, by order of the lieutenant governor, pages 5, 6, and 7 of book No. 1 of titles of concessions No. 3.

SOULARD.

ST. LOUIS, *April* 10, 1803.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
78	Mathurin Bouvet, 400; his assignee, Charles Gratiot, 6,656.	7, 056	Concession, June 1, 1795; concession, January 6, 1801.	Zenon Trudeau and C. Dehault Delassus.	Frémon Delauriere, deputy surveyor, Feb. 20, 1806. Recorded April 15, 1806, by Soulard. On Saltriver.

Evidence with reference to minutes and records.

ST. LOUIS, *July* 8, 1806.

Charles Gratiot, assignee of Mathurin Bouvet, claiming 20 square arpents of land, on which there is a saline, situate on the river Auhaha, district of St. Charles, produces a concession, duly registered, from Zenon Trudeau, dated June 1, 1795, and an act of public sale of the effects and property of said Bouvet, dated December 7, 1800.

Francis M. Benoist, being duly sworn, says that he has known a saline established on said land for eleven or twelve years since; that the same was established by said Bouvet; that he died about five years ago by fire; that his house was then destroyed; and that he worked said mine to the last moment.

The board reject this claim; they observe that the aforesaid concession is duly registered; that the conditions on which said concession was granted have been complied with; but that the same was not actually inhabited and cultivated prior to and on the 1st day of October, 1800.—(See book No. 2, recorder's minutes, page 27.)

November 29, 1808.—Board met. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Gratiot, assignee of Mathurin Bouvet, claiming twenty arpents square, situate on the river Auhaha. Laid over for decision.—(See book No. 3, page 379.)

July 11, 1810.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Charles Gratiot, claiming 7,056 arpents of land.—(See book No. 3, page 379.) It is the opinion of this board that this claim ought not to be confirmed.—(See book No. 4, page 428.)

January 9, 1812.—Board met. Present: John B. C. Lucas, Clement B. Penrose, Frederick Bates, commissioners.

Charles Gratiot, assignee of Mathurin Bouvet.—(See book No. 2, page 27; book No. 3, page 379.) It is the opinion of a majority of the board that this claim ought not to be confirmed.

Frederick Bates, commissioner, forbears giving an opinon.—(See book No. 5, page 556.)

March 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

Mathurin Bouvet, by Charles Gratiot's representatives, claiming 7,056 arpents of land, (see book A, page 534; minutes No. 2, page 27; No. 3, page 379; No. 4, page 428; No. 5, page 556; Livre Terrein, No. 5, page 14,) produces a paper purporting to be a concession from Zenon Trudeau, dated June 1, 1795; also an additional concession from C. D. Delassus, dated January 5, 1801; also a plat of survey for 400 arpents, certified by Frémon Delauriere, deputy surveyor, dated February 19, 1806; also a plat and certificate of survey for 7,056 arpents, including the above 400, made by C. F. Delauriere, deputy surveyor; received for record by Soulard April 15, 1806.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of Zenon Trudeau; that the signature to the additional concession is in the handwriting of C. D. Delassus; and the signatures to the plat of survey are in the respective handwriting of C. F. Delauriere and Antoine Soulard.

Charles F. Delauriere, duly sworn, says that in 1800 or 1801 he was on said tract, and saw a well and the remains of a house and furnace, and several broken kettles, and, by appearances, it was evident salt had been manufactured there, and had often heard that salt had been manufactured there. As to the survey, witness states as follows: that the survey already produced is one of those included among the surveys mentioned in the above letter; that the survey was executed at the time it bears date; that there was great difficulty and danger in executing surveys; that he was twice repulsed by the Indians; and that the third time he went up he could not execute several of the surveys, being prevented by Indians of the Sac and Fox nations, although he and his companions were well armed; that surveyors were very scarce, and it was difficult to procure any one to take a survey; that there was not half the number of surveyors necessary to execute the surveys that were then to be made. Claimant produces a copy of a public sale to C. Gratiot.—(See book No. 5, page 119.)

November 9, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Mathurin Bouvet and Charles Gratiot, claiming 7,056 arpents of land.—(See page 119 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Mathurin Bouvet and Charles Gratiot, or their legal representatives, according to the concession.—(See book No. 6, page 313.)

Conflicting claim.

J. D. Caldwell, by letter dated ———, gives notice to the board that he has purchased of the United States the southwest quarter of section thirty-two, township fifty-six, range five; also, the southeast fractional quarter of section thirty, township fifty-six north, range five, within the above-mentioned claim.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 79.—Mathurin Bouvet, *claiming* 84 *arpents in length.*

To Mr. Zenon Trudeau, captain in the stationary regiment of Louisiana, lieutenant governor, and commander-in-chief of the western part of Illinois:

Mathurin Bouvet humbly supplicates, and has the honor to represent that, having obtained of your goodness the concession of the saline *Du Bastion*, on the river Auhaha, it becomes indispensable for him to have an establishment on the Mississippi, in order to raise buildings thereon to deposit the salt manufactured at his works, on account of the difficulty of navigation in the said river Auhaha; and to obviate these difficulties, he contemplates to make an establishment and improve a plantation at the foot of the hills of the bay De Charles, which hills run along the Mississippi at the distance of about three leagues from the said saline Du Bastion. The said hills are at the unequal distance of from one half arpent in the least to two arpents in the greatest width from the banks of the said bay; therefore the petitioner claims your authority, in order that you may be pleased, sir, to grant to him the concession for eighty-four arpents in length, to be taken six arpents below the outlet of the said bay De Charles, ascending eighty-four arpents along the said bay and from the hills to the margin of said bay De Charles, in order that he may build thereon suitable buildings for the storage of his salt and improve a plantation; and the petitioner shall never cease to pray Heaven for the conservation of your days.

M. BOUVET.

St. Louis, *June* 6, 1795.

Don Zenon Trudeau, lieutenant governor and commander-in-chief of the western part of Illinois, after having examined the demand made in Mr. Bouvet's petition, we have granted to him the concession of

eighty-four arpents in length, to be taken six arpents below the outlet of the bay De Charles, distant about forty leagues from this village, ascending along the said bay; the width to be the space comprised along the eighty-four arpents between the hills and the said bay, in order that he may locate his concession and build thereon. The said Mr. Bouvet shall cause the said concession to be surveyed and bounded.

ZENON TRUDEAU.

St. Louis, *June* 12, 1795.

Truly translated. St. Louis, March 29, 1833.

JULIUS DE MUN.

CHARLES GRATIOT, *claiming* 84 *by* 40 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationery regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Charles Gratiot, merchant of this town, and father of a very numerous family, has the honor to represent to you that, having acquired at a juridical sale, executed before you, under date of November 30, 1800, of which a certified copy is here annexed, the lands belonging to Mr. Mathurin Bouvet, deceased, whose original petition, dated June 6, 1795, to which is subjoined the decree of concession from the lieutenant governor, Don Zenon Trudeau, under date of 12th of the same month and same year, is here also annexed, the petitioner supplicates you to have the goodness to observe that the manner in which the demand is worded makes it liable to difficulties which are offered by the locality itself. It is therein said that the proprietor shall possess, on the said bay De Charles, eighty-four arpents in length by the depth comprised between the hills and the river; but as those hills are in places very near and at other places at a very great distance from the said river, it would give to the said land very irregular boundaries, and more liable to bring on difficulties than lines whose courses would be fixed and bounded in all their length. In consequence of the above observations, the petitioner hopes that you will be pleased to grant to him the favor to take the land conformably to the foregoing plat, by which you will see that the petitioner desires that a line A B be drawn from the bottom of the bay, where the hills come nighest to the river; that the said line be run as perpendicular to the river as possible, forty arpents in depth; that from the said point B a line of forty-two arpents be drawn on the right to C; from this point a parallel to the line A B to the river, at D; the same operation being executed on the left, as it is indicated by the letters E F. This will give to the petitioner the extent of eighty-four arpents as expressed in the title purchased by him, and also all the space contained between his lines, which space cannot be determined until after a regular survey be made. The petitioner takes the liberty to assure you that in this manner of fixing limits to his property, he shall have a superficie not so considerable as he should have had in following what is expressed in the petition of Mathurin Bouvet, deceased. Your petitioner hopes that his demand not comprehending any augmentation, you will do it justice, inasmuch as he has no other views but that of attaining to have his property circumscribed in the most regular manner possible, and the least liable to difficulties which might accrue hereafter.

CHARLES GRATIOT.

St. Louis, *January* 5, 1801.

St. Louis of Illinois, *January* 8, 1801.

Having examined the contents of the petitioner's statement, and considering the just reasons which he alleges, in order to obtain that the land which he purchased at the juridical sale of the property of the late Mathurin Bouvet be surveyed conformably to the figurative plat which precedes his memorial; considering also that he does not contemplate any augmentation of land, and that the said concession is not prejudicial to any body, since it is situated in a place remote from any other establishments, I do grant to him what he solicits, without his being obliged to have the survey taken immediately; but as soon as any neighbor shall present himself in the said place, he shall cause it to be surveyed without any delay; and Don Antonio Soulard, surveyor general of this Upper Louisiana, shall take cognizance of this title for his intelligence and government in what concerns him, in order that the interested, after the survey is made, and being vested with the primitive title and with the copy of the juridical sale, may solicit the formal ratification of the title from the intendant general of these provinces of Louisiana.

CARLOS DEHAULT DELASSUS.

Registered by order of the lieutenant governor, pages 7, 8, and 9, in book No. 1 of the titles of concessions No. 4.

SOULARD.

St. Louis, *April* 10, 1803.

Truly translated. St. Louis, March 30, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
79	Mathurin Bouvet.	84 by 40	First concession, June 12, 1795; second concession, January 5, 1801.	Zenon Trudeau and Carlos Dehault Delasus.	Frémon Delauriere; February 17, 1806; recorded by Soulard 15th April, 1806; on Bay Charles.

Evidence with reference to minutes and records.

September 22, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

The same, (Charles Gratiot,) assignee of the same, (Mathurin Bouvet,) claiming 84 arpents situate on Baye de Charles, district of St. Charles, fronting on the Mississippi, beginning six arpents below the emptying of said bayou and ascending 84 arpents bordering said bay, by such width as may be found on said 84 arpents from the hills to said bay, the same being granted for the establishing a place of deposit for the salt manufactured at the saline of Bastion, and also for cultivation, produces a duly registered concession from Zenon Trudeau, dated June 12, 1795, and the public sale as aforesaid.

Francis M. Benoist, being duly sworn, says that the said Mathurin Bouvet begun the settling of said land about ten years ago; that he built houses on the same, had a garden and a large field fenced in, and actually inhabited and cultivated the same prior to and on the first day of October, 1800; that he was an ancient inhabitant, and a notary public under the Spanish government. The board confirm this claim, provided said tract does not exceed eight hundred arpents, reserving the right of ordering a new survey.—(See book No. 2, page 27.)

November 29, 1808.—Board met. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Gratiot, assignee of Mathurin Bouvet, claiming 84 arpents front on the Mississippi, in depth from the river to the hills, produces to the board a supposed plat of said land, together with a petition of Charles Gratiot to Delassus, lieutenant governor, dated January 5, 1801, and an order by said lieutenant governor, dated January 8, 1801, (date appears to have been altered,) by which the said lieutenant governor directs that the measurement of the land shall take place according to the supposed plan.

Antoine Cheney, sworn, says that about fourteen or fifteen years ago he saw Mathurin Bouvet on a piece of land situate two or three arpents in the Bay Charles, on the Mississippi; that he inhabited and cultivated the same during three years from that time; that there were about three arpents under fence; that he had no family, but had hired hands; and that said Bouvet was burnt in the house on said land. Laid over for decision.—(See book No. 3, page 379.)

July 10, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Gratiot, assignee of Mathurin Bouvet, claiming 84 arpents of land front on the Mississippi, and in depth from the river back to the hills, in the district of St. Charles.—(See book No. 2, page 27; book No. 3, page 379.) The board order that this claim be surveyed (provided it is not situated above the mouth of the river Jeffrion) conformably to the possession of Mathurin Bouvet.—(See book No. 4, page 427.)

January 9, 1812.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Gratiot, assignee of Mathurin Bouvet.—(See book No. 2, page 27; No. 3, page 379; No. 4, page 427.) It is the opinion of a majority of the board that this claim ought not to be confirmed. Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 556.)

March 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn and A. G. Harrison, commissioners.

Mathurin Bouvet, by Charles Gratiot's representatives, claiming 7,056 arpents of land situated on Bay de Charles, (see book C, pages 230 and 231; minutes No. 2, page 27; No. 3, page 279; No. 4, page 427; No. 5, page 556; Livre Terrien, No. 5, page 16,) produces a paper purporting to be a concession from Zenon Trudeau, dated June 12, 1795; also a concession from C. D. Delassus to Charles, dated January 8, 1801; a plat and certificate of survey, taken by C. F. Delauriere, deputy surveyor, dated February 17; received for record by Soulard April 15, 1806.

M. P. Le Duc, duly sworn, says that the signatures affixed to the aforesaid papers are in the respective handwriting of Zenon Trudeau, C. D. Delassus, Charles F. Delauriere, and A. Soulard.

Charles Frémon Delauriere, being duly sworn, says that, in the fall of 1805 and spring of 1806, he went on said land and saw an old field and garden, and the remains of old houses which had been burnt by the Indians, and in which old Bouvet was burnt to death. For survey witness states as follows: that the survey already produced is one of those included among the surveys mentioned in the above letter; that the survey was executed at the time it bears date; that there was great difficulty and danger in executing surveys; that he was twice repulsed by the Indians, and that the third time he went up he could not execute several of the surveys, being prevented by Indians of the Sac and Fox nations, although he and his companions were well armed; that surveyors were very scarce, and it was difficult to procure any one to take a survey; that there was not half the number of surveyors necessary to execute the surveys that were then to be made.—(See book No. 6, page 120.)

November 9, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Mathurin Bouvet, claiming 84 by 40 arpents of land.—(See page 120 of this book.) The board remark that the alteration of the date of the concession consists in altering the two into one, but they think that nothing is to be inferred against this claim by said alteration, and they are unanimously of opinion that this claim ought to be confirmed to the said Mathurin Bouvet, or his legal representatives, according to Delassus's concession.—(See book No. 6, page 314.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 80.—Benito Vasquez, *claiming* 7,056 *arpents.*

Don Francisco Cruzat, lieutenant colonel of infantry by brevet, commander-in-chief, and lieutenant governor of the western part and district of Illinois:

Having examined the memorial presented by Don Benito Vasquez, lieutenant in one of the companies of the militia in this town, I have granted, and do grant to him in fee simple, for him, his heirs, and

others who may represent his right, one league square of land, in order that he may establish the stock farm (baqueria) he solicits, in the place called La Salina à Catalan, on the south side of the river Maramec, (Barameca,) at four leagues from its mouth, on condition to establish and improve the same in one year from this date; and on the contrary, said land to be reunited to the royal domain; and it shall be liable to public charges and others which it may please his Majesty to impose.

Given in St. Louis of Illinois the 8th day of the month of September, 1784.

FRANCISCO CRUZAT.

Truly translated from Livre Terrein, No. 4, page 10. St. Louis, March 28, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
80	Benito Vasquez	7, 056	Concession, September 8, 1784.	Francisco Cruzat.	On the south side of Maramec, four leagues from its mouth.

Evidence with reference to minutes and records.

August 29, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas and Clement B. Penrose, commissioners.

Charles Gratiot, assignee of Pierre Chouteau, who was assignee of Benito Vasquez, claiming 7,056 arpents of land, situate on the river Maramec, district of St. Louis, produces a duly registered concession from Francis Cruzat for the same, dated September 8, 1784, and certified by Charles D. Delassus, March 9, 1803; the same granted for a vacherie, and on the condition of establishments within a year and a day. A survey of the same, dated the 15th, and certified February 15, 1806, together with a deed of transfer of said land, executed by Victoire, the wife of said Benito Vasquez, dated September 26, 1785, and passed before the commandant, Francis Cruzat; a ratification of said transfer by said Benito Vasquez, dated January 31, 1805; and also a deed of transfer from the said Peter Chouteau to claimant, dated May 4, 1804.

Louis Bouri, being duly sworn, saith that he has known the said tract of land established as a farm; that it was settled under Francis Cruzat by the said Benito Vasquez, who made a park on the same; that there is on said tract a salt spring, distant from said park about three arpents; that he went through said land at two different times; that the same was then actually inhabited and cultivated; saw a great number of cattle, but could not say to whom they did belong.

Hyachinthe St. Cyr, being also duly sworn, said that he was on said tract of land about 21 years ago; that the same was then actually inhabited and cultivated for the use of said Benito Vasquez, who then had salt works established at the aforesaid salt springs; and further, that it was prior to and on the 1st day of October, 1800, actually inhabited and cultivated for the said Peter Chouteau.—(See book No. 1, page 506.)

October 25, 1808.—Board met. Present: The Hon. Clement B. Penrose and Frederick Bates, commissioners.

Charles Gratiot, assignee of Peter Chouteau, assignee of Benito Vasquez, claiming 7,056 arpents of land situate on river Maramec, district of St. Louis.

Pierre Lajoy, sworn, says that claimant made an establishment on the land claimed about 12 years ago, when it was inhabited and cultivated for him, and that the same has been inhabited and cultivated for him ever since. Laid over for decision.—(See book No. 3, page 322.)

December 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Gratiot, assignee of Pierre Chouteau, assignee of Benito Vasquez, claiming 7,056 arpents of land situate near river Maramec.—(See book No. 1, page 506; book No. 3, page 322.) It is the opinion of Clement B. Penrose, commissioner, that one league square ought to be confirmed. It is the opinion of John B. C. Lucas, commissioner, that this claim ought not to be confirmed Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 544.)

March 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

Benito Vasques, by Charles Gratiot's representatives, claiming 7,056 arpents of land on the Maramec, (see book C, page 229; book F, page 192; minutes No. 1, page 506; No. 3, page 322; No. 5, page 544; Livre Terrein, No. 4, page 10,) produces a paper purporting to be a copy of a concession, certified by C. D. Delassus. Said certificate dated March 3, 1803; also said Livre Terrein, on which said grant bears date September 8, 1784.

Albert Tyson, duly sworn, says that in 1800 or 1801 he saw ground fenced in and a large quantity of stock; that they were then making salt, and, by appearances, had been making salt for some years prior to that time; and that the works continued in operation long afterwards, as said witness went occasionally on said place to procure salt.

Charles Frémon Delauriere, deputy surveyor, being duly sworn, says that in 1799, for the first time, he passed through said place, and saw fields, furnaces, people at work—in fact, it was a pretty large establishment; that he saw the same for several years in succession in operation, and that the first time he saw said place it had all the appearance of having been settled several years prior to that time.—(See book No. 6, page 121.)

November 9, 1833. The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Benito Vasquez, claiming 7,056 arpents of land.—(See page 121 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Benito Vasquez, or to his legal representatives, according to the concession.—(See book No. 6, page 314.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 81.—JOHN HILDERBRAND, *claiming* 320 *arpents.*

We, Don Fernando de Leyba, captain in the regiment of Louisiana, commander-in-chief, and lieutenant governor, &c.:

On the demand of John Albrane, who has represented to us, in his petition dated 23d instant, that he had come over from the American side in order to fix his residence on this side, and become a subject of his Catholic Majesty, provided we would receive him as such; that he would wish to cultivate the soil and form a permanent establishment, and supplicates us to grant to him a title of concession for eight arpents of land in width by forty arpents in length, situated at about four leagues from the mouth of the river Maramec, on the right side of the said river in descending the stream, and at half a league from the banks of the said river. Through the said eight arpents in width passes a bayou or branch, which, after having run through the land of John Senders, crosses this said tract from one end to the other. The two extremities of the said land run north and south, and the two sides east and west; and having offered to take the oath of fidelity to his Catholic Majesty, and declared that he was of the Catholic Apostolic and Roman religion, therefore, after the said John Albrane had sworn to be faithful to the King and to his government, we have granted and do grant to him in fee simple, as well as to his heirs or assigns, the eight arpents of land in width by forty arpents in length, in all their extent of length and width, such and according as they are designated in his said petition, which we have returned to him on condition to establish himself thereon, and improve the said land in one year from this day under pain to have the same reunited to the King's domain, and regranted. And the said land to be liable to the public charges, and others which it may please his Majesty to impose, forbidding all persons, of whatever rank they may be, to trouble the said John Albrane in his present grant, and to cause him any damage, under pain of punishment.

Given in St. Louis, November 24, 1779.

FERNANDO DE LEYBA.

Truly translated from Livre Terrein, No. 3, page 31. St. Louis, April 3, 1833.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted	By whom surveyed, date, and situation.
81	John Hilderbrand, alias Albrane.	320	Concession, Nov. 24, 1799.	Fernando de Leyba.	James Rankin, deputy surveyor, February 28, 1806; received for record February 29, 1806. On the Maramec.

Evidence with reference to minutes and records.

July 30, 1806.—The board met agreeably to adjournment $\frac{12}{1787}$. Present: The honorable John B. B. C. Lucas, Clement B. Penrose, and Jas L. Donaldson, commissioners.

The same, (Jacque Clamorgan,) assignee of Thomas Tyler, who was assignee of John Albrane, claiming eight by forty arpents of land, situate as aforesaid, produces a duly registered concession, signed and dated as aforesaid, together with a survey taken and certified as aforesaid, and two deeds of transfer, the one from said Albrane to Tyler, dated November 22, 1788, and another from said Tyler to claimant, dated September 17, 1791.

John Boli, being duly sworn, says that about 18 or 19 years ago, the time at which he arrived in this country, the aforesaid Thomas Tyler lived about one mile below the fork of a run on said land, and had then about 80 arpents of the same under fence; 40 of which were then planted in tobacco and corn, and then considered the largest farm in the country; that he remained on it about six or seven years; that about two years after this, the witness's arrival, the settlers being obliged on account of the Indians to fortify themselves, they chose the middle of the settlement; in consequence of which, the said Tyler moved up to the fork; that about four or five years afterwards he moved again, and settled himself at about two miles from the aforesaid place, down the creek towards the saline, made a field and garden, built a house; and that the said tracts have been actually cultivated to this day, either by the said Tyler for his use, or for claimant's use by his agents; and that the said last tract was actually inhabited and cultivated prior to and on the first day of October, 1800. The board confirm this claim to the said claimant, as per his concession.—(See book No. 1, page 438.)

November 29, 1808.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacque Clamorgan, assignee of Thomas Tyler, who was assignee of John Albrane, claiming eight by forty arpents of land situate near river Maramec, district of St. Louis.

Peter Chouteau, sworn, says that John Hilderbrand inhabited and cultivated the land claimed in 1774, and that he found him still inhabiting and cultivating the same in 1780, when deponent, by order of the lieutenant governor, went on the premises to warn said Hilderbrand to abandon the same on account of Indian depredations; this order was obeyed by Hilderbrand, as well as all the inhabitants of the settlement of the Maramec.

Charles Gratiot produces to the board a deed of conveyance from Jeremiah Connor, sheriff of St. Louis district, for the above land, to Edward Hempstead, dated June 11, 1808, but stating in the body of the same to have been sold by said sheriff to said Hempstead on the 7th day of July, same year; same deed afterwards acknowledged in open court on the 11th July, 1808; produces also an acknowledgment from Edward Hempstead and wife that said property was purchased by him for Charles Gratiot, and by said Hempstead and wife conveyed to said Gratiot, dated November 25, 1808.

It is acknowledged by Charles Gratiot that there is a saline on this claim which has been worked for many years. Laid over for decision.—(See book No. 3, page 377.)

December 27, 1811.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacque Clamorgan, assignee of Thomas Tyler, assignee of John Hilderbrand, claiming eight by forty arpents of land situate near Maramec.—(See book No. 1, page 438; book No. 3, page 377.) It is the opinion of a majority of the board that this claim ought to be confirmed. Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 544.)

March 13, 1833. The board met pursuant to adjournment. Present: L. F. Linn and A. G. Harrison, commissioners.

John Hilderbrand, by the heirs of Charles Gratiot, claiming 320 arpents of land on the Maramec, (see book C, page 146; minutes, No 1, pages 438 and 439; No. 3, pages 377 and 378, for concession by Leyba, dated November 24, 1779; see Livre Terrein, No. 3, page 31,) produces a survey of the same, received for record by Soulard February 29, 1806.

Albert Tison, duly sworn, says: That from between 1795 and 1804 and 1805 he saw said land inhabited and cultivated, and that it has been inhabited and cultivated ever since. He further says that the signature to receipt of survey is in the handwriting of Antonio Soulard.

November 9, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

John Hilderbrand, claiming 320 arpents of land.—(See page 121 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said John Hilderbrand, or his legal representatives, according to the concession.—(See book No. 6, page 114.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 82.—CHARLES GRATIOT, *claiming five hundred arpents.*

To Don Charles Dehault Delassus, lieutenant colonel attached to the stationary regiment of Louisiana and lieutenant governor of the upper part of the same province:

SIR: Charles Gratriot, a merchant of this town, and one of its most ancient inhabitants, and father of a very numerous family, has the honor to represent to you that the land (situated a few miles from this town) which he owns by virtue of the titles which have been made out and delivered to him by his excellency the governor general of these provinces, Don Manuel Gayoso de Lemos, on account of their vicinity to this place, and of the indulgence which the petitioner has had for those who cut wood on the said land, being now in part destitute of timber; considering that the establishment of the saw-mill which he has constructed would become a loss to him if he failed to take measures to provide himself with timber, has the honor to supplicate you to have the goodness to grant to him, to the west of his concession, the quantity of 500 arpents of land in superficie, adjoining on three sides the land of John Ball, and to be taken on the vacant lands of his Majesty's domain. The petitioner presumes to flatter himself that the knowledge you have of the above-cited facts, and of the establishments he has made, shall be strong claims to obtain of your justice the same protection which you have always granted to industrious people, and to those who have formed useful establishments.

CHARLES GRATIOT.

ST LOUIS, *January* 15, 1800.

ST. LOUIS OF ILLINOIS, *January* 18, 1800.

Having examined the foregoing statement, and considering that the petitioner has inhabited this country many years, and has a large family, I do grant to him and his heirs the land which he solicits, provided it is prejudicial to nobody; and the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put the party interested in possession of the quantity of land which he asks in the place designated; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land, of five hundred arpents in superficie, was measured, the lines run and bounded, in favor and in presence of Don Carlos Gratiot. Said measurement was taken with the perch of the city of Paris, of eighteen French feet lineal measure of the same city, conformably to the agrarian measure of this province; which land is situated on the road to Crevecœur, at about nine miles west from this town of St. Louis, and bounded on its four sides as follows: to the north by lands of James Mackay, to the south and west by vacant lands of the royal domain, and to the east in part by the same royal domain above cited, and by land of John Ball. Said survey and measurement were taken without regard to the variation of the needle, which is 7° 31′ east, as evinced by the foregoing figurative plat, on which are designated the dimensions, courses of the lines, and other boundaries, &c. The said survey was executed by virtue of the decree of the lieutenant governor of this Upper Louisiana, Don Carlos Dehault Delassus, under date of January 18, 1800, here annexed. And in order that all the above be available according to law, I do give the present, with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, Don Santiago Mackay, under date of November 28 of last year, who signed the minutes, of which I do certify.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *January* 5, 1803.

Truly translated from book A, page 541, and book C, page 229. St. Louis, April 6, 1833.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
82	Charles Gratiot..	500	Concession, Jan. 18, 1800.	Carlos Dehault Delassus.	James Mackay, deputy surveyor, Nov. 28, 1802; certified by Soulard Jan. 5, 1803; nine miles west of St. Louis.

Evidence with reference to minutes and records.

September 20, 1806.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose, James L. Donaldson, commissioners.

Charles Gratiot, claiming 500 arpents of land situate adjoining the land of one John Ball, district of St. Louis, produces a concession from Charles D. Delassus, dated January 18, 1800, and a survey of the same taken November 20, 1802, and certified January 5, 1803.

The board require further proof; whereupon Anthony Soulard, being duly sworn, says that he cannot say when the said concession was granted, but sees nothing that contradicts the date thereof.—(See book No. 2, page 18.)

October 26, 1808.—Board met. Present: The honorable Clement B. Penrose and Frederick Bates, commissioners.

Charles Gratiot, claiming 500 arpents of land adjoining the foregoing tract, conceded as an augmentation of wood for the use of claimant's saw-mill on an adjoining tract.

James Green, sworn, says that claimant built a saw-mill in the year 1800 on the river Des Peres. Laid over for decision.—(See book No. 3, page 327.)

June 26, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Gratiot, claiming 500 arpents of land.—(See book No. 2, page 18; book No. 3, page 327.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 408.)

March 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

Charles Gratiot, by his heirs, claiming 500 arpents of land on river Des Peres, (see book A, page 541; minutes No. 2, page 18; No. 3, page 327; No. 4, page 408,) being a concession granted by Charles Dehault Delassus to said Gratiot, dated January 18, 1800. Survey taken November 28, 1802; certified by A. Soulard January 5, 1803.—(See book No. 6, page 123.)

November 9, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Gratiot, sr., claiming 500 arpents of land.—(See page 122 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Gratiot, or to his legal representatives, according to the concession.—(See book No. 6, page 314.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 83.—Peter Chouteau, sr., *claiming* 30,000 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of said province:

Peter Chouteau, lieutenant of militia, and commandant of the fort of Carondelet, in the nations of the Great and Little Osages, has the honor of representing to you that, being often stopped in his travels for the want of water in the Osage river, he has formed, in consequence, the project of a considerable establishment, to serve him as a place of deposit, at 60 miles below the said river, on the south side of the Missouri; at which place he supplicates you to have the goodness to grant to him, in full property, the quantity of thirty thousand arpents of land in superficie, in which quantity shall be comprised the river A la Mine, and also the salt springs which the petitioner has the intention of working and improving at such time when, less troubled by the Indian nations, he may give more extension to his industry. The great quantity of timber necessary for the fabrication of salt and to maintain a considerable stock farm, are the reasons which have determined the petitioner to ask for a quantity of land that may correspond to his views.

The petitioner, full of confidence in your justice, hopes that you will be pleased to take into consideration the confidence which it has pleased the government to place in him, as also the daily troubles he has taken to maintain good order among the Osage nations, and the multiplied sacrifices which he and his brother, Don Auguste Chouteau, proprietor of the exclusive trade with the above-mentioned nations of Indians, have made in all cases wherein it has been necessary to give to the government proofs of their zeal and attachment. These will be sufficient considerations to determine you to grant to him the favor which he claims of your justice and of the generosity of the government.

PIERRE CHOUTEAU.

St. Louis, *November* 19, 1799.

St. Louis of Illinois, *November* 20, 1799.

Having seen the statement in the foregoing memorial, and being convinced of the truth of what is alleged by the interested, who is worthy of the favors and benevolence of the government, in consideration of his services, and the zeal with which he has conducted himself in his employments, and his activity among the Indian nations of the Great and Little Osages; and adverting that the tract of land which he

solicits is situated at too great a distance from these settlements to be prejudicial to any person; that his projects of improvement must have a result beneficial to all this country; and inasmuch as, for the manufacture of salt as well as for the establishment of a large stock farm, a considerable extent of land is needed, and a great quantity of timber and fuel is consumed; for these motives I have determined to grant to him the thirty thousand arpents of land in the place solicited by him, in order that he enjoys and disposes of them as a property to him lawfully belonging. And as it is situated at a great distance from this post, he will have it surveyed when convenient to his interests, unless some person presents himself with a concession, in the vicinity of this, who wishes to have it surveyed; in which case, the petitioner must have his concession surveyed also, without delay; and Don Antonio Soulard, surveyor general of this Upper Louisiana, shall take cognizance of this title for his intelligence and government in what concerns him, in order that after the survey is executed the interested party may ask the title in form from the intendancy.

CARLOS DEHAULT DELASSUS.

Registered by order of the lieutenant governor.—(Folios 13, 14, 15, of book No. 1 of titles of concessions.)

SOULARD.

Truly translated. St. Louis, December 8, 1832.

JULIUS DE MUN.

BROTHER: As thou hast, since a long time, fed our wives and our children; and that thou hast always been good for us; and that thou hast always assisted us with thy advices, we have listened with pleasure to thy words; therefore take thou, on the river A la Mine, the quantity of land which may suit thee, and anywhere thou pleaseth. This land is ours; we do give it to thee; and no one can take it from thee, neither to-day nor ever. Thou mayest remain there, and thy bones shall never be troubled. Thou askest a paper from us, and our marks. Here it is. If our children do trouble thine, they have but to show this same paper; and if some nation disturbs thee, we are ready to defend thee.

At the Fort of Grand Osages, this 19th March, 1792.

Cheveux Blank, his x mark.
Robfol, his x mark.
Clermont, chief of Great Osages, his x mark.
La Bombarde, his x mark.
Voihahan, his x mark.
Vent, chief of the Little Osages, his x mark.
Tonner Foux, his x mark.
Bel Oiseau, his x mark.
Plumme Blanche, his x mark.
Cahigue Voitaninguex, his x mark.
Petit Chef, his x mark.
Saldat du Chennefils, his x mark.

As witnesses:
St. Michel, his x mark.
Joseph Hebert, his x mark.
Andre Bisonette, his x mark.
Jacques Sondé.

Truly translated. December 8, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
83	Pierre Chouteau, sr..	30, 000	Concession, Nov. 20, 1799.	Carlos Dehault Delassus.	South side of Missouri, on river A la Mine.

Evidence with reference to minutes and records.

December 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Pierre Chouteau, claiming 30,000 arpents of land situate on the Saline river, district of St. Louis, produces a concession from Charles D. Delassus, lieutenant governor, dated November 20, 1799; a paper purporting to be a gift from sundry Indians to claimant, dated March 19, 1792.

It is the opinion of a majority of the board that this claim ought not to be confirmed.

Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 545.)

March 14, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Pierre Chouteau, senior, claiming 30,000 arpents of land on the river A la Mine, (see book B, page 509; minutes No. 5, page 545,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated November 20, 1799; also assent of the Osage Indians to Chouteau's taking as much land as he pleased on said spot, registered by Soulard.

Pascal L. Cerré, duly sworn, says that the signature to the concession is in the proper handwriting of C. D. Delassus, and the signature to the registering that of Soulard.—(See book No 6, page 123.)

November 9, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Pierre Chouteau, claiming 30,000 arpents of land.—(See page 123 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Pierre Chouteau, or his legal representatives, according to the concession.

The board have decided upon this claim without any reference to the assent of the Osage nation to Chouteau's taking any quantity of land he pleased on the river A la Mine.—(See book No. 6, page 314.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 84.—Joseph Brazeau, *claiming* 347 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of same province:

Joseph Brazeau, native of Illinois, and one of the most ancient inhabitants of this town, has the honor of representing to you that, having obtained of Don François Cruzat, lieutenant governor of this Upper Louisiana, (during the year 1786,) the concession of a piece of land of ten arpents in front, upon the depth comprised between the river and the main road, (chemin royal,) the said piece of land being situated in the small prairie adjoining this town, as it is proven by the original title of concession here annexed. Considering that the said quantity is insufficient for his means of cultivation, and is entirely destitute of timber, the petitioner hopes that, taking into consideration the length of time he has been in the country, you may be pleased to grant to him an augmentation of twelve arpents in front, to be taken from the main road, by such depth as will complete to him thirty arpents, to be taken from the primitive point of his first concession, said point being the edge of the river Mississippi, and comprising in the survey that shall take place his primitive concession, according to the tenor of his title of concession. As the said land has not any known proprietors, and that the establishment he (the petitioner) proposes himself to make shall be rather advantageous than prejudicial to the adjacent parts of this town, which are covered with shrubby places, serving to the wolves as places of refuge during the night, the petitioner hopes to obtain of your justice the favor which he solicits.

JOSEPH BRAZEAU.

St. Louis, *November* 19, 1799.

St. Louis of Illinois, *November* 19, 1799.

Considering that the petitioner is one of the most ancient inhabitants of this country, whose known conduct and personal merits are recommendable, and being satisfied to evidence as to the truth of his statement in his petition, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall survey for him the quantity of land granted to him by the late Don Francisco Cruzat, who was lieutenant governor of these settlements, as is notorious, reference being had to the original concession here annexed; and he shall survey, also, the portion of land solicited for in augmentation; and this being executed, he shall draw a plat of survey, which he shall deliver to the party, with his certificate, to enable him to obtain the concession and title in form from the intendant general of these provinces, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of Upper Louisiana.

I do certify that a tract of land of three hundred and forty-seven arpents in superficie, was measured, the lines run and bounded, in favor and in presence of Don Joseph Brazeau; said measurement was done with the perch of the city of Paris, of 18 French feet in length, lineal measure of the same city, conformably to the agrarian measure of this province. The said land is situated at 25 or 30 arpents to the south of this town, bounded west by lands of the royal domain; east by the river Mississippi; north by lands of Don Antonio Soulard and Donna Maria Nicol, and south by lands of various inhabitants, which surveys and measurements were executed without any regard to the variation of the needle, which is of 7° 30′ east, as is evident by referring to the foregoing figurative plat, in which are noted the dimensions, the directions of the lines, and other boundaries, &c. Said survey was executed by virtue of the petitions and decrees of the lieutenant governor and sub-delegate of the royal fisc, Don Carlos Dehault Delassus, dated November 19, 1799, and June 17, 1800, as it is evident by referring to the juridical pieces here annexed. In testimony whereof, I do give the present with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, Don Santiago Mackay, on the 28th of May, 1803, which I do certify.

ANTONIO SOULARD, *Surveyor General.*

St. Louis of Illinois, *August* 21, 1803.

Truly translated. St. Louis, December 5, 1832.

JULIUS DE MUN.

To the Lieutenant Governor:

Joseph Brazeau, an inhabitant of this town of St. Louis, in the best manner possible, in his right says that, wishing to establish a plantation, in order to improve the same and raise cattle thereon, he supplicates you to be willing to grant to him ten arpents of land, from north to south, on his Majesty's domain, and which are bounded to the east by the river Mississippi, to the west by the main road of the little province. Favor which he expects of your equitable justice.

BRAZEAU.

St. Louis, *November* 18, 1786.

Don Francisco Cruzat, lieutenant colonel of infantry by brevet, captain of grenadiers in the stationary regiment of Louisiana, commandant and lieutenant governor of the western part and district of Illinois.

Cognizance being taken of the memorial presented by Joseph Brazeau, inhabiting and residing in this town, under date of 18th November of this present year, I have granted and do grant in fee, to him, his

heirs, or others who may represent his right, a tract of land of ten arpents, from north to south, and bounded on one side by the bank of the Mississippi river, and on the other by the main road which leads to the Prairie à Catalan, on condition to establish and improve the same in one year from this date; and, on the contrary, said land shall be reunited to the King's domain, and it shall be liable to public charges and others which it may please his Majesty to impose.

Given at St. Louis of Illinois, November 20, 1786.

FRANCISCO CRUZAT.

Truly translated. St. Louis, November 11, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
84	Joseph Brazeau.....	360	Concession, November 19, 1799.	Carlos Dehault Delassus.	James Mackay, deputy surveyor, May, 1803; certified by Soulard, August 21, 1803; 25 or 30 arpents south of St. Louis.

Evidence with reference to minutes and records.

July 19, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

The same, Joseph Brazeau, claiming 12 arpents front, joining his former concession, and granted him as a compensation, the same being of the depth of 30 arpents, beginning at the aforesaid tract granted him by Cruzat, produces a concession from Charles D. Delassus, dated November 19, 1799, and a survey of 347 arpents, forming the whole of the above tract claimed by him, and dated the 28th May, and certified the 21st of August, 1803. This claim being unsupported by actual inhabitation and cultivation, the board reject the same. They remark that they are satisfied that the aforesaid concession was granted at the time it bears date, but that the same interferes with a tract of land claimed by the inhabitants of the town of St. Louis as commons.—(See book No. 1, page 413.)

August 19, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Joseph Brazeau, claiming 347 arpents of land.—(See book No. 1, page 413.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 320.)

March 14, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Joseph Brazeau, by his legal representatives, claiming 12 arpents front on the river Mississippi, running back 30 arpents, (see book B, page 416; minutes No. 1, page 413; No. 5, page 320,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated November 19, 1799; also, a plat and certificate of survey, dated May 28, 1803.

Pascal L. Cerré, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos D. Delassus, and the signature to the certificate of survey is in the proper handwriting of A. Soulard. He further states that Joseph Brazeau, to his knowledge, inhabited and cultivated the land embraced in the concession of 1799, which land so cultivated was the same as contained in the concession of 1786, and which inhabitation and cultivation has continued from 1799 to the present time by him or his legal representatives. He believes that the land so cultivated was the whole embraced in the concession of 1786.—(See book No. 6, page 123.)

November 11, 1833.—The board met pursuant to adjournment. Present: Lewis F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Joseph Brazeau, claiming 360 arpents of land.—(See page 123 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Joseph Brazeau, or to his legal representatives, according to the concession.—(See book No. 6, page 315.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 85.—NEWTON HOWELL, *claiming* 350 *arpents.*

To Mr. Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and commander-in-chief of Upper Louisiana:

Newton Howell, Roman Catholic, has the honor to represent to you that he has, with the permission of the government, made choice of a piece of land, in order to make a farm, on the domain of his Majesty, and on the north side of the Missouri; therefore he supplicates you to have the goodness to grant to him, in the same place which he has chosen, the quantity of 350 arpents of land in superficie. The petitioner, having sufficient means to improve a farm, and no other views but to live as a peaceable and submissive cultivator of the soil, hopes to obtain the favor which he solicits of your justice.

NEWTON HOWELL

ST. ANDRÉ, *May* 17, 1801.

Be it forwarded to the lieutenant governor, with information that the above statement is true, and that the petitioner deserves the favor which he solicits.

SANTIAGO MACKAY.

ST. ANDRÉ, *May* 17, 1801.

St. Louis of Illinois, *May* 25, 1801.

In consequence of the information given by the commandant of the settlements of St. André, Don Santiago Mackay, I do grant to the petitioner the 350 arpents of land in superficie which he solicits, provided it shall not be prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the above-mentioned quantity of land which he asks in the place designated; and, this being executed, he shall make out a plat of his survey, delivering the same to the said party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 36.

MACKAY.

Truly translated. St. Louis, April 9, 1833.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
85	Newton Howell.	350	Concession, May 25, 1801.	C. Dehault Delassus..	Nathan Boone, deputy surveyor, August 23, 1823; on the Missouri, district of St. Charles.

Evidence with reference to minutes and records.

October 19, 1808.—Board met. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Newton Howell, claiming 350 arpents of land below the mouth of Femme Osage river, district of St. Charles, produces to the board a notice to the recorder and a concession for the same from Don Carlos Dehault Delassus, lieutenant governor, to claimant, dated May 25, 1801. Claimant was not of age at the time the grant was given.

William Stewart, sworn, says that in 1804 he, witness, by permission from claimant, had a camp on the tract claimed, and made sugar; and that sugar has been made on the same by or for claimant ever since.

James Mackay, sworn, says that in the fall of 1803 he run a line between claimant and Arund Rulgers, and that he saw claimant with several other persons working on the place at the same time. Laid over for decision.—(See book No. 3, page 301.)

June 19, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Newton Howell, claiming 350 arpents of land.—(See book No. 3, page 301.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 393.)

March 14, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Newton Howell, claiming 350 arpents of land, (see book D, page 37; minutes No. 3, page 301; No. 4, page 393,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated May 25, 1801; also a plat of survey, dated August 23, 1823, by Nathaniel Boone, deputy surveyor.

Pascal L. Cerré, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus, and the signature at the margin is in the handwriting of James Mackay.

William Milburn, duly sworn, says that the signature to the plat of survey is in the proper handwriting of Nathaniel Boone, at the time deputy surveyor.—(See book No. 6, page 124.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Newton Howell, claiming 350 arpents of land.—(See page 124 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Newton Howell, or to his legal representatives, according to the concession.—(See book No. 6, page 315.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 86.—Mackay Wherry, *claiming* 1,600 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel in the armies of his Catholic Majesty and lieutenant governor of Upper Louisiana:

Mackay Wherry, having for a long time inhabited this part of Illinois, has the honor very humbly to represent to you that he had formerly obtained of your predecessor, Don Zenon Trudeau, a small concession of four hundred arpents of land in superficie. Since that time, his family having much increased, and the number of his cattle especially having grown considerably larger, this small quantity of land is not now sufficient to maintain them. This being considered, he supplicates you, sir, to be pleased to grant to him and his heirs a concession of 1,600 arpents of land, in superficie, or thereabout,

situated near the rivers Dardenne and the Mississippi, on the vacant lands of his Majesty, and which he will indicate when the survey shall be made. The petitioner presumes to expect of you this favor, which he believes he deserves on account of his conduct and devotedness to the Spanish government.

MACKAY WHERRY.

St. Louis, *April* 15, 1802.

St. Louis of Illinois, *April* 18, 1802.

Considering that the petitioner has been a long time settled in this country, and that his family is sufficiently numerous to obtain the quantity of land which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to any one; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat of his survey, delivering the same to the said party, with his certificate, to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. April 9, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
86	Mackay Wherry.	1, 600	Concession, April 18, 1802.	Carlos Dehault Delassus.	Nathan. Boone, deputy surveyor, May 15, 1826. On the Dardenne, district of St. Charles.

Evidence with reference to minutes and records.

November 18, 1808.—Board met. Present: The honorable John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Mackay Wherry, claiming 1,600 arpents of land, unlocated, in the district of St. Charles, by virtue of a concession said to be lost, produces to the board a notice of claim, dated 24th June, 1808.

Pierre Probenché, sworn, says that about the spring or summer of 1801, when he, witness, resided with Charles D. Delassus, lieutenant governor, he saw a concession from said Delassus to Mackay Wherry, and had the same in his possession, for 1,600 arpents of land lying in the district of St. Charles, on the river Dardenne, or river Cuivre. Claimant at that time resided in this country with his family.

Antoine Soulard, sworn, says that about the year 1800 he had a concession in his hands for the purpose of making a survey, from Charles D. Delassus, lieutenant governor, to claimant, for 600 or 800 arpents; that he, witness, gave the said concession to some of the deputy surveyors, since when he has not seen it, nor does he know what has become of it. Laid over for decision.—(See book No. 3, page 356.)

July 9, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Mackay Wherry, claiming 1,600 arpents of land.—(See book No. 3, page 356.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 420.)

March 14, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Mackay Wherry, by his legal representatives, claiming 1,600 arpents of land, (see minutes No. 3, page 356; No. 4, page 420,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 18th of April, 1802; also a plat of survey, dated 15th May, 1826, by Nathaniel Boone.

Pascal L. Cerré, duly sworn, says that the petition is in the handwriting of Provenchère, the concession in the handwriting of Antoine Soulard, and the signature to said concession is in the handwriting of Carlos Dehault Delassus.

William Milburn, duly sworn, says that the signature to the plat of survey is in the proper handwriting of Nathaniel Boone, and the signature to the certificate is in the deponent's own handwriting.—(See book No. 6, page 124.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Mackay Wherry, claiming 1,600 arpents of land.—(See page 124 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Mackay Wherry, or to his legal representatives, according to the concession.—(See book No. 6, page 316.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 87.—Louis Lorimier, *claiming* 30,000 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel in the armies of his Catholic Majesty, and lieutenant governor of Upper Louisiana:

Louis Lorimier, captain of militia, and commandant of the post and district of Cape Girardeau of Illinois, has the honor very respectfully to represent to you, that since he has become a subject of his

Catholic Majesty, he has been employed in superintending the Indian nations living in this vicinity, and in maintaining peace and order, as well among themselves as between them and the whites; in consequence of which he has often been called near the lieutenant governors and commandants of this Upper Louisiana, to serve not only as interpreter between them and the chiefs of the different nations, but also as mediator and conciliator near those chiefs on various critical occasions, on which the petitioner has made use, with success, of the influence and ascendency which he has acquired among those nations, in order to bring them, without violence, to determinations advantageous to the general welfare, and to the tranquillity of the country. The cares and troubles which the petitioner experienced in fulfilling the various missions with which he was charged; the frequent voyages he was obliged to make to the injury of his private interest, which suffered during his absence, and even at the peril of his health and life; the numerous and importunate visits of those same Indians, to whom he was obliged to furnish lodgings, provisions, ammunition, and to which he has often added considerable presents; a thousand other inconveniences and expenses, which it would take too long to enumerate, have remained to this day without reward or indemnification from the govenment. And although at all times his conduct has procured to him the approbation of his superiors, and even that of the government of the United States, these honorable attestations are, as yet, the only fruits he has reaped for his services during upwards of fifteen years.

Founded upon such strong pretensions the petitioner applies now to your lordship and solicits, with confidence, a reward or indemnification adequate to the importance and extent of his services, and to the great sacrifices which they obliged him to make, praying you to grant to him, in full property, as well for himself as for his heirs or assigns, a tract of land of 30,000 arpents in superficie on his Majesty's domain, with the liberty to have it surveyed when he will find it convenient, in such place or places which he may choose, without prejudice to anybody.

The petitioner hopes to obtain this favor of your justice and of the generosity of this government; and, full of gratitude for the same, he will pray Heaven for the conservation of your days.

L. LORIMIER.

CAPE GIRARDEAU, *December* 18, 1799.

ST. LOUIS OF ILLINOIS, *January* 15, 1800.

I, Don Carlos Dehault Delassus, lieutenant colonel in the royal armies, lieutenant governor of Upper Louisiana, and sub-delegate of the intendancy general of these provinces, having examined the statement made in the foregoing memorial, and being convinced of the truth of all therein alleged by Captain Louis Lorimier, commandant of Cape Girardeau, who is worthy of the favors and beneficence of the government in consideration of his very important services, and of the zeal, prudence, activity, and great disinterestedness with which he has used his known influence over the Indian nations of Delawares, Shawnees, &c., in order to adjust their differences and for the maintenance of peace and good order, which have occasioned to the petitioner great expenses and inconveniences, and from which have resulted great advantages to the whole country; for these motives I have come to the determination to grant to the said Don Louis Lorimier, for him and his successors, the quantity demanded of 30,000 arpents of land in superficie, in the place or places and in the manner he desires, in order that he may enjoy and dispose of this concession as of a property to him belonging, which he will have surveyed when convenient to his interest. And Don Antonio Soulard, surveyor of this Upper Louisiana, shall take cognizance of this title for his intelligence and government in what concerns him; and, at the request of the (party) interested, he shall put him in possession of the aforementioned quantity of land, delivering to him the corresponding certificate or certificates of survey; after which said party shall have to solicit the title in form from the intendancy general of these provinces.

CARLOS DEHAULT DELASSUS.

Recorded by order of the lieutenant governor, book No. 2, folios 39, 40, and 41, No. 28.

SOULARD.

Truly translated. St. Louis, June 3, 1833.

JULIUS DE MUN.

ST. LOUIS OF ILLINOIS, *August* 2, 1803.

Under date of 3d of last May his lordship, Don Manuel de Salcedo, governor of these provinces, tells me what follows, and which I translate: "The merit of Don Louis Lorimier is of the most distinguished character and is worthy of the greatest notice of the government, which at all times has shown it to him, soliciting even for him the favor of the sovereign in order to obtain the grade of captain, which your lordship asks in his favor; but I do not know why the rumors of war have put all kinds of business to a stand, which is the more to be lamented as this misfortune falls upon a person who, by his good services, deserves with justice the price and reward which are his due under so many heads. Now, when we are on the point of delivering up the province, we cannot do else but recommend him to the French government, and this we shall do efficaciously. It is all I can say to your lordship in answer to your official note No. 174, &c.," which I transcribe for your knowledge.

May God have you in his holy keeping.

CHARLES DEHAULT DELASSUS.

Don LOUIS LORIMIER, *Commandant of Cape Girardeau.*

Truly translated from book E, page 24. St. Louis, November 12, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
87	Louis Lorimier.	30, 000	Concession, January 15, 1800.	Carl. Dehault Delassus.	Unlocated.

Evidence with reference to minutes and records.

May 25, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Lorimier, claiming 30,000 arpents of land, produces to the board a concession for the same from Don Carlos Dehault Delassus, lieutenant governor, dated 15th January, 1800; also an official letter from said lieutenant governor to claimant, dated 2d August, 1803. Laid over for decision.—(See book No. 4, page 74.)

March 22, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Lorimier, claiming 30,000 arpents of land.—(See book No. 4, page 74.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 302.)

March 16, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Louis Lorimier, sr., by his legal representatives, claiming 30,000 arpents of land for services.—(See book E, pages 23 and 24; minutes, No. 4, page 302.) Produces a paper purporting to be an original concession from Don Carlos Dehault Delassus, dated January 15, 1800.

Pierre Menard, duly sworn, says that the signature to petition is the handwriting of L. Lorimier, sr., that the signature to the concession is the handwriting of Carlos Dehault Delassus, and the signature to the registering is in the handwriting of Antoine Soulard. Lecture being made of the aforesaid petition, deponent states that it is a true statement of the petitioner's services; that he was well acquainted with said Lorimier since the year 1788 until his death, which happened, he believes, in 1815; that, at the solicitation of the Spanish government, said Lorimier brought a number of Shawnee and Delaware Indians to settle in the vicinity of Cape Girardeau, and they served as a guard to the country against the depredations committed by the Osages; that the Shawnees and Delawares had six villages between Cape Girardeau and Cape St. Come.—(See book No. 6, page 127.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Louis Lorimier, claiming 30,000 arpents of land.—(See page 127 of this book.) By order of the board, the letter produced to the former board, and which is of record in the recorder's office, is to be translated, and attached to the concession. The board are unanimously of opinion that this claim ought to be confirmed to the said Louis Lorimier, or to his legal representatives, according to the concession.—(See book No. 6, page 316.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 88.—François Berthiaume, *claiming* 420 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel attached to the stationary regiment of Louisiana, and lieutenant governor of Upper Louisiana.

The undersigned, a Roman Catholic, and the father of four children, has the honor to represent to you that being, since a number of years, a resident of this colony, and having followed farming for a long time, he would wish to partake of the generosity of this government, and secure to himself and his children a landed property. In this intention the petitioner applies now to your lordship, hoping that you will be pleased to grant to him, in the district of Cape Girardeau, a quantity of land proportional to the number of persons composing his family, which is as follows: himself, his wife, four children, and one slave. Favor which the petitioner presumes to expect of your justice, and for which he shall not cease to pray heaven for your conservation.

FRANÇOIS BERTHIAUME.

Cape Girardeau, *September* 11, 1799.

We, captain commandant of Cape Girardeau, do inform the lieutenant governor that the statement of the petitioner is true; that the land he asks belongs to his Majesty's domain, and that the concession of the same shall not be prejudicial to anybody; and that the petitioner, having the qualifications required by the law, deserves the favor which he solicits.

L. LORIMIER.

Cape Girardeau, *September* 13, 1799.

St. Louis of Illinois, *December* 28, 1799.

In consequence of the information here above from the commandant of Cape Girardeau, Don Louis Lorimier, the surveyor, Don Antonio Soulard, shall put the party interested in possession of 420 arpents of land in superficie in the place where he asks the same, this quantity being proportionate to the number composing his family conformably to the regulations of the governor general of this province. And after

this is executed, the said party shall have to solicit the title of concession in due form from the intendant general of these provinces, to whom alone corresponds, by royal order, the granting of lands and town lots.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, April 9, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
88	François Berthiaume.	420	Concession, Dec. 28, 1799	Carlos Dehault Delassus.	Cape Girardeau.

Evidence with reference to minutes and records.

May 25, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Lorimier, assignee of François Berthiaume, claiming 420 arpents of land, produces to the board a concession from Don Carlos Dehault Delassus, lieutenant governor, to the said Berthiaume, for the same, dated December 28, 1799, and a deed of transfer from Berthiaume to claimant, dated December 5, 1804. Laid over for decision.—(See book No. 4, page 74.)

March 22, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Lorimier, assignee of François Berthiaume, claiming 420 arpents of land.—(See book No. 4, page 74.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 302.)

March 16, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

François Berthiaume, by his legal representatives, claiming 420 arpents of land, (see book E, pages 24 and 25; No. 4, pages 74 and 302,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated December 28, 1799.

Pierre Ménard, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 128.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

François Berthiaume claiming 420 arpents of land.—(See page 128 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said François Berthiaume, or his legal representatives, according to the concession.—(See book No. 6, page 316.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 89.—B. Cousin, *claiming* 10,000 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel in the armies of his Catholic Majesty, lieutenant governor of Upper Louisiana, &c.:

Bartholomew Cousin humbly supplicates, and has the honor of representing to you that, since he has been residing at Cape Girardeau, besides the functions of interpreter and public scrivener, which he has constantly exercised, and on account of which you have been pleased to grant to him a gratification in lands, he has morever been employed by the commandant of said post in sundry other public and extraordinary services, which are in no manner whatsover connected with the functions hereafter cited, such as taking the annual census and various missions and express voyages, as well in the interior of the settlement as in the adjoining districts, and other public services, which it would be too long to enumerate, and which are mostly known by your excellency. These said services, besides the loss of time, have occasioned to the petitioner inconveniences and expenses for which he has not, as yet, received any indemnification. For these reasons, he is induced now, sir, to present himself before you, hoping that you will be pleased to grant to him, in full property, as well for himself as for his heirs or assigns, under the title of reward and compensation for the services and expenses above mentioned, the quantity of ten thousand arpents of land in superficie, to be taken on such parts of the domain which the petitioner will choose upon the lands to him awarded and reserved by your decree, dated March 5, 1800, inserted below his petition under date of February 27 of the same year. The petitioner, full of gratitude for this favor, shall never cease to pray for the preservation of your days.

B. COUSIN.

Cape Girardeau, *December* 15, 1802.

Cape Girardeau, *December* 17, 1802.

Being convinced, in consequence of the verbal declaration of Don Louis Lorimer, commandant of this post, and also by my own experience, that the foregoing statement of Don Bartholomé Cousin is true, and considering the public advantages which have resulted from his services, as also the expenses and the many inconveniences which said services have occasioned to him, paying due attention also to the merit,

activity, fidelity, and good qualities of the petitioner, I have concluded to concede and grant to him the quantity demanded of ten thousand arpents of land in superficie in the places and according to the terms expressed in his petition, in order that he shall enjoy and dispose of this concession, as being his lawful property. And the surveyor general of this Upper Louisiana, Don Antonio Soulard, shall put him in possession of the same, and shall deliver to him the corresponding certificate or certificates of survey, in order to serve to him to obtain the title of concession in form from the competent authority.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, May 29, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
89	Bartholomew Cousin..	10,000	Concession, December 17, 1802.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

May 25, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Bartholomew Cousin, claiming 10,000 arpents of land, produces to the board a concession from Don Carlos Dehault Delassus, lieutenant governor, dated November 17, 1802. Laid over for decision.—(See book No. 4, page 70.)

March 13, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Bartholomew Cousin, claiming 10,000 arpents of land, produces to the board a pre-emption right for 50,000 arpents, granted by Charles D. Delassus, lieutenant governor, dated March 5, 1800; said land to be paid for in services or otherwise. Also a concession from Don Carlos D. Delassus, lieutenant governor, dated December 17, 1802, for 10,000 arpents as compensation for services rendered, being part of the above 50,000 arpents.—(See book No. 4, page 70.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 295.)

March 16, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Bartholomew Cousin, by his legal representatives, claiming 10,000 arpents of land for services.—(See book E, page 21; No. 4, pages 70 and 295.)

Pierre Ménard, duly sworn, says that he knew Cousin; that he was acting as secretary to Commandant Lorimier; that said Cousin was a man of great talents, who rendered important services to the government, and was held in great consideration by said government.—(See book No. 6, page 129.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Bartholomew Cousin, claiming 10,000 arpents of land.—(See page 129 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Bartholomew Cousin, or his legal representatives, according to the concession.—(See book No. 6, page 316.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 90.—Bartholomew Cousin, *claiming* 8,000 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel in the armies of his Catholic Majesty, attached to the stationary regiment of Louisiana, lieutenant governor of Upper Louisiana, &c.:

Bartholomew Cousin, inhabitant of Cape Girardeau of Illinois, has the honor to represent to you that in the year 1799 your excellency was pleased to grant to him a concession of land in the said district as a reward, or in the way of salary, for his services in the capacity of interpreter and public scrivener until the 15th October of the aforesaid year. Encouraged by the justice and beneficence of this government, and in the hope of assuring to himself an honorable living in serving the same, the petitioner has always continued since then to fulfil the same functions, which have become every day more laborious and more indispensable on account of the rapid increase of the population of this settlement. And as he has not received, since the 15th of October, 1799, any gratification for his services up to this day, he hopes that the reasons which have induced you to do justice to his first demand will have with you, in the present circumstance, a new degree of force and justice. In this confidence the petitioner applies to you, sir, praying that you will be pleased to grant to him, on the domain of his Majesty, a concession of 8,000 arpents of land in superficie as a reward, and in way of salary, for his services aforesaid, and to order that this quantity be measured for him in such place or places, and in the manner most convenient to him, namely, on the lands formerly occupied by Messrs. Benjamin Rose and M. Williams & Co., at Tewapity and Cape à la Cruche, and since a long time abandoned and reunited to the domain.

The petitioner demands also to have allowed to him in the survey three-twentieths on the length of the lines, to compensate for the roads, (les eaux) the creeks and ponds, barren lands, and the loss in chaining.

Full of gratitude for this favor, the petitioner shall never cease to pray for your conservation.

BART. COUSIN.

Cape Girardeau, *March* 22, 1803.

ST. LOUIS OF ILLINOIS, *March* 31, 1803.

In consequence of the foregoing demand of Don Bartholomew Cousin, inhabitant of Cape Girardeau, and in consideration of the services which the petitioner has rendered in continuing to employ himself with much zeal in the discharge of the duties of interpreter of the English language since the 15th of October, 1799, to this day, as also in the affairs requiring a correspondence with the civil officers on the side of the United States of America, and in all the solicitations, demands, and other requests in right of justice, from the inhabitants of said Cape Girardeau, of whom the greatest part are Americans, in which laborious work he has been employed by Don Lewis Lorimier, commandant of the aforesaid settlement, the whole of which being evidently and notoriously obvious to me, and the known merit and services of the petitioner being also supported by the said Don Lewis Lorimier, in his official letters, numbered 39, 51, and 52, dated March 17 and December 11 of last year, and January 20, of the present year, I have determined to grant to him the favor which he solicits, in the way of compensation for the aforesaid services which he faithfully rendered, with the greatest disinterestedness and without interruption, abandoning his private business, particularly since he has been proposed (to the general government) as interpreter for said district, to which proposal I have not as yet received any answer from the governor general, to whom I have forwarded the same, under date of May 16, 1802. Therefore the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put him (the petitioner) in possession of the 8,000 arpents of land in superficie which he solicits, with the allowance stated, and in the places designated in his petition or certificate or certificates shall be remitted to him, in order that they serve to him to obtain the title of concession in form from the intendancy general of these provinces, to which belongs the right of making such distribution.

CARLOS DEHAULT DELASSUS.

Registered, at the request of the proprietor, in book No. 2, pages 41, 42, and 43, No. 29.

SOULARD.

Truly translated. St. Louis, May 30, 1833.

JULIUS DE MUN.

No.	Name of original claimant	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
90	Bartholomew Cousin.	8,000, with an allowance of $\frac{3}{20}$.	Concession, March 31, 1803.	Carlos Dehault Delassus.	Antoine Soulard, February 27, 1806. Three different tracts, district of Cape Girardeau.

Evidence with reference to minutes and records.

May 25, 1809.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Bartholomew Cousin, claiming 8,000 arpents of land, with allowance of three-twentieths for roads, &c., produces to the board a concession from Don Carlos Dehault Delassus, lieutenant governor, for the same, dated March 31, 1803; a plat of survey of 1,000 arpents, situate on the river Mississippi and Cape La Cruche creek, district of Cape Girardeau, dated March 5, 1800, and certified February 27, 1806; a plat of survey of 1,113 arpents 39 perches, situated on the Mississippi, district aforesaid, dated March 5, 1800, countersigned Antoine Soulard, surveyor general of Louisiana; a plat of survey of 4,700 arpents of an island in the Mississippi, district aforesaid, dated March 5, 1800, and certified February 27, 1806; a plat of survey of 3,350 arpents, situate on the forks of White Water creek, district aforesaid, certified February 26, 1806, by Antoine Soulard, surveyor general of the Territory of Louisiana; a plat of survey of 1,082 arpents 41 perches, claimed partly as assignee of Baptiste Godair, to wit: for 175 arpents, situate on the Big Swamp, district aforesaid, certified February 27, 1806, by Antoine Soulard, surveyor general; a deed of transfer from John Baptiste Godair for said 175 arpents, dated July 28, 1804. The grant in this claim stated to have been given as a compensation for services rendered by claimant as interpreter and public writer, for which he is said never to have received any other compensation. Produces also to the board a petition from William Smith to the commandant of Cape Girardeau, for the sale of certain property left by Benjamin Rose, in August, 1799, together with the order of said commandant for the sale thereof, dated May 7, 1802; a paper signed William Smith and Edward Hogan, dated October 16, 1802, purporting to be a valuation and arbitration of labor done by Stephen Quimby on said survey; also Stephen Quimby's receipt for the amount of the award; also a paper purporting to be the conditions by which a certain Thomas Welburn rented premises of B. Cousin; and an order from Louis Lorimier to prevent Daniel Sexton from trespassing on the premises, dated September 26, 1804; a petition of B. Cousin, and a decree of Don Carlos Dehault Delassus, lieutenant governor, for annulling the concession and warrant of survey of Benjamin Rose and Morris Williams, dated December 12, 1803.

The following acknowledgment was made before Frederick Bates, commissioner at Cape Girardeau, June 4, 1808: B. Cousin acknowledges that he surveyed this tract for B. Rose, April 12, 1799, by decree of Zenon Trudeau, lieutenant governor. Laid over for decision.—(See book No. 4, pages 68 and 69.)

November 26, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Bartholomew Cousin, claiming 8,000 arpents of land.—(See book No. 4, page 68; see also James Brady's claim, assignee of Benjamin Rose, book No. 4, pages 69, 79, and 84.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 14.)

March 16, 1833.—Board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Bartholomew Cousin, by his legal representatives, claiming 8,000 arpents of land, (see book B, pages 219, 317, 318, and 319; minutes, No. 4, page 68; No. 5, page 14,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated March 31, 1803; also three plats of surveys.

Pierre Ménard, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus, to the surveys the handwriting of Soulard, and the signature to the petition in the handwriting of B. Cousin.—(See book No. 6, page 129.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Bartholomew Cousin, claiming 8,000 arpents of land.—(See page 129 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Bartholomew Cousin, or to his legal representatives, according to the concession.—(See book No. 6, page 216.)

Conflicting claim.

Said to interfere with James Brady's claim of two hundred and forty arpents.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 91.—Louis Reed, *claiming* 240 *arpents.*

We, Don Fernando de Leyba, captain in the regiment of infantry of Louisiana, commander-in-chief and lieutenant governor of the western part of Illinois.

In consequence of the demand to us made by Louis Ride, in his petition of this day, representing that he has no land to cultivate, and is reduced, with a numerous family, to the impossibility of sowing any grain, the land he had having fallen in share to his children; and there being a prairie at about one and a half league to the north of this village which has never been cultivated nor conceded to anybody, he supplicates you, sir, to be pleased to grant to him, in the said prairie, six arpents of land in width by the ordinary depth of forty arpents; which six arpents of land, in front, are bounded on the east by the river called River à Gingras; on the other end, west, by the King's domain; on the south side, towards the village of St. Louis, by a branch coming down from the hills and emptying into the said River à Gingras, said branch being the boundary between the land of Mr. Belestre, in Prairie Lajoïe, and the six arpents herein demanded, and designating the said south side of the same; and on the other side, north, by what remains of the prairie or the King's domain. The petitioner intends, sir, if you have the goodness to grant his demand, to settle himself thereon, raise cattle, and cultivate the soil, to which he will apply himself with all his might.

[*One cross for said Ride's mark.*]

St. Louis, *May* 12, 1779.

Therefore, wishing to favor the petitioner in his establishment, and give him the means of making a plantation which cannot be but advantageous to the public good, we have granted and do grant to him, in fee-simple, for him, his heirs or assigns, the six arpents of land by him demanded in his petition, by the ordinary depth of forty arpents, such as it is described and bounded in his petition, on condition to settle and improve the same in one year and one day, and that the said land shall be liable to public charges and others which it may please his Majesty to impose.

Given in St. Louis, May 12, 1779.

FERNANDO DE LEYBA.

Truly translated from the Spanish record of concessions, book No. 3, page 25. St. Louis, August 12, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
91	Louis Reed, *alias* Ride.	240	Concession, May 12, 1797.	F. de Leyba ..	On river Gingras.

Evidence with reference to minutes and records.

March 18, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Louis Reed, by his legal representatives, claiming six arpents of land in front by forty in depth situate on White Ox prairie.—(For concession by Leyba, dated May 12, 1779, see Livre Terrein, No. 3, page 25; record book F, page 187.)

Baptiste Riviere, *alias* Bacanné, being duly sworn, says that he is eighty-six years of age; that he was the first who ever ploughed the land above mentioned, having been hired by said Louis Reed for that purpose; he thinks it is about forty-four or forty-six years ago, more or less; that he believes the said Reed cultivated the said land all his lifetime, but to his certain knowledge he cultivated the same for eight or ten years in succession.—(See book No. 6, page 129.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Louis Reed, claiming two hundred and forty arpents of land.—(See page 129 of this book.) The board are unanimously of the opinion that this claim ought to be confirmed to the said Louis Reed, or to his legal representatives, according to the concession.—(See book No. 6, page 316.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 92.—GABRIEL NICOLLE, *claiming* 608 *arpents.*

To Don Peter Charles Dehault Delassus Deluziere, knight grand cross of the royal order of St. Michael and commandant, civil and military, of New Bourbon, &c.:

SIR: Gabriel Nicolle has the honor very humbly to supplicate you to grant to him the concession of a piece of land situated on the river St. Francis, upon a fork of the said river called Grand river, to the south of the said fork, twenty arpents in front by thirty arpents in length, adjoining north to Antoine Lachance and south to the King's domain, and without prejudice to any one whomsoever, upon the said river. The petitioner expects this favor of your goodness, and shall not cease to pray for your prosperity and conservation.

GABRIEL NICOLLE.

NEW BOURBON, *January* 22, 1798.

ST. LOUIS, *February* 1, 1798.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put Gabriel Nicolle in possession of the land which he demands in the above petition, and afterwards shall make out a plat and certificate of his survey, and the whole shall be returned to us to be sent to the governor general of the province, who shall determine definitively upon the concession of the said land.

ZENON TRUDEAU.

Truly translated. St. Louis, April 8, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
92	Gabriel Nicolle.	608	Concession, February 1, 1798.	Zenon Trudeau.	Nathaniel Cook, deputy surveyor, January 7, 1806; on the St. Francis river, 37 miles S.SW. from St. Genevieve.

Evidence with reference to minutes and records.

March 20, 1833.—The board met pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Gabriel Nicolle, by his legal representative, G. A. Bird, claiming six hundred arpents of land, (see book C, page 386,) produces a paper purporting to be an original concession from Zenon Trudeau, dated February 1, 1798; also a plat of survey, dated January 7, 1806; also a deed of conveyance, dated February 22, 1812.

L. F. Linn, being duly sworn, says that he knows that C. L. Bird resided on a piece of land which deponent is confident was said Bird's property, situate at about thirty-seven miles in a south-southwest direction from St. Genevieve, on the main branch of the river St. Francis and near Mine à la Motte and St. Michael; that he was on said piece of land in the spring of 1813, and that C. L. Bird had then fifty or sixty acres in cultivation and was preparing to build a mill, and that he lived on said place until his death.

Antoine Chénier, being duly sworn, says that the signature to the concession is in the proper handwriting of Zenon Trudeau, lieutenant governor.—(See book No. 6, page 131.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Gabriel Nicolle, claiming 608 arpents of land.—(See page 131, of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Gabriel Nicolle, or to his legal representatives, according to the concession.—(See book No. 6, page 316.)

Conflicting claim.

This land, it is said by the present claimant, has been sold by the United States.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 93.—MICHEL LACHANCE, *claiming* 72 *arpents.*

To Don Peter Charles Dehault Delassus Deluziere, knight grand cross of the royal order of St. Michael, and civil and military commandant of New Bourbon and dependencies:

SIR: Michel Lachance has the honor to supplicate you very humbly to grant to him the concession of a piece of land situated on the river St. Francis, on the north side of the said river, in the first fork below the road leading to Mine à la Motte, six arpents in front by twelve in depth. The petitioner expects this favor of your goodness, and shall not cease to pray for your conservation.

New Bourbon, January 7, 1800. Stamped M. L.

MICHEL LACHANCE.

NEW BOURBON, *January* 10, 1800.

We, commandant of the post above named, refer the present petition to the lieutenant governor of the western part of Illinois, to whom we do certify that the said Michel Lachance is a very ancient settler in this district, in which he was born; being on the eve of marrying, and having a very great number of cattle, he is vested with all the qualifications necessary to obtain a concession for the tract of land demanded, and which does consist only of seventy-two arpents in superficie. Moreover, we do attest that it is evident, from the surveys already taken of the adjacent lands, that the said seventy-two arpents are not comprised in them, and are a part of the King's domain.

P. DELASSUS DELUZIERE.

ST. LOUIS OF ILLINOIS, *January* 24, 1800.

Being convinced by the information given by the commandant of the post of New Bourbon, Don Pedro Delassus Deluziere, that the land which he solicited is vacant and does not do prejudice to any of the adjacent neighbors, and that the petitioner has sufficient means to improve the land which he solicits, in the term fixed by the regulations of the governor general of this province, the surveyor, Don Antonio Soulard, shall put the party interested in possession of the same; and afterwards he shall make out a plat and certificate of his survey, in order to serve (said party) to solicit the concession from the intendant general of these provinces, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, April 8, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
93	Michel Lachance	72	Concession, January 24, 1800.	Carlos Dehault Delassus.	Thomas Maddin, deputy surveyor, recorded by Soulard, Oct. 1, 1805, on the waters of the St. Francis.

Evidence with reference to minutes and records.

June 25, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose and James L. Donaldson, commissioners.

Michael Lachance, claiming seventy-two arpents of land situate on the waters of the river St. Francis, district aforesaid, produces a concession from Charles D. Delassus, dated January 24, 1800, and a survey of the same, certified October 1, 1805. This claim being unsupported by actual inhabitation and cultivation, the board reject the same, and are satisfied that it was granted at the time the said concession bears date.—(See book No. 1, page 349.)

August 28, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Michael Lachance, claiming seventy-two arpents of land.—(See book No. 1, page 349.) It is the opinion of the board that this claim ought not to be confirmed.

John B. C. Lucas, commissioner, declares that he does not concur in opinion with the former board in the present case, respecting the satisfaction which the said former board expresses that the concession was issued at the time it bears date.—(See book No. 4, page 478.)

March 20, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

Michael Lachance, by G. A. Bird, his legal representative, claiming seventy-two arpents of land, (see book C, pages 386 and 387; minutes, No. 1, page 349; No. 4, page 478,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated January 24, 1800; also a plat of survey, dated April 30, 1805, recorded by Antoine Soulard.—(See book No. 6, page 132.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Michael Lachance, claiming 72 arpents of land.—(See page 132 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Michael Lachance, or to his legal representatives, according to the concession.—(See book No. 6, page 316.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 94.—MANUEL GONZALEZ MORO, *claiming* 7,056 *arpents.*

To his excellency the lieutenant governor of Upper Louisiana:

Don Manuel Gonzalez Moro, for the present in this city, most humbly and respectfully represents and says, that having returned here from Illinois in order to join my regiment, after having been for a long time garrisoned at said place, for just reasons I have left the royal service, with the intention of going to Europe; but as this could not be effected, on account of this port being continually blockaded by the enemy, I have determined to go back to Illinois by the first opportunity, intending to establish myself and marry in St. Louis. Consequently, wishing to secure my subsistence, and that of my children, in such a way as to shield them hereafter from the unfortunate events which so often take place, and seeing that agriculture in that country gives a prospect of sure and progressive increase, I am inclined to devote myself to it, and am induced to undertake the erection of considerable buildings, having around them an extent of land sufficient to keep grazing thereon a number of breeding mares and cows, along with sheep, hogs, goats, &c., (una yéguada, una vaqueria.....y otros ganados tanto tanares como de cerda, cabrios, &c.,) and adding to this a water saw-mill, besides the sowings which I intend to make, and the planting of orchards of various kinds of fruit trees; the whole shall form a mass of rural industry which will diffuse a spirit of emulation, so necessary in new settlements. Therefore, and in consideration of the merit which I have acquired in the royal service during fifteen consecutive years that I have remained in the same, in the character of *distinguido*, (this is a title given in the Spanish service to soldiers and non-commissioned officers distinguished for their exemplary conduct,) fulfilling all the orders and commissions with which I was charged to the satisfaction of my superiors, from whom I obtained the most satisfactory approbations and praises, I am induced to believe, with confidence, that I am one among the meritorious, and, consequently, worthy of the favors with which our beneficent government rewards the zeal of his Majesty's subjects.

I humbly supplicate you to condescend to grant to me a league square of land in superficie, or the same quantity of 7,056 arpents of land in the place commonly called River au Cuivre, situated between the two rivers Missouri and Mississippi, or else in their vicinity, at my choice, which location I shall make myself as soon as I shall return to Illinois, wherever I shall meet with a vacant place belonging to the royal domain, and which I shall indicate to the surveyor of that place, in order to have it surveyed and bounded regularly. I hope to deserve of you this favor, as you have been vested by the superior authority with the power to grant such to the meritorious, and to people of good morals. For which favor I shall always be grateful, and seek opportunities of giving you manifest proofs of my everlasting gratitude.

MANUEL GONZALEZ MORO.

NEW ORLEANS, *June* 18, 1799.

ST. LOUIS OF ILLINOIS, *September* 16, 1799.

Being fully satisfied as to the services here stated by Don Manuel Gonzalez Moro, as also of the commendable personal qualities which adorn him, besides his good lineage; and considering the intentions manifested by him of establishing himself in this country, and to contribute to its improvement, I do grant to him in fee-simple, for him, his heirs, or whatever other person who may represent his right, the 7,056 arpents of land which he asks, or one league square of land in superficie, in the place mentioned by him, at his choice, on a vacant place belonging to the King's domain, which shall not be prejudicial to any other proprietor. And the surveyor of this Upper Louisiana, Don Antonio Soulard, shall make the survey and shall run the corresponding lines as soon as he shall be required to do so by the (party) interested; and the survey being exeçuted, he shall deliver to him the documents in support of the same, in order that it may avail where convenient, and may serve to him to solicit and obtain the title of concession in due form from the intendancy general, to which tribunal alone corresponds the distributing and granting lands and town lots belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Registered, at the request of the interested, No. 2, pages 2, 3, 4, and 5.

SOULARD.

Truly translated. St. Louis, April 9, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
94	Manuel Gonzalez Moro.	7,056	Concession, September 16, 1799.	Carlos Dehault Delassus.	On Cuivre river.

Evidence with reference to minutes and records.

November 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel Gonzalez Moro, claiming 7,056 arpents of land situate on the river Cuivre, district of St. Charles, produces record of a concession from Delassus, lieutenant governor, dated September 16, 1799. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 459.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board, taken 9th instant.

Manuel Gonzalez Moro, by his legal representatives, claiming 7,056 arpents of land, (see record book D, page 127; minutes, No. 5, page 459,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated September 16, 1799.

M. P. Le Duc, duly sworn, says that the said M. G. Moro was an officer under the Spanish government, employed in the treasury department, but had a very small salary. He further says that the signature to the petition is in the proper handwriting of said Moro, and the signature to the concession is in the proper handwriting of Carlos D. Delassus.—(See book No. 6, page 132.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Manuel Gonzalez Moro, claiming 7,056 arpents of land.—(See page 132 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Manuel Gonzalez Moro, or to his legal representatives, according to the concession.—(See book No. 6, page 317.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 95.—Manuel Gonzalez Moro, *claiming* 800 *arpents.*

To his excellency the lieutenant governor of Upper Louisiana:

I, Don Manuel Gonzalez Moro, inhabitant of this place, with all the respect due to you, represent and say that having married here lately with the intention of settling permanently and prosper in this country, I wish to rely on some landed property in order to procure my subsistence and that of my children. In this view, and in consideration of the merit which I have acquired in the service of his Majesty, during a permanency in the same of just fifteen consecutive years, I most humbly supplicate you to condescend to grant me the usual quantity of 800 arpents of land, in a vacant place belonging to the royal domain, at my choice, where I intend to make what is commonly called here a plantation, on which I think of cultivating several kinds of grain and fruit trees, and raise poultry and cattle; which favor I hope to deserve of your justice, considering it, in part, as a reward for my above-mentioned services, and for which bounty I shall always give you proofs of my unbounded gratitude.

MANUEL GONZALEZ MORO.

St. Louis of Illinois, *June* 17, 1800.

St. Louis of Illinois, *June* 20, 1800.

As he asks; and the surveyor of this Upper Louisiana, Don Antonio Soulard, shall take the survey and run the corresponding lines as soon as he shall be required to do so, and these operations being executed, he shall deliver to him the documents in proof of the same, in order to serve to him (the petitioner) to solicit and obtain the title of concession in form from the intendancy general of these provinces, to which tribunal alone corresponds the granting of lands and town lots of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered, book No. 2, page 2, at the request of the party interested.

SOULARD.

Ne varietur (by request) from an instrument recorded in my office, under date of this day.

LOUIS LA CAIRE, *Notary Public.*

New Orleans, *February* 25, 1833.

Witnesses:
Charles Barcantel
Phi. Lacoste.

Truly translated. St. Louis, April 12, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
95	Manuel Gonzalez Moro.	800	Concession, June 22, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

November 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel Gonzalez Moro, claiming 800 arpents of land, situate in district of St. Charles, produces record of a concession from Delassus lieutenant governor, dated June 20, 1800. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 459.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

Manuel Gonzalez Moro, by his legal representatives, claiming 800 arpents of land, (see book D, page 127; minutes, No. 5, page 459,) produces a paper purporting to be an original concession from Charles Dehault Delassus, dated June 20, 1800.

M. P. Le Duc, duly sworn, says the same as in the above case, and that the signature to the concession is in the handwriting of said Delassus.—(See book No. 6, page 133.)

M. P. Le Duc, duly sworn, further says that the said M. G Moro was an officer under the Spanish government, employed in the treasury department, and highly considered by said government, but had a very small salary.—(See book No. 6, page 133.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Manuel Gonzalez Moro, claiming 800 arpents of land.—(See page 133 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Manuel Gonzalez Moro, or to his legal representatives, according to the concession.—(See book No. 6, page 317.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY

No. 96.—William Lorimier, *claiming* 1,000 *arpents.*

To Don Charles D hault Delassus, lieutenant colonel in the armies of his Catholic Majesty attached to the Louisiana, and lieutenant governor of Upper Louisiana:

William Lorimier humbly supplicates, and has the honor to represent to you, that wishing to settle in the district of Cape Girardeau, and employ the resources and means in his possession in cultivating the soil, besides, being of age, to establish himself and work for his own benefit, and having spent a part of his youth employed in the different kinds of works needed in husbandry, with the intention to become one day a useful member of society in contributing as much as in his power lies to the prosperity of the settlement in which he intends to reside, therefore, the petitioner applies to you, sir, praying that you will be pleased to grant to him, on his Majesty's domain in the district of Cape Girardeau, a concession of 1,000 arpents of land, and to order that it be measured in the place which he will think most convenient, without prejudice to any other person—favor which the petitioner presumes to expect of your justice, and of the encouragement which you give to industry.

W. LORIMIER.

Cape Girardeau, *December* 18, 1799.

We, Don Louis Lorimier, captain commandant of the post of Cape Girardeau of Illinois, for his Catholic Majesty, have the honor to inform the lieutenant governor that the petitioner's statement is candid and true; that being provided with sufficient means to improve the 1,000 arpents of lands which he asks, we judge him worthy to obtain them, and as such we do recommend him to the beneficence of the government.

L. LORIMIER.

Cape Girardeau, *December* 18, 1799.

St. Louis of Illinois, *December* 28, 1799.

In consequence of the information here above from the commandant of Cape Girardeau, Don Louis Lorimier, and whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits in the term fixed by the regulations of the governor general of this province, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put the petitioner in possession of 1,000 arpents of land in superficie, which he solicits, in order for him to enjoy the same in the same manner as he asks; and the operation of survey being executed, he shall make out the corresponding certificate of said survey, with which the (party) interested shall have to apply to the intendancy general of these provinces, to which tribunal alone corresponds, by order of his Majesty, the granting of lands and town lots belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, May 31, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
96	William Lorimier.	1,000	Concession, Dec. 28, 1799.	Carlos Dehault Delassus.	District of Cape Girardeau.

Evidence with reference to minutes and records.

May 25, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Lorimier, claiming 1,000 arpents of land situate on forks of Cape la Cruche, district of Cape Girardeau, produces to the board a concession for the same from Don Carlos Dehault Delassus, lieutenant governor, dated December 28, 1799. Laid over for decision.—(See book No. 4, page 74.)

March 22, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Lorimier, claiming 1,000 arpents of land.—(See book No. 4, page 74.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 302.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

William Lorimier, by his legal representatives, claiming 1,000 arpents of land, (see book D, pages 25 and 26,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated December 28, 1799.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 133.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

William Lorimier, claiming 1,000 arpents of land.—(See page 133 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said William Lorimier, or to his legal representatives, according to the concession.—(See book No. 6, page 318.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 97.—François Normandeau, *claiming* 2,500 *arpents.*

Don Carlos Dehault Delassus, lieutenant governor of Louisiana:

Sir: François Normandeau, alias Delauriere, sub-lieutenant of militia of St. Ferdinand, has the honor to represent to you, that residing in this province since a long time, and wishing to form an establishment in order to maintain his family in a suitable manner, the petitioner having never possessed any lands, claims of the goodness of this government, and prays you to grant him, 2,500 arpents of land in superficie, for the purpose of cultivating and raising cattle of all kinds; the said tract to be taken on the vacant lands of his Majesty's domain, in a place convenient to the interest of your petitioner, who presumes to expect this favor of your justice, having always shown the greatest zeal for the service of his Majesty, and he shall continue to do so all his lifetime.

his
FRANÇOIS ⋈ NORMANDEAU.
mark.

St. Louis, *November* 18, 1799.

St. Louis of Illinois, *November* 20, 1799.

Cognizance being taken of the statement presented by the sub-lieutenant of the militia of the village of St. Ferdinand, Mr. F. Normandeau, alias Delauriere, and considering that he is one of the old settlers of this country, whose known conduct and personal merit are recommendable, I do grant to him and his heirs the land he solicits, provided it is not to the prejudice of any one; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks for, in a vacant place of the royal domain; and this being executed, he shall make out a plat of his survey, delivering the same to said party, with his certificate, to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated from Spanish record of concessions, book No. 2, pages 51 and 52. St. Louis, August 13, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
97	François Normandeau.	2, 500	Concession, November 20, 1799.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

November 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of François Normandeau, claiming 2,500 arpents of land situate on river Loutre, district of St. Charles, produces record of concession from Delassus, lieutenant governor, dated November 20, 1799; record of plat of survey, signed Frémon Delauriere.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 465.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

François Normandeau, by Albert Tison, claiming 2,500 arpents of land.—(See book B, page 94; minutes, No. 5, page 465.) Claimant refers also to the testimony given by Charles Frémon Delauriere, in F. Saucier's case, to wit: that the signatures to the receipt are in the respective handwriting of A. Soulard and B. Cousins.

Charles Frémon Delauriere, duly sworn, says that the survey already produced is one of those included among the surveys mentioned in the above letter; that the survey was executed at the time it bears date; that there was great difficulty and danger in executing surveys; that he was twice repulsed by the Indians, and that the third time he went up, he could not execute several of the surveys, being prevented by Indians of the Sac and Fox nations, although he and his companions were well armed; that surveyors were very scarce, and it was difficult to procure any one to take a survey; that there was not half the number of surveyors necessary to execute the surveys that were then to be made.—(See page 118 of this book; Spanish record of concession, No. 2, page 51. See book No. 6, page 133.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

François Normandeau, claiming 2,500 arpents of land.—(See page 133 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said François Normandeau, or to his legal representatives, according to the concession.—(See book No. 6, page 318.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 98.—ANDREW KINAIRD, *claiming* 600 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and commander-in-chief of Upper Louisiana, &c.:

Andrew Kinaird, Roman Catholic, has the honor to represent to you that, with the consent of the government, he settled himself in the district of St. Charles; therefore he has the honor to supplicate you to have the goodness to grant to him, in the same place, the quantity of land corresponding to the number of his family, consisting of himself, his wife, and eight children. The petitioner, possessing the means necessary to improve a farm, and having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to deserve the favor which he solicits of your justice.

his
ANDREW + KINAIRD,
mark.

ST. ANDRÉ, *January* 21, 1800.

Be it forwarded to the commander-in-chief, with the information that the above statement is true and that the petitioner is worthy of the favor which he solicits.

SANTIAGO MACKAY.

ST. ANDRÉ, *January* 21, 1800.

ST. LOUIS OF ILLINOIS, *January* 28, 1800.

In consequence of the information given by the commandant of the settlement of St. André, Captain Don Santiago Mackay, I do grant to the petitioner, for him and his heirs, the quantity of 600 arpents of land in superficie, quantity corresponding to the number of his family, provided it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks in the same place he cultivates, if it is not prejudicial to any person. And this being executed, he shall make out a plat of survey, delivering the same to said party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands of the royal domain.,

CARLOS DEHAULT DELASSUS.

Recorded, No. 67. MACKAY.

Truly translated. St. Louis, April 11, 1833.

JULIUS DE MUN.

No.	Name of original claimant	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
98	Andrew Kinaird.....	600	Concession, January 28, 1800.	Carlos Dehault Delassus.	District of St. Charles.

Evidence with reference to minutes and records.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, Frederick Bates, commissioners.

James Mackay, assignee of John Long, assignee of Andrew Kincaid, (Kinaird,) claiming 600 arpents of land situate in the district of St. Charles, river Tucque, produces record of concession from Charles D. Delassus, lieutenant governor, dated 28th January, 1800; record of transfer from Kincaid to Long, dated 4th February, 1802; record of transfer from Long to claimant, dated 8th February, 1805. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 440.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

Andrew Kincaid, (Kinaird,) by his legal representatives, claiming 600 arpents of land, (see book C, page 480; minutes, No. 5, page 440,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 28th January, 1800.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 133.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Andrew Kinaird, claiming 600 arpents of land.—(See page 133 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Andrew Kinaird, or to his legal representatives, according to the concession.—(See book No. 6, page 318.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 99.—JOHN HENRY, *claiming* 900 *arpents.*

Don Zenon Trudeau, lieutenant governor and commander-in-chief, civil and military, of Upper Louisiana:

SIR: John Henry, petitioner, has the honor to represent to you with all the respect due, that he has been residing for two years in these parts, and that since last year he settled, with your permission, on the river Bonne Femme. The petitioner having worked on a piece of land, and wishing to settle permanently, prays you to grant to him the concession of 30 arpents of land in front on the Missouri by 30 arpents in depth, (here a piece of the paper is torn and missing,) and to the west by Mr. Mackay and Belle Pointe; the petitioner, having settled himself with his family upon this piece of land, presumes to expect this favor of your justice.

JOHN HENRY, his + mark.

Recorded, No. 5. MACKAY.

ST. LOUIS, *February* 7, 1798.

The surveyor of this jurisdiction shall set limits to the land of the petitioner in the shape demanded, provided that in such a shape it shall not be prejudicial to the surrounding neighbors; and the said surveyor shall make out, here below, a map and certificate of his survey, in order to serve in soliciting the concession of the governor general.

ZENON TRUDEAU.

Truly translated. St. Louis, April 11, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
99	John Henry.....	900	Concession, February 7, 1798.	Zenon Trudeau....	On river Bonne Femme.

Evidence with reference to minutes and records.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Mackay, assignee of John Long, assignee of John Henry, claiming 900 arpents of land situate on river Bonne Femme, district of St. Charles, produces record of a concession from Zenon Trudeau, lieutenant governor, dated February 7, 1798; record of transfer from Henry to Long, dated June, 1801; record of transfer from Long to claimant, dated February 8, 1805.

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 433.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

John Henry, by his legal representatives, claiming 900 arpents of land, (see book C, page 479; minutes No. 5, page 433,) produces a paper purporting to be an original concession from Zenon Trudeau, dated February 7, 1798.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Zenon Trudeau.—(See book No. 6, page 134.)

November 11, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

John Henry, claiming 900 arpents of land.—(See page 134 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said John Henry, or to his legal representatives, according to the concession.—(See book No. 6, page 318.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 100.—EDWARD BRADLEY, *claiming* 500 *arpents.*

To Don Charles Dehault Delassus, lieutenant governor and commander-in-chief of Upper Louisiana, &c.:

The petitioner, Edward Bradley, a Roman Catholic, has the honor to represent to you that, with the permission of the government, he crossed over to this side, where he has made choice of a piece of land on

the north side of the Missouri; therefore, he has the honor to supplicate you to have the goodness to grant to him, at the same place he has chosen, the quantity of land corresponding to the number of his family, which is composed of himself, his wife, and six children. The petitioner, possessing all the means necessary to improve a farm, and having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to render himself worthy of the favor which he solicits of your justice.

St. André, *June* 18, 1800.

Be it forwarded to the commander-in-chief, with information that the above statement is true, and that the petitioner deserves the favor which he solicits.

SANTIAGO MACKAY.

St. André, *June* 19, 1800.

St. Louis of Illinois, *June* 25, 1800.

In consequence of the foregoing information from the commandant of St. André, Captain Don Santiago Mackay, the surveyor, Don Antonio Soulard, shall put the party interested in possession of 500 arpents of land in superficie in the place demanded, said quantity corresponding to the number of his family, conformably to the regulation of the governor general of this province; and this being executed, he shall make out a plat of his survey, delivering the same to said party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general of the provinces, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 9.

MACKAY.

Truly translated. St. Louis, April 11, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
100	Edward Bradley.	500	Concession, June 25, 1800.	Carlos Dehault Delassus.	James Mackay; November 8, 1803; north side of Missouri.

Evidence with reference to minutes and records.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Bradley, claiming 500 arpents of land situate on the Missouri, district of St. Louis, produces a concession from Charles D. Delassus, lieutenant governor, dated June 25, 1800. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 375.)

March 21, 1833.—F. R. Conway appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

Edward Bradley, by his legal representatives, claiming 500 arpents of land, (see book D, page 199; minutes No. 5, page 375,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated June 25, 1800; also a plat of survey, dated November 8, 1803.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Carlos D. Delassus, and the signature to plat of survey is in the proper handwriting of James Mackay.—(See book No. 6, page 134.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Edward Bradley, claiming 500 arpents of land.—(See page 134 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Edward Bradley, or to his legal representatives, according to the concession.—(See book No. 6, page 319.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 101.—George Crump, *claiming* 450 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and commander-in-chief of Upper Louisiana:

George Crump, a Roman Catholic, has the honor to represent to you that, with the permission of the government, he came over to this side with his family, and having made choice of a piece of land on the domain of his Majesty, on which he is established, he supplicates you to have the goodness to grant to him, in the same place, the quantity of land corresponding to the number of his family. The petitioner, having no other views but to live as a cultivator of the soil for the support of his family, conforming himself with submission to the laws, and having the necessary means to establish a farm, hopes that you will be pleased to grant to him the favor which he solicits of your justice.

St. André, *May* 4, 1800.

Be it forwarded to the lieutenant governor, with information that the above statement is true, and that the petitioner deserves the favor which he solicits.

SANTIAGO MACKAY.

St. André, *May* 4, 1800.

We do certify that the family of the petitioner is composed of himself, his wife, and five children.

MACKAY.

St. Louis of Illinois, *May* 9, 1800.

In consequence of the information given by Don Santiago Mackay, commandant of the settlement of St. André, by which the number of individuals composing the family of the petitioner is evidently ascertained, the surveyor, Don Antonio Soulard, shall put him in possession of 450 arpents of land in superficie in the place demanded, said quantity corresponding to the number composing his family, conformably to the regulation of the governor general of the province; and afterwards the party interested shall have to solicit the title of concession in form from the intendant general of the same province, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 17.

MACKAY.

Truly translated. St. Louis, April 10, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
101	George Crump..	450	Concession, May 9, 1800.	Carlos Dehault Delassus.	James Mackay; February 14, 1804; about two miles west of St. Charles.

Evidence with reference to minutes and records.

September 28, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

James Mackay, assignee of George Crump, claiming 450 arpents of land.—(See book No. 2, page 32, as follows:) James Mackay, assignee of George Crump, claiming 450 arpents of land situate on the river Gingras, district of St. Louis, produces a concession from Charles D. Delassus, dated May 9, 1800, and a deed of transfer of the same, dated January 8, 1802.

Hyacinthe St. Cyr, duly sworn, says that about three years ago he saw a house on said land, but could not tell whether it was inhabited. Saw no marks of cultivation. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 517.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

George Crump, by his legal representatives, claiming 450 arpents of land, (see book C, page 477; minutes No. 4, page 517,) produces a paper purporting to be an original concession from Carlos D. Delassus, dated May 9, 1800; also a plat of survey, dated February 14, 1804, by Mackay.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus, and the signature to the plat of survey the true signature of said Mackay.—(See book No. 6, page 135.)

November 12, 1833.—Board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

George Crump, claiming 450 arpents of land.—(See page 135 of this book.) The board remark that, in the entry of this claim in the minutes of the former board, there is a mistake, probably made by their clerk, stating this land to lie on the river Gingras, district of St. Louis; this land being evidently in the district of St. Charles.

The board are unanimously of opinion that this claim ought to be confirmed to the said George Crump, or to his legal representatives, according to the concession.—(See book No. 6, page 319.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 102.—John Long, *claiming* 10,000 *arpents.*

To Don Zenon Trudeau, lieutenant governor of this western part of Illinois:

John Long, father of a numerous family and owner of several slaves, member of a family which has been protected by the government on account of the useful settlement it has made in this country, himself having views of aggrandizement, and the project of forming useful establishments, and particularly that of improving a considerable stock farm, considering the first concession which he has obtained of you as very insufficient for his views, he hopes that the generosity of the government and your particular goodness will be pleased to grant to him, in fee simple, the quantity of 10,000 arpents of land in superficie, to be taken, 5,000 arpents in a place convenient to the interest of your petitioner, and the 5,000 arpents

remaining in another place at his choice, on vacant parts of his Majesty's domain, and without prejudice to the pretensions of any one whomsoever. The petitioner, having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to deserve this favor of your justice.

JOHN LONG.

ST. LOUIS, *August* 28, 1797.

Don Zenon Trudeau, captain of grenadiers, and lieutenant governor of Upper Louisiana.

The ten thousand arpents of land in superficie which are solicited, being found vacant, the surveyor, Don Antonio Soulard, shall put the party interested in possession of the said quantity of 10,000 arpents, and shall deliver to him a plat and certificate of survey, in order to serve to said party as a title of property; meanwhile the corresponding title in form be made out and delivered by the governor general, to whom he must apply in due time.

ZENON TRUDEAU.

ST. LOUIS, *September* 1, 1797.

Truly translated. St. Louis, April 10, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
102	John Long...	10,000	Concession, September 1, 1797.	Zenon Trudeau.	James Mackay, deputy surveyor, 5,050 arpents, March 21, 1805, 55 miles west of St. Louis; 5,000 arpents, January 20, 1806, on the Missouri 50 miles west of St. Louis; both surveys received for record by Soulard February 27, 1806.

Evidence with reference to minutes and records.

November 23, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Long, claiming 10,000 arpents of land situate on the rivers Dubois and St. John, district of St. Louis, produces record of a concession from Zenon Trudeau, lieutenant governor, dated September 1, 1797, record of a plat of survey on river St. John for 5,000 arpents, dated 20th January, and certified February 27, 1806; record of a plat of survey on river Dubois for 5,050 arpents, dated March 21, 1805, certified February 27, 1806. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 444.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

John Long, by his legal representatives, claiming 10,000 arpents of land, (see book B, page 442; No. 5, page 444,) produces a paper purporting to be an original concession from Zenon Trudeau, dated September 1, 1797; also, two plats of survey—one for 5,000 arpents, dated January 20, 1806, the other for 5,050 arpents, dated March 21, 1805—by James Mackay.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the true handwriting of Zenon Trudeau, and the signatures to the surveys are in the proper handwriting of James Mackay and Anthony Soulard.—(See book No. 6, page 136.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

John Long, claiming 10,000 arpents of land.—(See page 136 of this book.) The board remark that the survey exceeds the quantity granted by 50 arpents. The board are unanimously of opinion that this claim ought to be confirmed to the said John Long, or to his legal representatives, according to the concession.—(See book No. 6, page 319.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 103.—CHARLES ROY, *claiming* 2 *by* 40 *arpents.*

We, Don Fernando de Leyba, lieutenant governor, &c., on the demand to us made by Charles Roy, inhabitant of this post, in his petition dated 20th March, (the present month,) in which he represents to us that he would wish to establish himself in the new settlement called the river Des Peres, adjoining the grand prairie, and praying us to be pleased to grant to him a tract of land of 2 arpents in front, by 40 arpents in depth, contiguous to the other inhabitants of the said place, and, on one side, adjoining the land of François Hebert, and on the other side, the King's domain—the south end fronting the Little river, and the north end fronting the King's domain. Therefore, wishing to favor the said Charles Roy, we have granted to him the said land in all its width and length, such as it is described in the said petition, on con-

dition to establish the same in one year from this day, and that it shall be liable to the public charges, and others which it may please his Majesty to impose.

Given in St. Louis, March 25, 1780.

FERNANDO DE LEYBA.

Truly translated from Livre Terrein, No. 4, page 2. St. Louis, April 10, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
103	Charles Roy....	80	Concession, March 25, 1780.	Fernando de Leyba.	On river Des Peres.

Evidence with reference to minutes and records.

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

Charles Roy, by his legal representative, J. P. Cabanné, claiming 2 arpents of land in front by 40 arpents in depth, (see book F, page 190; Livre Terrein, No. 4, page 2,) produces said Livre Terrein, on which there is a decree of concession to Charles Roy by Fernando de Leyba, dated March 25, 1780; and deed of conveyance from Charles Roy to Charles Gratiot, and from Charles Gratiot and wife to J. P. Cabanné, for said land.—(See book No. 6, page 135.)

July 8, 1833.—L. F. Lynn, esq., appeared pursuant to adjournment.

Charles Roy, by John P. Cabanné, claiming 2 by 40 arpents of land.—(See Livre Terrein, No. 4, page 2; book F, page 190.)

Peter Chouteau, sen., being duly sworn, says that he has perfect knowledge of this tract; that about the year 1780, or thereabout, it was cultivated by said Roy, and was so cultivated for four or five consecutive years, till the time of his death.—(See book No. 6, page 218.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Roy, claiming 80 arpents of land.—(See page 218 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Roy, or his legal representatives, according to the concession.—(See book No. 6, page 320.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 104.—Seneca Rawlins, *claiming* 400 *arpents.*

To Don Charles Dehault Delassus, lieutenant governor, and commander-in-chief of Upper Louisiana, &c.

Seneca Rawlins, a Roman Catholic, has the honor to represent to you that, with the consent of the government, he came over to this side, where he has made choice of a piece of land on the domain of his Majesty, in order to make a farm; therefore he supplicates you to have the goodness to grant to him the quantity of land corresponding to the number of his family, which is composed of himself, his wife, and four children. The petitioner, having the means to improve a farm, and no other views but to live as a peaceable and submissive cultivator of the soil, hopes that you will be pleased to grant to him the favor which he solicits of your justice.

St. André, *December* 17, 1802.

Be it forwarded to the lieutenant governor, with information that the above statement is true, and that the petitioner deserves the favor which he solicits.

SANTIAGO MACKAY.

St. André, *December* 17, 1802.

St. Louis of Illinois, *December* 22, 1802.

In consequence of the information given by Don Santiago Mackay, commandant of the settlement of St. Andrew, concerning the number of individuals, composing the family of the petitioner, the surveyor, Don Antonio Soulard, shall put him in possession of four hundred arpents of land in superficie, in the place where he asks the same, said quantity corresponding to the number of his family, according to the regulation of the governor general of the province. And this being executed, the party interested shall have to solicit the title of concession in form from the intendant general of the same province, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 33.

MACKAY.

Truly translated. St. Louis, April 10, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
104	Seneca Rollins.	400	Concession, Dec. 22, 1802.	Car. Dehault Delassus.	

Evidence with reference to minutes and records.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Mackay, assignee of Seneca Rollins, claiming 400 arpents of land situate in the district of St. Charles, produces record of a concession from Delassus, lieutenant governor, dated December 22, 1802; record of a transfer from Rollins to Mackay, dated May 1, 1804. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 486.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken the 9th instant.

Seneca Rollins, by his legal representatives, claiming 400 arpents of land, (see book C, page 477; minutes No. 5, page 486,) produces a paper purporting to be an original concession from Charles D. Delassus, dated December 22, 1802.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said C. D. Delassus.—(See book No. 6, page 135.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Seneca Rollins, claiming 400 arpents of land.—(See page 135 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Seneca Rollins, or to his legal representatives, according to the concession.—(See book No. 6, page 320.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 105.—Joachin Roy, *claiming* 400 *arpents.*

To Don Zenon Trudeau, lieutenanl colonel by brevet, lieutenant governor, and commander-in-chief of the western part of Illinois:

Joachin Roy supplicates humbly, and has the honor to represent to you, that he would wish to make a plantation on the river Maramec, and that having found a piece of bottom land which is for the greatest part subject to inundation, nevertheless he would wish to improve the small piece of land next to the hills, where he might build his house on this same piece of land which is well timbered. The petitioner claims of your customary goodness that you would be pleased to grant to him what remains of the bottom of the great swamp, (or pond,) to be taken from the line of Widow Boly, and to run to the foot of the hills which are close to the river Maramec, and running forty arpents in depth, on which tract the great swamp is situated; and wishing to secure to himself the property of the said land, to have it surveyed, and the certificate of survey delivered in due form, before he makes any improvement on the same. Therefore, sir, may you be pleased to grant to the petitioner the said bottom of the great swamp, to be taken from the Maramec, running forty arpents in depth, adjoining on the eastern side the line of Widow Boly, and to the westward running to the hills which are close to the said river Maramec. The petitioner shall never cease to be thankful for your goodness.

his
JOACHIN + ROY.
mark.

St. Louis, *January* 30, 1797.

St. Louis, *February* 3, 1797.

In case the land demanded does belong to the King's domain, and does not exceed ten arpents in front by the customary depth of forty, the surveyor of this jurisdiction shall put the petitioner in possession of the same, and shall make out a plat and certificate of his survey, which shall be remitted to us, in order to solicit the concession of the governor general.

ZENON TRUDEAU.

Truly translated. July 18, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
105	Joachin Roy	400	Concession, Feb. 3, 1797.	Zen. Trudeau.....	On the Maramec.

Evidence with reference to minutes and records.

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to take evidence by a resolution of this board taken the 9th instant.

Joachin Roy's legal representatives, claiming four hundred arpents of land on the river Maramec, under a concession from Zenon Trudeau, dated February 3, 1797, it being a special location, (see book F, page 138,) as claimed by Pierre Tournot's representatives.—(See book No. 6, page 136.)

June 26, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

Joachin Roy, by his legal representatives, claiming four hundred arpents of land, (see book F, page 138; Bates's Decisions, No. 5, page 104,) produces a paper purporting to be a concession from Zenon Trudeau, dated 3d February, 1797.—(See book No. 6, page 189.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Joachin Roy, claiming four hundred arpents of land.—(See page 189 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Joachin Roy, or to his legal representatives, according to the concession.—(See book No. 6, page 320.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 106.—William L. Long, *claiming* 400 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of Upper Louisiana:

William Long, a Roman Catholic, has the honor to represent to you that he wishes to obtain of your goodness the property of four hundred arpents of land in superficie, in the district of St. Louis, the above quantity being indispensable in order to comprise the water and timber necessary to form a good plantation. The petitioner, possessing sufficient property to be able to improve a plantation, and having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to obtain the favor which he solicits of your justice.

WILLIAM L. LONG.

St. André, *October* 5, 1799.

Be it forwarded to the lieutenant governor, with information that the above statement is true, and that the petitioner deserves the favor which he solicits.

SANTIAGO MACKAY.

St. André, *October* 5, 1799.

St. Louis of Illinois, *October* 10, 1799.

In consequence of the foregoing information from the commandant of St. Andrew, Captain Don Santiago Mackay, and being assured that the petitioner possesses sufficient means to improve the lands which he solicits in the term fixed by the regulation of the governor general of this province, the surveyor, Don Antonio Soulard, shall put the party interested in possession of the four hundred arpents of land in superficie, in the same place designated in this petition. And this being executed, he shall make out a plat of his survey, delivering the same to the party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general of these provinces, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered, No. 45.

MACKAY.

Truly translated. St. Louis, April 10, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
106	William Long.....	400	Concession, October 10, 1799.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

November 25, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Long, claiming four hundred arpents of land situate in the district of St. Louis, produces record of concession from Charles D. Delassus, lieutenant governor, dated 10th of October, 1799. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 448.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

William Long, by his legal representatives, claiming four hundred arpents of land, (see book C, page 510; minutes No. 5, page 448,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 10th of October, 1799.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus.—(See book No. 6, page 136.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners. William Long, claiming four hundred arpents of land.—(See page 136 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said William Long, or to his legal representatives, according to the concession.—(See book No. 6, page 320.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 107.—EDWARD YOUNG, *claiming* 800 *arpents.*

To Don Carlos Dehault Delassus, lieutenant governor, and commander-in-chief of Upper Louisiana, &c.:

Edward Young, a Roman Catholic, and father of a family, has the honor to represent to you that, with the permission of the government, he came over to this side, where he made choice of a tract of land on the north side of the Missouri, at the place called the Saline, near the river A Manitie, at about 50 leagues of St. André; which, being considered, he has the honor to supplicate you to have the goodness to grant to him, in full property, and including the said saline, the quantity of 800 arpents of land in superficie. The petitioner, possessing the means to improve the said land, and no other views but to live peaceably and support his family by his industry, hopes to obtain the favor which he solicits of your justice.

ST. ANDRÉ, *January* 3, 1800.

Be it forwarded to the commander-in-chief, with information that the above statement is true, and that the petitioner deserves, in every point of view, the favor which he solicits.

SANTIAGO MACKAY.

ST. ANDRÉ, *January* 3, 1800.

ST. LOUIS OF ILLINOIS, *January* 15, 1800.

In consequence of the information given by the commandant of the post of St. André, I do grant to the petitioner, for him and his heirs, the land which he solicits, provided it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land which he asks in the same place where he solicits; and this being executed, he shall make out a plat of his survey, delivering the same to the said party, with his certificate, [here is an omission,] and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 6.

MACKAY.

Truly translated. St. Louis, April 9, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
107	Edward Young.....	800	Concession, Jan. 15, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Young, claiming 800 arpents of land on Manitie saline, district of St. Louis, produces record of a concession from Charles D. Delassus, lieutenant governor, dated January 15, 1800. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 514.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

Edward Young, by his legal representatives, claiming 800 arpents of land at a place called Manitie saline, (see book D, page 199; minutes No. 5, page 514,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated January 15, 1800.

M. P. LeDuc, duly sworn, says that the signatures to the concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 137.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Edward Young, claiming 800 arpents of land.—(See page 137 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Edward Young, or to his legal representatives, according to the concession.—(See book No. 6, page 320.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 108.—JAMES MACKAY, *claiming* 400 *arpents.*

To Don Zenon Trudeau, lieutenant governor of all the western part of Illinois:

SIR: James Mackay, an inhabitant of this village, wishing to establish himself on this side, (of the Mississippi,) has the honor to supplicate you to be willing to grant to him a concession for a tract of land of ten arpents in front by forty arpents in depth, on the saline of the river, called river Bonne Femme, in the domain of his Catholic Majesty, promising to establish himself thereon in the time prescribed by you—favor which he expects of your justice.

JAMES MACKAY.

ST. LOUIS, *May* 31, 1797.

ST. LOUIS, *May* 31, 1797.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put Mr. James Mackay in possession of the land which he solicits, provided it belongs to the King's domain, and is not prejudicial to anybody; and he shall make out a plat of his survey, with his certificate here below, and shall remit the whole to us, in order to solicit the title of concession for the same, in form, from the governor general of the province.

ZENON TRUDEAU.

Signed (at the margin) Antonio Soulard. No. 30, recorded.

MACKAY.

Truly translated. April 16, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
108	James Mackay..	400	Concession, May 31, 1797.	Zenon Trudeau..	James Mackay, deputy surveyor, December 2, 1804. On river Bonne Femme.

Evidence with reference to minutes and records.

July 31, 1807.—The board met agreeably to adjournment. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Mackay, claiming 10 by 40 arpents of land situate on the Saline "la rivière Bonne Femme," produces a concession from Zenon Trudeau, dated May 31, 1797.

It appears to the board that, on the petition of the aforesaid concession, the name of the claimant, the place of his residence, the quantity granted, and the situation of the land, has been altered and written on erasure; and that the concession refers to the petition, especially as to the situation, name, and quantity granted; and, also, the aforesaid petition declares that the land prayed for is situated on a saline; which part of said petition appears to be altered and written on erasure.

The agent of the United States objects to the aforesaid concession, on the ground of its being antedated and otherwise fraudulent. Further proof is required of the party.—(See book No. 3, page 21.)

November 4, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

James Mackay, claiming 10 by 40 arpents of land, situate on the saline and river Bonne Femme, (see book No. 3, page 21,) produces to the board a plat dated December 2, 1804, signed "Mackay."

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 186.)

March 22, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

James Mackay, by his legal representatives, claiming 10 arpents of land in front, by 40 in depth, on the saline of the river called river Bonne Femme, (see book C, page 476; minutes, No. 3, page 21; No. 4, page 186,) produces a paper purporting to be an original concession from Zenon Trudeau, dated May 31, 1799; also a plat of survey, dated December 2, 1804, by Mackay, and certified on oath by Antoine Soulard.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of Zenon Trudeau; and the signature to the plat of survey and certificate in the respective handwriting of James Mackay and Antoine Soulard.—(See book No. 6, page 137.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

James Mackay, claiming 400 arpents of land.—(See page 137 of this book.)

The board, after a minute examination of the original concession, are of opinion that the paper on which it is written is in places defective, but they see nothing to indicate fraudulent erasures, as suggested by the agent of the United States before the former board. They are unanimously of opinion that this claim ought to be confirmed to the said James Mackay, or to his legal representatives, according to the concession.—(See book No. 6, page 321.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 109.—ANTOINE GAUTIER, *claiming* 4,000 *arpents.*

To the lieutenant governor of the western part of Illinois:

Don Ante. Gautier, lieutenant of militia, inhabitant of St. Charles, on the Missouri, has the honor to represent to you that now that the Indians appear to be peaceable enough to give sufficient security to form insulated establishments, remote from the villages, he wishes to make one at about two leagues

from the said village of St. Charles, at the place called Le Marais de Temps Clair, (Clear Weather swamp,) which, being continually overflowed, is good only for the timber which is found thereon, and to raise cattle; therefore, sir, besides the concession of the said swamp which he has the honor to ask of you, he supplicates you to grant to him also a concession of ten arpents in front, on the dry prairie situated on the margin of said swamp, by fifteen (arpents) in depth, so as to join the Marais Croche, it being about the distance which separates the two, (swamps;)a favor which he expects from the encouragement you have always given to new establishments, and he shall not cease to pray for your happiness and prosperity.

ST. LOUIS, *November* 29, 1796.

ST. LOUIS, *November* 29, 1796.

The surveyor of this jurisdiction, Don Anto. Soulard, shall put Mr. Gautier in possession of ten arpents of land in front, on the Clear Weather swamp, (Marais de Temps Clair,) by such a depth as to join the Crooked swamp, (celui nommé Croche,) and after his survey is executed, the concession for the said land, as also that for the swamp above demanded by the said Mr. Ante. Gautier, shall be immediately granted to him.

ZENON TRUDEAU.

Whereas the tract of land mentioned in the present petition would lead into difficulties with the whole of the inhabitants of St. Charles and Portage des Sioux, conformably to the official authority with which we have been vested by the lieutenant governor, Don Charles Dehault Delassus, under date of 20th February, 1802, the deputy surveyor, Mr. James Mackay, or any other that has been appointed by us, may measure the same quantity of land mentioned in the petition of Mr. Antoine Gautier on any other vacant part of his Majesty's domain; and whereas the said quantity is not sufficiently expressed in the petition or decree, by the knowledge we have of the tract demanded, we do estimate the totality of said land to be about four thousand arpents.

ANTONIO SOULARD.

ST. LOUIS, *January* 17, 1803.

Truly translated. St. Louis, May 21, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
109	Antoine Gautier.	4, 000	Concession, November 29, 1796.	Zenon Trudeau..	Jas. Mackay, deputy surveyor, December 3, 1804; received for record by Soulard, February 15, 1806; on the Missouri, between Bonne Femme and Pierre à la Fleche.

Evidence with reference to minutes and records.

September 17, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

The same, (James Mackay,) assignee of Antoine Gautier, claiming ten arpents of land in front, on Marais Temps Clair, by such quantity as may be found between the aforesaid Marais Temps Clair and the Crooked Pond, produces a concession from Zenon Trudeau, dated the 29th of November, 1796, and a deed of transfer of the same, dated 1st of July, 1804. The board reject this claim.—(See book No. 2, page 32.)

September 28, 1810.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

James Mackay, assignee of Antoine Gautier, claiming ten arpents front, &c.—(See book No. 2, p. 32.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 517.)

March 21, 1833.—F. R. Conway, esq., appeared pursuant to adjournment, being authorized to receive evidence by a resolution of this board taken 9th instant.

Antoine Gautier, by his legal representatives, claiming 4,000 arpents of land, (see book C, page 478; minutes, No. 2, page 32; No. 4, page 17,) produces a paper purporting to be an original concession from Zenon Trudeau, dated November 29, 1796; also a plat of survey by Soulard, dated December 3, 1804.

M. P. Le Duc, duly sworn, says that the petition, decree, and the signature affixed thereto, are in the proper handwriting of said Zenon Trudeau, and the signature to the plat of survey in the proper handwriting of Antonio Soulard.—(See book No. 6, page 137.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Antoine Gautier, claiming 4,000 arpents of land.—(See page 137 of this book.) The board remark that, by the petition, the Clear Weather swamp is asked for, but the surveyor general, Antoine Soulard, says, at the foot of the concession, that the granting of said swamp would lead into difficulties with the inhabitants of St. Charles and Portage des Sioux, and therefore, being vested with the proper authority, he gives order that this claim is to be surveyed in any other part of the King's domain. The board are unanimously of opinion that this claim ought to be confirmed to the said Antoine Gautier, or to his legal representatives, according to the concession.—(See book No. 6, page 321.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 110.—JOHN MCMILLAN, *claiming* 650 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel attached to the stationary regiment of Louisiana, and lieutenant governor of Upper Louisiana, &c.:

John McMillan, saddler by trade, and Roman Catholic, being settled, with the permission of the government, on the north side of the Missouri, supplicates you to grant to him, in the same place which he cultivates, the quantity of 650 arpents of land in superficie; said quantity being needed to include the water and timber necessary for the establishment of his plantation. The petitioner, being useful, on account of his trade, to the settlements on the north side of the Missouri, is inclined to hope that you will be pleased to grant to him the favor which he solicits of your justice, and he shall try to render himself worthy of it by his submission and fidelity to the kind government which has admitted him among the number of his Majesty's subjects.

his
JEAN + McMILLAN.
mark.

ST. ANDRÉ, *September* 14, 1799.

Be it forwarded to the lieutenant governor, with information that the statement above is true, and that the petitioner deserves, in every point of view, the favor which he solicits.

SANTIAGO MACKAY.

ST. ANDRÉ, *September* 14, 1799.

ST. LOUIS OF ILLINOIS, *September* 21, 1799.

In consequence of the foregoing information from the commandant of St. André, Captain Don Santiago Mackay, and being assured that the petitioner possesses sufficient means to improve the lands which he solicits, in the term prescribed by the regulation of the governor general of this province, the surveyor, Don Antonio Soulard, shall put the party interested in possession of the 650 arpents of land in superficie, in the same place indicated in his memorial; and this being executed, he shall make out a plat of his survey, delivering the same to the party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general of these provinces, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 55.

MACKAY.

Truly translated. St. Louis, April 16, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
110	John McMillan.....	650	Concession, September 21, 1797.	Carlos Dehault Delassus.	On the north side of the Missouri.

Evidence with reference to minutes and records.

September 28, 1810.—Board met. Present: John B. C. Lucas and Frederick Bates, commissioners.

James Mackay, assignee of John McMillan, claiming 650 arpents of land.—(See book No. 2, page 33.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 517.)

March 22, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

John McMillan, by his legal representative, claiming 650 arpents of land, (see book C, pages 476 and 477; minutes, No. 4, page 517,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated September 21, 1799.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 138.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

John McMillan, claiming 650 arpents of land.—(See page 138 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said John McMillan, or to his legal representatives, according to the concession.—(See book No. 6, page 322.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 111.—JOHN COLLIGAN, *claiming* 1,200 *arpents.*

To Mr. Zenon Trudeau, lieutenant governor and commander-in-chief of Upper Louisiana, &c.:

John Colligan, inhabiting the district of St. André of Missouri, has the honor to represent to you, that having given up a part of his plantation in order to establish a village thereon, in the said district of St. André, he would wish to obtain from you, for the purpose of improving a new plantation, the property of twelve hundred arpents of land in a vacant place on the south side of the Missouri—favor which he expects of your justice.

ST. ANDRÉ, *December* 13, 1798.

I have the honor to inform the lieutenant governor that the above statement is conformable to truth, and therefore the petitioner deserves to obtain what he asks.

SANTIAGO MACKAY.

ST. LOUIS, *December* 14, 1798.

Being satisfied that the party interested has voluntarily abandoned the land which he had improved, in order that a village should be formed in the most advantageous place for that purpose, in the jurisdiction of St. André, the surveyor shall put him in possession of the twelve hundred arpents in superficie, which he solicits, as corresponding to what had been offered to him by the commandant of said jurisdiction, Don Santiago Mackay, in case he abandoned his first establishment, for which he deserves the concession which he solicits.

ZENON TRUDEAU.

Recorded, No. 1.

MACKAY.

Truly translated. St. Louis, April 16, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
111	John Colligan.....	1, 200	Concession, December 14, 1798.	Zenon Trudeau.	South side of the Missouri.

Evidence with reference to minutes and records.

November 2, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Mackay, assignee of John Colligan, claiming 1,200 arpents of land situate in St. André, district of St. Louis, produces a concession from Zenon Trudeau, lieutenant governor, dated December 15, 1798, to John Coligan. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 395.)

March 22, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

John Colligan, by his legal representative, claiming 1,200 arpents of land, (see book C, page 479; minutes, No. 5, page 395,) produces a paper purporting to be an original concession from Zenon Trudeau, dated December 14, 1798.

M. P. Le Duc, duly sworn, says that the decree, and signature thereto affixed, are in the proper handwriting of Zenon Trudeau.—(See book No. 6, page 138.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

John Colligan, claiming 1,200 arpents of land.—(See page 138 of this book.)—The board are unanimously of opinion that this claim ought to be confirmed to the said John Colligan, or to his legal representatives, according to the concession.—(See book No. 6, page 322.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 112.—JOHN BISHOP, *claiming* 350 *arpents.*

To Don Carlos Dehault Delassus, lieutenant colonel attached to the stationary regiment of Louisiana, and lieutenant governor of Upper Louisiana:

John Bishop, a German, of the Roman Catholic religion, and father of a family, has the honor to represent to you, that, with the consent of Mr. Mackay, he has made choice of a convenient spot, on the south side of the Missouri, district of St. André, and he expects of your justice that you will be pleased to grant to him, in the same place, a tract of land proportionate to the number of individuals in his family, which consists of himself, his wife, and three children. The petitioner, having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to deserve this favor of your justice.

his
JEAN + BISHOP.
mark.

ST. LOUIS, *November* 14, 1799.

ST. LOUIS OF ILLINOIS, *November* 14, 1799.

In consequence of the official note sent to us by Don Santiago Mackay, commandant of the settlements of St. André, dated November 13 of this present year, by which the number of persons composing the family of the petitioner is proven, the surveyor, Don Antonio Soulard, shall put him in possession of 350 arpents of land in superficie, in the place where he asks, which quantity is corresponding to the number of his family, according to the regulations of the governor general of these provinces; and afterwards the (party) interested shall have to solicit the title of concession in due form from the intendant general of these provinces, to whom alone corresponds, by order of his Majesty, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land of 350 arpents in superficie was measured, the lines run and bounded, in favor and in presence of John Bishop; said measurement was made with the perch of Paris, of 18 French feet lineal measure of the same city, according to the agrarian measure of this province. This land is situated at twenty miles northwest of this town, and bounded north by vacant lands of the royal domain, south by the lands of Joseph Chartran; southeast by lands of Robert Yock and Emilian Yosty; and northeast by the river Missouri. Which survey and measurement were executed without regard to the variation of the needle, which is 7° 30′ east, as is obvious by referring to the foregoing figurative plat, on which are noted the dimensions, courses of the lines, and other boundaries, &c. This survey was executed by virtue of the decree of the lieutenant governor and sub-delegate of the royal treasury, Don Carlos Dehault Delassus, under date of November 14, 1799, here annexed; and in order that all here above-mentioned be available according to law, I do give the present, with the preceding figurative plat, drawn conformably to the survey executed by the deputy surveyor, Don Santiago Mackay, on December 1, 1802, who signed on the minutes, of which I do certify.

ANTONIO SOULARD, *Surveyor General.*

St. Louis of Illinois, *August* 23, 1803.

Truly translated. May 8, 1833.

JULIUS DE MUN.

No.	Name of the original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
112	John Bishop.....	350	Concession, November 14, 1799.	Carlos Dehault Delassus.	James Mackay, deputy surveyor, December 1, 1802; certified by Soulard, August 22, 1803. 20 miles N. W., of St. Louis.

Evidence with reference to minutes and records.

July 22, 1806.—The board met agreeably to adjournment. Present: John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

The same, (James Mackay,) assignee of John Bishop, claiming 350 arpents of land situated on the Missouri, district of St. Louis, produces a concession from Charles D. Delassus, dated November 14, 1799, and a survey of the same, dated December 1, 1802, and certified August 23, 1803; a deed of sale, dated February 2, 1801.

John Tayon, being duly sworn, says that he, the witness, did, in the year 1804, build a house on said tract of land, made a field, and raised a crop, and that the same has been actually cultivated to this day. The board reject this claim.—(See book No. 1, page 417.)

September 8, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Mackay, assignee of John Bishop, claiming 350 arpents of land, (see book No. 1, page 417.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 489.)

March 22, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

John Bishop, by his legal representatives, claiming 350 arpents of land, (see book B, page 439; minutes, No. 1, page 417; No. 4, page 489,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 14th November, 1799; also a plat of survey, dated 23d August, 1803, by Antoine Soulard.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus; and the signature to the plat of survey in the handwriting of Antoine Soulard.—(See book No. 6, page 138.)

November 12, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

John Bishop, claiming 350 arpents of land.—(See page 138 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said John Bishop, or to his legal representatives, according to the concession.—(See book No. 6, page 322.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 113.—Charles F. Delauriere, *claiming* 10,000 *arpents.*

To Don Zenon Trudeau, lieutenant governor of the western part of Illinois, and commander-in-chief of St. Louis, &c.:

Charles Frémon Delauriere has the honor to humbly represent that having been sent to this colony for services relative to this government, and having served his Catholic Majesty in the militia volunteers, which he has had the honor to command in the expedition made in the Mississippi in 1795, he would wish to establish himself in this province, and to have a property on which he might settle permanently, and make thereon, as soon as his means and circumstances will permit, useful establishments, advantageous to his fortune, of which he has been in part deprived by the French revolution; therefore he has recourse

to your justice, and to the generosity of this government, hoping that, after taking in consideration the foregoing statement, you will be pleased, sir, to grant to him in full property a concession of ten thousand arpents of land in superficie, to be taken near the Prairie à Rondo, in the district of St. Genevieve, and to give orders to the surveyor general of Upper Louisiana to put him in possession, as soon as he shall be required to do so by your petitioner, who shall never cease to pray for the conservation of your days.

FRÉMON DELAURIERE.

ST. LOUIS, *January* 15, 1797.

Don Zenon Trudeau, lieutenant governor of Upper Louisiana, &c.:

The surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the ten thousand arpents of land in superficie which he solicits, in the place above mentioned, provided it be vacant and belonging to his Majesty's domain; and his survey being executed, he shall deliver (a plat of) it to him, (the petitioner,) in order that, along with this decree, it shall serve to him as a title of property, until the corresponding title in form be delivered to him by the general government, to which he must apply in due time.

ZENON TRUDEAU.

ST. LOUIS, *January* 17, 1797.

Truly translated. St. Louis, May 1, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
113	Charles Frémon Delauriere.	10,000	Concession, January 17, 1797.	Zenon Trudeau.	John Ferrey, deputy surveyor, Jan. 9, 1804. In Richwood, 50 miles southwest of St. Louis.

Evidence with reference to minutes and records.

December 24, 1811.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume and Charles Frémon Delauriere, claiming 10,000 arpents of land situate near Prairie à Rondo, district of St. Genevieve, produce record of a concession from Zenon Trudeau, lieutenant governor, dated 17th January, 1797; certificate of a plat of survey, signed and sworn to by Anthony Soulard, and dated 15th March, 1808. The board remark that no kind of testimony suggests or makes it appear that the land claimed includes a lead mine. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 539.)

March 25, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

Charles Frémon Delauriere, by Louis Labeaume's representatives, claiming 10,000 arpents of land situate near Prairie Rondeau, now Richwood, (see record book D, pages 300 and 301; minutes, No. 5, page 539,) produces a paper purporting to be an original concession from Zenon Trudeau, dated 17th January, 1797; also a deed between said Delauriere and Labeaume, dated July 15, 1806.

Albert Tison, duly sworn, says that the signature to said concession is in the proper handwriting of Zenon Trudeau; that said land was surveyed in 1803; that it was settled by Labeaume in 1806; and possessed, cultivated, and inhabited ever since by or through him.

Charles F. Delauriere, being duly sworn, says that in the spring of 1800 he engaged and hired two men to go on said land, in order to build a house and make what improvements they could; that in the fall of the same year he sent another man on said land; but circumstances turning out differently to his expectations, he discontinued improving said land. The deponent further declares that he is in no way whatsoever interested in the above-mentioned tract of land.—(See book No. 6, page 139.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Frémon Delauriere, claiming 10,000 arpents of land.—(See page 139 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Frémon Delauriere, or to his legal representatives, according to the concession.—(See book No. 6, page 323.)

A. G. HARRISON
L. F. LINN.
F. R. CONWAY.

No. 114.—J. BTE. TISON, *claiming* 7,056 *arpents.*

Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana:

SIR: Jean Bte. Tison has the honor to represent to you that he would wish to form an establishment for the support of his numerous family, composed of eight children; the petitioner has been inhabiting this province for upwards of fifteen years, and has never possessed any land; therefore, sir, the petitioner, in order to be able to raise his family and keep it near him, prays you to grant to him a tract of land of seven thousand and fifty-six arpents in superficie, to be taken on the vacant lands of his Majesty's domain, and that he be permitted to take the said land in the manner which will appear most convenient and most advantageous to the end which he proposes to himself—favor which the petitioner presumes to expect of your goodness and justice.

JEAN BAPTISTE TISON.

ST. LOUIS, *November* 16, 1799.

ST. LOUIS OF ILLINOIS, *November* 19, 1799.

Whereas it is notorious that the petitioner possesses more than the means and number of hands necessary to obtain the concession which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make a plat of (his) survey, delivering the same to said party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the request of the interested.—(Book No. 2, page 50, No. 36.)

SOULARD.

Truly translated. May 1, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
114	Jean Baptiste Tison..	7,056	Concession, Nov. 19, 1799.	Carlos Dehault Delassus.	Frémon Delauriere, deputy surveyor, Jan. 31, 1806. On the waters of Grand Glaise.

Evidence with reference to minutes and records.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Jean Baptiste Tison, claiming 7,056 arpents of land situate on Salt river, district of St. Charles, produces record of a concession from Delassus, lieutenant governor, dated November 19, 1799; record of a transfer from Tison to claimant, dated May 20, 1803. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 507.)

March 25, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

Jean Baptiste Tison, by Louis Labeaume's legal representatives, claiming 7,056 arpents of land.—(See book No. 6, page 301; No. 5, page 507.) For survey claimant refers to the testimony given by Charles Frémon Delauriere, in the case of F. Saucier, (see page 118 of this book,) to wit: That the survey already produced is one of those included among the surveys mentioned in the above letter; that the survey was executed at the time it bears date; that there was great difficulty and danger in executing surveys; that he was twice repulsed by the Indians, and that the third time he went up he could not execute several of the surveys, being prevented by the Indians of the Sac and Fox nations, although he and his companions were well armed; that surveyors were very scarce, and it was difficult to procure any one to take surveys; that there was not half the number of surveyors necessary to execute the surveys that were then to be made. Produces a paper purporting to be a concession from Charles Dehault Delassus, dated November 19, 1799; a certified copy of a deed from Tison to Labeaume; also a deed of partition between said Tison and Labeaume.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Carlos Dehault Delassus.—(See book No. 6, page 140.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jean Baptiste Tison, claiming 7,056 arpents of land.—(See page 140 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Jean Baptiste Tison, or to his legal representatives, according to the concession.—(See book No. 6, page 323.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 115.—LOUIS DELILLE, *claiming* 2,500 *arpents.*

Don Charles Dehault Delassus, lieutenant governor of Upper Louisiana:

SIR: Louis Delille, one of the ancient inhabitants of this town, having a very numerous family, and several slaves, wishes to make an establishment in this Upper Louisiana; therefore he has recourse to your goodness, praying that you will be pleased to grant to him 2,500 arpents of land in superficie, to be taken on the vacant lands of the King's domain, in a convenient place, where he may with advantage occupy himself in agriculture, and in raising all kinds of cattle—favor which the petitioner presumes to expect of your justice.

his
LOUIS + DELILLE.
mark.

ST. LOUIS, *November* 2, 1799.

ST. LOUIS OF ILLINOIS, *November* 6, 1799.

Considering that the petitioner is one of the most ancient inhabitants of this country, whose known conduct and personal merit are recommendable, and being satisfied to evidence as to the truth of what he

states in his petition, and that his family is sufficiently considerable to obtain the quantity of land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of (his) survey, delivering the same to said party with his certificate, in order to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land of 2,500 arpents in superficie was measured, the lines run and bounded, in favor of Don Louis Labeaume, and in presence of Albert Tison, his agent; which land was originally granted to Louis Delille, who sold it to the above-named Labeaume, the present owner, as it is proven by the deed of sale executed by him, and deposited in the archives of this government. The said land was measured with the perch of the city of Paris, of eighteen French feet lineal measure of the same city, conformably to the agrarian measure of this province. This land is situated at about sixty-two miles north of St. Louis, bounded N.NW. by the lands of Philip Le Duc and Don Louis Brazeau, S.SE. by vacant lands of the royal domain, W.SW. by lands of Pedro Janin, and E.NE. by lands of Aristide Augustin Chouteau. These surveys and measurements were executed without regard to the variation of the needle, which is of 7° 30′ east, as it is evinced by the foregoing figurative plat, on which are noted the dimensions, courses of the lines, other boundaries, &c. This survey was made by virtue of the power and decree of the lieutenant governor and sub-delegate of the royal treasury, Don Carlos Dehault Delassus, under date of November, 6, 1799, here annexed. And in order that the whole may be available according to law, I do give the present, with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, James Rankin, under date of February 14, 1804, who signed the minutes, to which I do certify.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *March* 20, 1804.

Truly translated. St. Louis, May 2, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
115	Louis Delille.....	2, 500	Concession, Nov. 6, 1799.	Carlos Dehault Delassus.	James Rankin, deputy surveyor, Feb. 14, 1804; certified by Soulard, March 20, 1804. 62 miles north of St. Louis.

Evidence with reference to minutes and records.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Louis Delille, claiming 2,500 arpents of land situate in the district of St. Charles, produces the record of a concession from Charles D. Delassus, lieutenant governor, dated November 6, 1799; a plat of survey dated February 14 and certified March 20, 1804; a certified extract of a sale made by Delille to claimant, dated October 7, 1803. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 407.)

March 25, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

Louis Delille, by Louis Labeaume's representatives, claiming 2,500 arpents of land, (see book C, pages 340 and 341; minutes, No. 345, page 407,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated November 6, 1799; a plat of survey, taken February 14, and certified March 20, 1804, by Soulard; also a certificate of transfer, signed M. P. Le Duc, recorder.

M. P. Le Duc, sworn, says that the signature to the concession is in the proper handwriting of Carlos D. Delassus; and the signature to plat and certificate of survey is in the proper handwriting of said Soulard.—(See book No. 6, page 141.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Louis Delille, claiming 2,500 arpents of land.—(See page 141 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Louis Delille, or to his legal representatives, according to the concession.—(See book No. 6, page 323.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 116.—JOSEPH MORIN, jr., *claiming* 160 *arpents.*

To Don Zenon Trudeau, lieutenant colonel, captain in the stationary regiment of Louisiana, and lieutenant governor of the western part of Illinois:

Joseph Morin, jr., being at the eve of establishing himself, and wishing to continue to live near his family, in order to be at hand to help his father in his works, has the honor to supplicate you to be willing to grant to him the quantity of four arpents of land in front by forty arpents in depth, situated at six or seven miles north of this town, and bounded as follows: north by vacant lands of his Majesty's domain; south by lands of Antoine Morin, his father; east by the river Mississippi, and west by lands of the domain; observing to you that the said piece of land crosses the little river A Gingras at the distance from the Mississippi of about nine or ten arpents. The petitioner hopes to deserve this favor of your justice and of the encouragement you give to industry.

his
JOSEPH + MORIN, JR.
mark.

ST. LOUIS OF ILLINOIS, *September* 7, 1796.

ST. LOUIS, *September* 9, 1797.

The surveyor, Don Antonio Soulard, shall put the party interested in possession of the land he solicits, *and shall make out a plat of his survey, with his certificate, which shall be here annexed,* (y formalisara su apeo á continuacion,) in order to serve to solicit the concession from the governor general of the province, who is informed that the said land solicited is vacant, and that the petitioner is a native of this town, having no land, and whose conduct deserves the favor which he solicits.

ZENON TRUDEAU.

At the request of Mr. Louis Labeaume, I do certify to all whom it may concern that the above plat of survey is a true copy of a plat recorded in page 28 of the book entitled as follows: "*Register of Surveys, St. Louis, A,*" which survey was executed by me on the 16th November, 1799, by virtue of a decree of the lieutenant governor, Don Zenon Trudeau, under date September 9, 1797, in favor of Joseph Morin, jr., for the quantity of 162 arpents 48 perches, as above described. In testimony whereof, I have delivered the present to the party interested, in order that it may serve to him in proving his claims.

ANTONIO SOULARD, *Surveyor General Louisiana Territory.*

ST. LOUIS, *February* 20, 1806.

Truly translated. St. Louis, April 17, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
116	Joseph Morin, jr.	160	Concession, September 9, 1797.	Zen. Trudeau...	Antonio Soulard, surveyor general, Nov. 16, 1799; certified Feb. 20, 1806; on river Gingras.

Evidence with reference to minutes and records.

November 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Baptiste Pacquette, assignee of Joseph Morin, claiming 160 arpents of land situate in White Ox prairie, district of St. Louis, produces record of a concession from Zenon Trudeau, lieutenant governor, dated September 9, 1797; record of a plat of a survey certified February, 1806; record of a transfer from Morin to Pacquette, dated May 8, 1804; record of a transfer from Pacquette to claimant, dated May 8, 1804. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 458.

March 25, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

Joseph Morin, by Louis Labeaume's legal representatives, claiming 160 arpents of land, (see book D, pages 303, 304, and 305; minutes No. 5, page 458, (produces a paper purporting to be a concession from Zenon Trudeau, dated September 9, 1797; a plat and certificate of survey, signed A. Soulard, said survey taken November 16, 1799, and certificate, dated February 20, 1806; also deed from said Morin to J. B. Pacquette, dated March 13, 1804, and deed from Pacquette to Labeaume, dated May 8, 1804.

M. P. Le Duc, duly sworn, says that the signature to the concession and the concession itself are in the proper handwriting of Zenon Trudeau, and the signature to the plat of survey is in the proper handwriting of A. Soulard.

Albert Tison, duly sworn, says that about twenty-eight years ago he went on said land, built a house, dug a well, and fenced in a field; that he resided on the same near two years, and about ten years after he left said place the claimant went on said land, and by or through him it has been inhabited and cultivated ever since.—(See book No. 6, page 149.)

April 3, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

In the case of Joseph Morin, jr., claiming 160 arpents of land.—(See page 149 of this book.)

Joseph Hebert, duly sworn, says that to his knowledge the said land was inhabited and cultivated thirty-two or thirty-three years ago by or through Joseph Morin, jr., and has been inhabited and cultivated ever since.—(See book No. 6, page 152.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Joseph Morin, jr., claiming 160 arpents of land.—(See pages 149 and 152 of this book.) The board

remark that the concession is for 160 arpents, and the survey 162 48 perches. The board are unanimously of opinion that this claim ought to be confirmed to the said Joseph Morin, jr., or to his legal representatives, according to the concession.—(See book No. 6, page 323.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 117.—JAMES WILLIAMS, *claiming* 400 *arpents.*

To Don Carlos Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

James Williams, inhabiting this side of the Mississippi since several years, has the honor to represent to you that in the year 1796 he obtained of your predecessor, Don Zenon Trudeau, a tract of land of 400 arpents in superficie, situate near the lands of the village of St. Ferdinand, which was surveyed, as it is proven by the certificate of survey delivered to him by the surveyor of this Upper Louisiana, and which is here annexed. Family affairs having required his presence in the United States, and those same affairs having retained him there longer than he would have wished, his absence has been looked upon as a tacit abandonment of the land which had been granted to him, and the said land was included in other surveys which have been made on the same place. It being his intention to have difficulties with nobody, he has recourse to your justice, in order that you will be pleased to have the goodness to indemnify him for the loss of a piece of land which he thought (and justly) of importance to him, and that you will grant him a concession, in full property, of the same quantity of 400 arpents, to be taken in a vacant place of his Majesty's domains. The petitioner, full of confidence in your justice, and having always had a conduct exempt of reproaches, hopes that you will be pleased to do justice to his demand in a manner satisfactory to the accomplishment of his wishes.

his
JAMES + WILLIAMS.
mark.

ST. LOUIS OF ILLINOIS, *April* 15, 1803.

ST. LOUIS OF ILLINOIS, *April* 15, 1803.

Having examined the statement in the foregoing petition, and paying due attention to the just reasons alleged by the petitioner, who has always continued to be a subject of his Majesty since the time that the first concession was granted by my predecessor, Don Zenon Trudeau, which is evident by referring to the certificate of survey here annexed, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks in the place designated; which being executed, he shall make out a plat of his survey, delivering the same to said party with his certificate, in order to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

We, the undersigned, surveyor, commissioned by the government, do certify to all whom it may concern that this day, 14th of December, 1796, by virtue of the order of the lieutenant governor, under date of November 6 of this present year, we have been on the land of Mr. James Williams, in order to measure and survey a tract of land to him granted, of 10 arpents in front by 40 in depth, or 400 arpents in superficie; which measurement was made in presence of the proprietor and of the adjoining neighbors with the perch of the city of Paris, of 18 French feet in length, conformably to the usage and custom of this colony. This land is situated at the distance of about three miles, nearly in a NE. direction from the village of St. Ferdinand, and at 15 arpents from the little river of the same name; bounded on one side by the land of John Herben, and on the others adjoining vacant lands of his Majesty's domain. And in order that it may be available according to law, I do give the present, with the figurative plat annexed to it, on which we have marked the natural and artificial boundaries, &c.

ANTONIO SOULARD.

ST. LOUIS OF ILLINOIS, *December* 20, 1796.

Truly translated. St. Louis, May 6, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
117	James Williams..	400	Concession, April 15, 1803.	Carlos Dehault Delassus.	The first grant said to have been made by Zenon Trudeau was surveyed by Soulard December 14, 1796. Near St. Ferdinand.

Evidence with reference to minutes and records.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tison, assignee of Louis Labeaume, assignee of James Williams, claiming 400 arpents of land situate in the district of St. Louis, produces record of a concession from Delassus, lieutenant governor, dated April 15, 1803; record of a transfer from Williams to Labeaume, dated April 29, 1806. It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 5, page 513.)

March 25, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

James Williams, by L. Labeaume's legal representatives, claiming 400 arpents of land, (see book D, pages 310, 311, and 312; minutes, book No. 5, page 513,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated April 15, 1803; also, a deed from said Williams to Labeaume, dated April 29, 1806; also, assignment by Labeaume to A. Tison, and release from said Tison to Labeaume; also, a survey in support of said claim, as an evidence of the same not claiming the land contained in the survey, but only produces it in support of the grant made in lieu thereof.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus, and the signature to the survey in the proper handwriting of Antonio Soulard.—(See book No. 6, page 150.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

James Williams, claiming 400 arpents of land.—(See page 150 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said James Williams, or to his legal representatives, according to the concession.—(See book No. 6, page 324.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 118.—JOSIAH MCCLENAHAN, UNDER GABRIEL CERRÉ, *claiming* 300 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Gabriel Cerré, father of a family, owner of slaves, and one of the most ancient inhabitants of this country, has the honor to supplicate you to have the goodness to grant to him, to the north of this town, on the *Ruisseau de Pierre*, (Stony creek,) an augmentation of three hundred arpents of land in superficie to a tract of land he purchased several years ago, so as to give him the enjoyment of a spring, the owning of which he thinks very important, according to his views of improvement. The said augmentation to be bounded as follows: On the north by the line of the land I purchased, the title of which, with the ratification in form, has been delivered to me; on the south and east by the lines of Mr. Labeaume's land, and on the west by the vacant lands of the domain. The petitioner hopes so much the more to obtain the favor which he claims of your justice, because the public road passes now on his first piece of land through a hilly and difficult place for carting, and that he intends, as soon as he obtains the augmentation solicited, to make the said road pass in a more suitable place, but this will require the construction of a bridge, which he shall cause to be built immediately over the said creek. The petitioner, full of confidence in your justice, hopes that you will be pleased to do justice to his demand in such a manner as to fulfil his views.

CERRÉ.

ST. LOUIS, *January* 3, 180, (1800.)

ST. LOUIS OF ILLINOIS, *January* 3, 1800.

Considering that the petitioner is one of the most ancient inhabitants of this country, whose known conduct and personal merit are recommendable, and being satisfied to evidence as to the truth of what he states in his petition, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put the interested party in possession of the three hundred arpents of land in superficie which he solicits, for him to enjoy the same under the same boundaries that he asks; and the survey being executed, he (the surveyor) shall make out the corresponding certificate of the same, with which the interested party shall apply to the intendancy general of these provinces, to which alone corresponds, by order of his Majesty, the granting of lands and town lots belonging to the domain.

CARLOS DEHAULT DELASSUS.

Registered at the request of the interested in book No. 2, pages 28 and 29.

SOULARD.

Truly translated from book B, page 389.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
118	Gabriel Cerré.....	300	Concession, January 3, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

July 7, 1806.—The board met agreeably to adjournment. Present: The Hon. Clement B. Penrose and James L. Donaldson. Josiah McLanahan claiming, as aforesaid, 300 arpents of land situate in the district of St. Louis, produces a concession from Charles Dehault Delassus, dated January 5, (3,) 1800. A survey of the same, dated 27th, and certified February 28, 1806, together with the act of public sale aforesaid.

Antoine Soulard, duly sworn, says that he wrote the decree of the lieutenant governor to the said concession; that he does not recollect whether it was granted at the time it bears date; that it was granted for the building of a bridge, which was completed by the said Gabriel Cerré about five years ago. The board reject this claim; they are satisfied it was granted at the time it bears date.—(See book No. 1, page 393.)

September 1, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Josiah McLanahan, assignee of the representatives of Gabriel Cerré, deceased, claiming 300 arpents of land.—(See book No. 1, page 393.) It is the opinion of a majority of the board that this claim ought not to be confirmed. Clement B. Penrose, commissioner, voting for the confirmation of 300 arpents of land.—(See book No 4, page 484.)

March 29, 1833.—F. R. Conway, esq., appeared pursuant to adjournment. Gabriel Cerré, by Josiah McLanahan, claiming 300 arpents of land.—(See book B, pages 253 and 389; minutes No. 1, page 393; No. 4, page 484.)

Pascal L. Cerré, duly sworn, says that Gabriel Cerré was his father; that he knows the conditions of said grant to have been, on the part of his father, to build a bridge over the Ruisseau de Pierre; that his said father having gone to Canada previous to Delassus's signing the grant, he, the deponent, remained charged with his business in this country, when Delassus, who had not yet signed the grant, hurried him to go on with the bridge, but the deponent would not do it until the grant was signed; which Delassus having done, he sent his hands immediately to work, having already all the materials on the spot, and soon completed the bridge.—(See book No. 6, page 151.)

August 7, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

In the case of Gabriel Cerré, by Josiah McLanahan, claiming 300 arpents of land.—(See page 151 of this book.)

André Landreville, being duly sworn, says that, under the Spanish government, he knows that Gabriel Cerré, at his own expense, made and built a bridge over the Ruisseau de Pierre; that said bridge was of great public utility, and that he, the deponent, passed many a time over said bridge.—(See book No. 6, page 241.)

October 31, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

In the case of Gabriel Cerré, claiming 300 arpents of land.—(See pages 251 and 241 of this book.)

Hyacinthe Lecompte, duly sworn, says that he is about fifty-eight years of age; that he knows perfectly well that Gabriel Cerré caused a bridge to be built at his own expense over the Ruisseau de Pierre. Witness says, further, that said bridge was of the greatest utility to the public; that by the old road there was almost an impossibility of passing with loaded carts; that himself had had his cart, loaded with hay, very often overturned on said old road; that, when said bridge was built, the Spaniards had possession of the country, and that as soon as said bridge was erected all the inhabitants abandoned the old road; that it was built some time before the Americans took possession of the country, but cannot recollect how long before.—(See book No. 6, page 286.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Gabriel Cerré, claiming 300 arpents of land.—(See pages 151, 241, and 286, of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Gabriel Cerré, or to his legal representatives, according to the concession.—(See book No. 6, page 324.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 119.—CHARLES FRÉMON DELAURIERE, *claiming* 10,000 *arpents.*

To Don Zenon Trudeau, lieutenant governor of Illinois, and commander-in-chief in St. Louis:

SIR: Louis Labeaume and Charles Frémon Delauriere have the honor to state to you that, wishing to work some saline, they claim of your justice, and of the benevolence of the government which you represent, the permission to go to visit and examine the places which will appear to them the most convenient to their project, and to take there the quantity of land which they will think necessary to make this establishment, so that when their choice is made, and the locality determined, they may apply to you, sir, or to your successor, to obtain the concession and title of property. It is a favor which the petitioners presume to hope from your goodness and justice.

L. LABEAUME.
FRÉMON DELAURIERE.

ST. LOUIS, *May* 12, 1799.

Be it done as is required. St. Louis, May 13, 1799.

TRUDEAU.

To Don C. Dehault Delassus, lieutenant governor of Upper Louisiana:

SIR: Charles Frémon Delauriere and Louis Labeaume have the honor to state to you that, in consequence of the demand which they made to the intendant general of this province, dated November 22,

1800, and in virtue of your official letter to the said intendant, dated 28th of same month, by which you authorize the petitioners to begin their works, and to explore the salines which they have solicited, the petitioners have immediately transported themselves on said place, with the cattle, kettles, and other utensils necessary to said employment, and have succeeded in making very fine and very good salt, and up to this day preferable to all the salt made at the several salines worked in this Upper Louisiana.

The petitioners, encouraged by your approbation, sir, and by the preference which the public has given to their salt, continue their works, and are going to ameliorate them as much as possible, although they are at considerable expenses, and they find great obstacles to the importation of their salt to the centre of the population.

The petitioners, persuaded that the beauty and richness of the lands of the river Ohaha must soon attract the attention of this government, not willing in any way to be prejudicial, or constrain the population which will necessarily carry itself there, having, moreover, fulfilled the conditions which they had proposed, and having transported on their place the kettles necessary to erect four or five furnaces, supplicate you to grant to them at the place called La Saline Ensanglantée (the Bloody Saline) the quantity of one hundred arpents square of land, making a superficie of ten thousand arpents, and to order the surveyor general of this jurisdiction to transport himself on the place for the purpose of measuring said land, so that the limits of the petitioners being known, persons to whom lands might be conceded in that part of the country may place themselves without encroaching on the rights of the petitioners, who hope to be every day more deserving your favors and the protection which you have been pleased to grant to their establishment.

L. LEBEAUME.
FRÉMON DELAURIERE.

St. Louis, *March* 25, 1801.

St. Louis of Illinois, *March* 26, 1801.

Being satisfied that the interested have fulfilled what they state, having already brought here samples of the salt, which is a great deal preferable to the other salt made in small quantity and of a bad quality in the other salines, and of the expenses occasioned to them by this difficult enterprise in a place so distant from the settlements, and being convenient to the general welfare that that place should be established to enable the interested to find men for the improvement of said salt works, which is beneficial to the public, I do grant to them the quantity of land solicited by them as their property, that they may dispose of it to facilitate in that remote place a settlement necessary to their operations; and the surveyor, Don Antonio Soulard, shall put them in possession of said quantity without being prejudicial to any person, and shall make a proces verbal of his survey, to serve to them in soliciting the title in form from the intendant, to whom correspond the granting and distributing by royal order all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered, at the desire of the interested, book No. 2, pages 35, 36, 37, and 38.

SOULARD.

Surveyed by virtue of the decree of the lieutenant governor, Colonel Don Carlos Dehault Delassus, dated March 26, 1801.

In my former quality of surveyor general I do certify that the foregoing plat of survey is a true copy of the original which is in my hands, signed by my ex-deputy, Mr. James Rankin, which survey has been taken by virtue of the title here above mentioned, and at the request of Messrs. Charles Frémon Delauriere and L. Labeaume, under the former authorities, and could not be entered, by various reasons of delay, on the books (record) of plats of surveys under my charge, and that the certificate could not be expedited in the form heretofore customary.

ANTONIO SOULARD.

St. Louis, *November* 15, 1807.

Truly translated. St. Louis, December 17, 1832.

JULIUS DE MUN.

No.	Names of original claimants.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
119	Charles Frémon Delauriere and Louis Lebeaume.	10, 000	Concession, March 26, 1801.	Carlos Dehault Delassus.	James Rankin, deputy surveyor; Jan. 2, 1804; on Salt river.

Evidence with reference to minutes and records.

December 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Frémon Delauriere and Louis Labeaume, claiming ten thousand arpents of land situāte on Salt river, district of St. Charles, produces record of permission from Zenon Trudeau, lieutenant governor, to choose a salt spring, dated May 13, 1799; record of a concession from Charles D. Delassus, lieutenant governor, dated March 26, 1801; record of a plat of survey, signed Antonio Soulard, dated November 15, 1807.

It is the opinion of a majority of the board that this claim ought not be confirmed. Frederick Bates, commissioner, forbears giving an opinion.—(See book No. 5, page 545.)

November 21, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

Charles F. Delauriere, for himself and as assignee of Louis Labeaume, by his legal representatives, claiming ten thousand arpents of land, (see record book D, pages 287, 288, 289, and 290; book No. 5, page 545,) produces a paper purporting to be the petition of Louis Labeaume and Frémon Delauriere, dated May 7, 1799, to Don Zenon Trudeau, lieutenant governor, and the concession of said Trudeau, dated May 131, 799; also, a paper purporting to be the petition of said Labeaume and Frémon Delauriere, dated March 25, 1801, to Don Charles Dehault Delassus, lieutenant governor of Louisiana; also, the concession of said Delassus, dated March 26, 1801; registered by Soulard, record book D, pages 288 and 289; also, a plat and certificate of survey, signed by Antoine Soulard.—(See book D, page 288.)

Albert Tison, being duly sworn, saith that the signatures to petition are in the respective handwriting of Louis Labeaume and Frémon Delauriere; that the signature to first concession is in the handwriting of Zenon Trudeau; that the signatures to second petition are in the respective handwriting of Louis Labeaume and Frémon Delauriere; and the signature to second concession is in the handwriting of Charles Dehault Delassus.

David Delaunay, being duly sworn, saith that the signatures to second petition and concession are in the respective handwriting of the three individuals who signed them; that the signature to plat and certificate of survey is in the handwriting of Antoine Soulard; and that the signature to the affidavit by James Rankin, on the back of said plat of survey, is in the handwriting of said Rankin.

Claimant produces, also, a paper purporting to be a deed of conveyance from Louis Labeaume to Frémon Delauriere.—(Recorded book D, pages 289 and 290.)

David Delaunay saith that the signatures to said deed are in the handwriting of Louis Lebeaume and Frémon Delauriere.

Albert Tison saith that he was present when James Rankin surveyed the said 10,000 arpents of land at the time stated in the affidavit; that he saw the salt furnaces in operation by Frémon Delauriere; that the family of said Delauriere had been residing on said saline since either 1801 or 1802, in fact, a long time before the land was surveyed, at least two years before; that they made a great quantity of salt at said works for the supply of inhabitants; that they sustained losses by boats upsetting in the Mississippi, and more yet in Salt river itself; that at the beginning of their undertaking there was great danger on account of the Indians; that they were obliged to fortify themselves; had a piece of cannon, and were several times threatened of being attacked; that the place where they made salt was the extreme frontier of the settlements; that by this undertaking Frémon Delauriere was reduced to poverty.—(See book No. 6, pages 32 and 33.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Charles Frémon Delauriere, for himself and as assignee of Louis Labeaûme, claiming 10,000 arpents of land.—(See page 32 of this book)

The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Frémon Delauriere and Louis Labeaume, or to their legal representatives, according to the concession.—(See book No. 6, page 324.)

Conflicting claims.

James Hurley and James Small, by letter dated May 16, 1833, inform the board that James Hurley owns 80 acres of land, lying on said claim, by purchase from the United States, as per patent dated June 1, 1829. The said 80 acres is lot No. 5 in northeast fractional quarter of section 3, township 55, range 5 west; and that James Small is also owner of 80 acres of land, lot No. 4, in northeast quarter of section 3, township 55, range 5 west, as per certificate of the land office at Palmyra, dated December 10, 1828, No. 1065. Both lots of 80 acres each said to lie on the above claim.

James Emison and John Krigbaum, by letter dated May 29, 1833, state to the board that they have purchased of the United States the following tracts of land, said by them to lie on the above-named C. F. Delauriere's claim, to wit: southeast quarter of section 3, township 55, range 5, 160 acres; east half of the southwest quarter of section 3, township 55, range 5, 80 acres; lot No. 1 in the northwest quarter of section 3, township 55, range 5, 80 acres; the west half of the southwest quarter of section 3, township 55, range 5, 80 acres; and the west half of the southeast quarter of section 4, township 55, range 5, 80 acres.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 120.—James Richardson, *claiming* 400 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of Upper Louisiana:

James Richardson, inhabitant of the Marias des Liards, father of a numerous family, and owner of several slaves, settled for more than twelve years on this side of the Mississippi, and one of those who cultivate on the largest scale in this country, having always experienced, since his settling in the same, difficulties in disposing of his produce, for which one can get in exchange (on account of there being no way of exportation) but goods at exorbitant prices, he had formed the project under your predecessor, Don Zenon Trudeau, to establish a distillery, and by virtue of his verbal promise to grant to the petitioner a tract of land suitable to the execution of his undertaking, he procured the stills and all the apparatus necessary to the erection of a distillery on a large scale, but a serious disease prevented him from soliciting of Don Zenon Trudeau before his departure the fulfilment of his promise.

As the industry of the petitioner is known to you, and that the truth of the difficulties above mentioned is notorious, he has the honor to supplicate you to have the goodness to grant to him a concession for a tract of land of 400 arpents in superficie, situated on the river Maline at the end of the concessions of Messrs. John Brown and Alexander Clark, between the said lands and the road leading to St. Ferdinand,

at about 12 or 15 miles in a N.NW. direction from this town, pledging himself to establish the said distillery and improve the land in the term prescribed by law. The petitioner confiding in your justice, hopes to deserve this favor as a new encouragement to his industry.

JAMES RICHARDSON.

St. Louis, *December* 15, 1799.

St. Louis of Illinois, *December* 16, 1799.

Having paid due attention to the just motives alleged by the petitioner, and being convinced that what he states in the present petition is true, the surveyor, Don Antonio Soulard, shall put the party interested in possession of the four hundred arpents of land in superficie in the place where he asks; and afterwards he shall make out the plat of survey with his certificate, in order to serve to solicit the concession from the intendant general of these provinces, to whom alone corresponds, by order of his Majesty, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the request of the interested.—(Book No. 2, folios 5 and 6.)

SOULARD.

Truly translated. St. Louis, May 23, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
120	James Richardson	400	Concession, 16th December 1799.	Carlos Dehault Delassus.	Special location 12 or 15 miles N.NW. from St. Louis.

Evidence with reference to minutes and records.

January 30, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Richardson, claiming 400 arpents of land situate on the river Maline, district of St. Louis, produces to the board a concession from Don Carlos Dehault Delassus, lieutenant governor, for the same, dated December 16, 1799; a plat of survey taken February 20, 1806, and certified February 24, same year.

David Musick, sworn, says that about nine or ten years ago claimant built a still-house on the land claimed, and distilled in it about three years, and fenced in about one and a half acre of ground.

Laid over for decision.—(See book No. 3, page 454.)

July 14, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Richardson, claiming 400 arpents of land.—(See book No. 3, page 454.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 435.)

April 9, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

James Richardson, by his legal representatives, claiming 400 arpents of land, situate on the river Maline, (see record book B, pages 304 and 404; minutes No. 3, page 454; No. 4, page 435,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated December 16, 1799; also a copy of the survey.

William Campbell, duly sworn, says that he knows the tract of land here above mentioned; that, in 1799 or 1800, deponent helped Richardson to raise a building intended for a distillery; that, to his knowledge, the said Richardson distilled liquors there for three seasons in succession from the time he built the said house; that, in 1802 or 1803, deponent saw corn growing in a small lot; that the said Richardson kept his stock, hogs, &c., on said place; and that from the time it was first settled it has been inhabited or held by or through said Richardson ever since.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 153.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

James Richardson, claiming 400 arpents of land.—(See page 153 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said James Richardson, or to his legal representatives, according to the concession.—(See book No. 6, page 324.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 121.—Pierre Delor, *claiming* 400 *arpents.*

To Don Zenon Trudeau, captain in the stationary regiment of Louisiana, lieutenant governor, and commander-in-chief of the western part of Illinois:

Pierre Delor, captain commanding the militia of the village of Carondelet, supplicates very humbly, and has the honor to represent to you, that he would wish to make an establishment near the river Aux Gravois, on the road leading from St. Louis and the village of Carondelet to the saline of the Maramec;

and having found a place corresponding to his wishes, he claims of your goodness that you will grant to him the concession of the said place, having ten arpents in front by forty arpents in depth; the said tract being situated at a turn of the said river Aux Gravois, on the side of the village of Carondelet, which turn runs for the space of about ten arpents from east to west, and forty arpents from north to south. The petitioner, desiring to secure to himself the property of the said tract, has recourse to your goodness, praying that you will be pleased to grant the concession, and secure to him the property of the same by giving him titles in due form, in order that he may, with security, make thereon the improvements required, according to custom, as he wishes to begin to work as soon as you will please grant him the concession.

This considered, may you be pleased, sir, to grant to him the aforesaid concession of ten arpents in front by forty arpents in depth, such as it is here above designated. The petitioner shall never cease to pray Heaven for your conservation.

his
PIERRE + DELOR.
mark.

St. Louis, *December* 4, 1796.

St. Louis, *December* 6, 1796.

The surveyor of this jurisdiction shall put Mr. Delor de Treget in possession of the land which he asks in the place and in the shape designated, provided it belongs to the King's domain, and is not prejudicial to any other concession heretofore granted.

ZENON TRUDEAU.

Truly translated. St. Louis, May 24, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
121	Pierre Delor.	400	Concession, December 6, 1796.	Zenon Trudeau.	Jos. C. Brown, deputy surveyor; May, 1821; township 44 north, range 6 east.

Evidence with reference to minutes and records.

April 12, 1833.—The board met pursuant to adjournment. Present: F. R. Conway, A. G. Harrison, commissioners.

Pierre Delor, claiming ten arpents of land in front by forty arpents in depth, on the river Aux Gravois, a special location, (see record book F, page 96; Bates's Decisions, No. 5, page 102,) produces a paper purporting to be an original concession from Zenon Trudeau, dated 6th December, 1796; also a plat of survey, dated May, 1821, by Jos. C. Brown.

John Boli, duly sworn, says that he was present when Jos. C. Brown surveyed a tract of land from Pierre Delor, on river Aux Gravois; that near the main road he was several times shown a tree said to be the corner of said land as before surveyed, and that in running the lines he saw trees marked with old blazes; and he heard of said Delor and others that these old lines were run by Bouvet, who was commissioned surveyor at the date of the concession; that said Delor was a Spanish officer, and acted as commandant at his father's decease, and he (the deponent) served under him.—(See book No. 6, page 154.)

April 17, 1833.—The board met pursuant to adjournment. Present: A. G. Harrison, F. R. Conway, commissioners.

In the case of Pierre Delor, claiming ten by forty arpents of land.—(See page 154 of this book.)

Joseph C. Brown, duly sworn, says that he made the survey of the land above mentioned; that John Boli was along, with several other neighbors, for the purpose, he thinks, of showing the land as claimed by the proprietor.—(See book No. 6, page 156.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Pierre Delor, claiming 400 arpents of land.—(See page 156 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Pierre Delor, or to his legal representatives, according to the concession.—(See book No. 6, page 325.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 122.—St. Vrain, by Ch. Gregoire, jr., *claiming* 25 *by* 60 *arpents.*

To Mr. François Vallé, captain, civil and military commandant of the post of St. Genevieve of Illinois and dependencies:

Jacques Marcelin Cerand Dehault Delassus de St. Vrain, inhabitant of Illinois, supplicates very humbly, and has the honor of representing to you, that having attentively and carefully visited and travelled over the lands in the vicinity of St. Genevieve, and particularly that part called the sugar maple groves, (les sucreries,) distant about four leagues from the said St. Genevieve, he has made the discovery of a place abundant enough in pine trees, with a creek emptying (abordant) into the river Aux Vases, and suitable to erect a saw-mill thereon; that this same place having never been granted to any person whatsoever, not being susceptible of any kind of cultivation, and being distant from the usual place from which the inhabitants habitually draw the pine timber for their use, and the petitioner

intending to begin, in a short time, the works relative to his improvement and to the said mill, the completion of which shall be of the most precious utility to the public, he flatters himself, with confidence, that you will not refuse to him, sir, the concession of this tract of land. Therefore, he applies to you, sir, praying you may be pleased, for the object here above-mentioned, to grant to him, and beginning at the northwest angle, or thereabout, of Mr. St. James Beauvais' sugar camp, (sucrerie,) twenty-five arpents in front, running towards the north, by sixty arpents in depth. In so doing, &c.

DE ST. VRAIN, *D. L. S.*

ST. GENEVIEVE, *February* 12, 1797.

ST. LOUIS, *November* 22, 1797.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put Mr. De St. Vrain in possession of the land demanded by him in the present petition, at the foot of which he shall make out a procès verbal of his survey, and the whole to be returned to us and forwarded to the commandant general of the province, who will determine definitively upon the concession of said land.

ZENON TRUDEAU.

Registered at the desire of Don Pascual Detchmendy, proprietor of said concession, as it is notorious by the juridical documents annexed to said memorial.

SOULARD.

Truly translated. St. Louis, December 11, 1832.

JULIUS DE MUN.

No.	Name of original claimant	Quantity, in arpents	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
122	St. Vrain.....	1, 500	Concession, Nov. 22, 1797	Zenon Trudeau..	Special.

Evidence with reference to minutes and records.

December 9, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Pascual Detchmendy, assignee of Jacque St. Vrain, claiming 25 by 60 arpents of land situate on Mud river, district of St. Genevieve, produces notice to the recorder. It is the opinion of the board that this claim ought not to be confirmed—(See book No. 5, page 498.)

December 14, 1832.—F. R. Conway, esquire, appeared pursuant to adjournment.

St. Vrain, by his legal representative, Charles Gregoire, claiming 1,500 arpents of land, (see book No. 5, page 498; record D, page 360,) produces a paper purporting to be an original concession from Zenon Trudeau, dated November 22, 1797.

The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

ST. GENEVIEVE, MISSOURI, *November* 1, 1832.

Jacques Marcelin Cerand Dehault Delassus de St. Vrain, by his legal representative, Charles Gregoire, junior, claiming 1,500 arpents of land situated on the waters of the river Aux Vases, in the former district of St. Genevieve, in pursuance of and by virtue of a concession heretofore filed with the former commissioners; when Bartholomew St. Gemme personally appeared before Lewis F. Linn, one of the commissioners appointed to finally settle and adjust land claims in Missouri, and authorized by the said board of commissioners to receive testimony in this behalf, who, being duly sworn, deposes and saith that, in the year 1797, he, the said deponent, was making sugar at a sugar orchard belonging to his father; that then and there the above-named Jacques M. C. Dehault Delassus came and requested to know where the lines of his said father's claim were run, as he wanted to examine the creek in and about that neighborhood, to see if he could not find a suitable place for a mill-seat; that he proceeded on that examination, (after he had been shown the supposed lines of said deponent's father,) and deponent understood that said Delassus obtained a grant or concession of a tract adjoining that of deponent's father from Zenon Trudeau, said Trudeau being then governor of Upper Louisiana, and that it was well understood at that time, and always has been, that said tract was claimed under said grant by the said Delassus De St. Vrain and his legal representatives. This deponent further saith that he is well acquainted with the handwriting of Zenon Trudeau, late governor of Upper Louisiana; that he has often seen him write, and that the concession here shown for 1,500 arpents of land, dated November 22, 1797, and the signature thereto, are in the proper handwriting of said Zenon Trudeau; that he is also well acquainted with the handwriting of Antonio Soulard, late surveyor general of Upper Louisiana; that he has often seen him write, and that the signature to the certificate annexed to said concession is in the proper handwriting of said Soulard.

B. ST. GEMME.
L. F. LINN.

(See book No. 6, pages 75 and 76.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison F. R. Conway, commissioners.

Jacque St. Vrain, claiming 1,500 arpents of land.—(See pages 75 and 76 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Jacque St. Vrain, or to his legal representatives.—(See book No. 6, page 325.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 123.—Louis Courtois, jr., *claiming* 7,056 *arpents.*

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Louis Courtois, jr., has the honor to submit that, being on the eve of establishing himself, he would wish to obtain the concession of a sufficient quantity of land for the cultivation he intends to do, and the settling of a grazing farm. Therefore, and not to be prejudicial to, or prejudiced by, any person, he has made choice, with the verbal consent of your predecessor, of a tract of land situated on the left shore of Maramec, at 69 miles of its mouth, in which place he has the honor to supplicate you, with all due respect, to have the goodness to grant to him one league square of land in superficie, or 7,056 arpents, to be taken from the river Aux Gravois, ascending Maramec as far as the land of Louis Courtois, senior; so that said tract will be bounded on the lower part by the river Aux Gravois, and on the upper part by the land of the above-named L. Courtois, sen. Your petitioner hopes that you will have the goodness to consider that the tract of land he solicits is entirely insulated, and can offer him hopes of utility only at a very remote time. Besides, that it is advantageous to the government to have settlements on the upper part of the river, to give notice to the settlers on the lower part when the parties of Indians of the Osage nations do scatter themselves in the country. Your petitioner, full of confidence in your justice, hopes that you will be pleased to take in consideration the great length of time since his family has been settled in the country, and that all of them have rendered themselves worthy of the benevolence of the government by their fidelity and submission; particulars which cause him to believe that you will be pleased to do justice to his demand in a manner favorable to the accomplishment of his views.

DE COURTOIS, Jr., his + mark.

St. Louis, *December* 15, 1799.

St. Louis of Illinois, *December* 15, 1799.

Having seen the foregoing statement, and being informed that the petitioner has sufficient means to work and make use of the land he solicits, and that he is considered as a man of good character, I do grant to him and his heirs the tract of land which he solicits, if it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks for, in the place indicated; after which he will draw a plat, which he shall deliver to the said interested party, with his certificate, to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, (belongs,) by royal order, the distributing and granting all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

A true translation. St. Louis, October 20, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
123	Louis Courtois, jr..	7, 056	Concession, December 15, 1799.	Carlos Dehault Delassus.	On the Maramec, 69 miles from its mouth. A special location.

Evidence with reference to minutes and records.

October 8, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, William Updyke, F. R. Conway, commissioners.

Louis Courtois, jr., claiming 7,056 arpents of land, (see record book E, pages 217 and 218, it being a special location,) produces a paper purporting to be a concession from C. D. Delassus, dated December 15, 1799.

Pascal Cerré, duly sworn, saith that the signature to the concession is the handwriting of Carlos D. Delassus, and that the signature to the certificate of record of said concession is the handwriting of Antoine Soulard. (This claim has not been acted upon by the former board.)—(See book No. 6, page 13.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Louis Courtois, jr., claiming 7,056 arpents of land.—(See page 13 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Louis Courtois, or to his legal representatives, according to the concession.—(See book No. 6, page 325.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 124.—François Moreau and Antoine Marechal, *claiming* 300 *arpents.*

To the lieutenant governor of the western part of Illinois:

Sir: François Moreau and Antoine Marechal have the honor to represent that, having under their charge several old men who are unable to cultivate the soil, but are yet strong enough to take care of cattle, they would wish to place them upon a vacant piece of land, at about one league to the eastward of

the village of St. Ferdinand, adjoining the land granted to Mr. François Dunegan; therefore they supplicate you to grant to them fifteen arpents in front from east to west, by twenty arpents in depth, in order that they may immediately form their establishment. Favor which they hope of your protection.

† †

ST. LOUIS, *November* 20, 1796.

The surveyor of this jurisdiction shall put the petitioners in possession of the fifteen arpents of land in front by twenty in depth, in the place demanded by them, and shall remit to us his procès verbal of survey, to be able to deliver the concession in form to the interested.

ZENON TRUDEAU.

Recorded, No. 23.

MACKAY.

Truly translated. St. Louis, December 14, 1832.

JULIUS DE MUN.

No.	Names of original claimants.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
124	François Moreau and Antoine Marechal.	300	Concession, Nov. 20, 1796.	Zenon Trudeau..	Special.

Evidence with reference to minutes and records.

September 29, 1808.—Board met. Present: The honorable J. B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Edward Heamstead, assignee of Antoine Marechal, and Mary Catherine Tibeau, his wife, for himself and the heirs of François Moreau, deceased, claiming 300 arpents of land situate near the village of St. Ferdinand, district of St. Louis, produces to the board an order of survey for the same from Don Zenon Trudeau, lieutenant governor, to Antoine Marechal and François Moreau, dated November 20, 1796; also a deed of conveyance from Antoine Marechal and Mary Catherine Tibeau, his wife, to Edward Heamstead, one of the claimants, for their part of said claim, dated February 7, 1805.

Antoine Soulard, sworn, says that he knew Antoine Marechal and François Moreau; that they resided in the village of St. Ferdinand from the year 1796 to 1803, and were the heads of families, and were farmers. Laid over for decision.—(See book No. 3, page 271.)

June 14, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Heamstead, assignee of Antoine Marechal and Mary Catherine Tibeau, his wife, for himself, and the heirs of François Moreau, claiming 300 arpents of land.—(See book No. 3, page 271.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 381.)

November 29, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

François Moreau and Antoine Marechal, by their legal representatives, Edward Heamstead's heirs and devisees, claiming 15 by 20 arpents of land, (see book D, page 228; No. 3, page 271, and No. 4, page 381,) produces a paper purporting to be an original concession from Zenon Trudeau, lieutenant governor, dated November 20, 1796; also a deed of conveyance.

M. P. Le Duc, duly sworn, saith that the signature to said concession is in the handwriting of the said Zenon Trudeau.—(See book No. 6, page 66.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

François Moreau and Antoine Marechal, claiming 300 arpents of land.—(See page 66 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said François Moreau and Antoine Marechal, or to their legal representatives, according to the concession.—(See book No. 6, page 326.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 125.—FRANÇOIS LACOMBE, *claiming* 400 *arpents.*

Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana:

SIR: François Lacombe has the honor to represent to you that he wishes to establish himself in the upper part of this province, where he has been residing for some time; therefore the petitioner has recourse to your goodness, praying that you may be pleased to grant to him a tract of land of four hundred arpents in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interests of your petitioner, who presumes to hope this favor of your justice.

FRANÇOIS LACOMBE.

ST. LOUIS, *February* 24, 1800.

St. Louis of Illinois, *February* 26, 1800.

Being assured that the petitioner has sufficient means to improve the lands petitioned for, I do grant to him and his heirs the land which he solicits, in case it is not prejudicial to any one; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of survey, delivering the same, with his certificate, to the party, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, December 22, 1832

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
125	François Lacombe.	400	Concession, Feb. 26, 1800.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

November 28, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

François Lacombe, by Manual Lisa's representatives, claiming 400 arpents of land, (see record book D, page 232,) produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated February 26, 1800; also a deed of conveyance for same.

M. P. Le Duc, duly sworn, says that the signature to said concession is in the proper handwriting of Carlos Dehault Delassus.—(See book No. 6, page 60.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

François Lacombe, claiming 400 arpents of land.—(See page 60 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said François Lacombe, or to his legal representatives, according to the concession.—(See book No. 6, page 326.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 126.—James Journey, *claiming* 400 *arpents.*

To Don Carlos Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of Upper Louisiana, &c.:

James Journey, C. R., a good farmer and an honest man, has the honor to represent to you that he is settled in the district of St. Charles, of Missouri, with the permission of the government; he supplicates you (considering the means with which he is provided, as well in cattle as in implements of husbandry and other goods,) to grant to him a piece of land of 400 arpents in superficie, at the same place which he has chosen. The petitioner, having no other views but to live as a peaceable and submissive cultivator of the soil, hopes of your justice the favor which he solicits.

JAMES JOURNEY.

St. André, *September* 14, 1799.

Be it forwarded to the lieutenant governor, with information that the statement here above is true, and that in every point of view the petitioner deserves the favor he solicits.

SANTIAGO MACKAY.

St. André, *September* 14, 1799.

St. Louis of Illinois, *September* 21, 1799.

By virtue of the foregoing information from the commandant of St. André, the Captain Don Santiago Mackay, and as we are assured that the petitioner possesses sufficient means to improve the lands which he solicits in the time prescribed by the regulation of the governor general of this province, the surveyor, Don Antonio Soulard, shall put the interested party in possession of the 400 arpents of land in superficie, in the same place indicated in this petition; which being done, he shall draw a plat, delivering the same to the party, with his certificate, to serve to the said party to obtain the concession and title in form from the intendant general of these provinces, to whom alone belongs, by royal order, the distributing and granting of all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, December 5, 1832.

JULIUS DE MUN.

No.	Name of original claimant	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, situation.
126	James Journey	400	Concession, September 21, 1799.	Carlos Dehault Delassus.	

Evidence with reference to minutes and records.

October 15, 1832.—The board met pursuant to adjournment. Present: W. Updyke, F. R. Conway, commissioners.

James Journey, claiming 400 arpents of land, (see book F, page 104; Bates's report, page 103,) produces a paper purporting to be a concession from Carlos Delassus, dated September 21, 1799; also a translation of said concession signed by said Delassus.

M. P. Le Duc, duly sworn, saith that the signature to said concession is the handwriting of Carlos D. Delassus, and that the signature to the recommendation attached to said concession is that of James Mackay.—(See book No. 6, page 22.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

James Journey, claiming 400 arpents of land.—(See page 22 of this book.)

The board are unanimously of opinion that this claim ought to be confirmed to the said James Journey, or to his legal representatives, according to the concession.—(See book No. 6, page 326.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 127.—Louis Bissonet, *claiming* 2 *by* 20 *arpents.*

To the lieutenant governor of Illinois:

Sir: Louis Bissonet, an inhabitant of this town, with due respect appears before you, and says that not having a sufficient quantity of land to maintain his family he has recourse to you, in order to obtain the concession for a tract of land of 2 arpents in width by 20 arpents in length, situated in the prairie called the White Ox prairie, (Prado del Buey Blanco,) and bounded on one side by the river Gingras, behind by a creek which comes down from the hills, and on the other two sides by lands which are not yet conceded; observing to you that he will leave between his land and the trees which cover the river Gingras an arpent of land, and on the side of the creek two arpents, as being entirely unfit for cultivation. Favor which he expects of your equitable justice.

LOUIS BISSONET, his + mark.

In St. Louis, *August* 27, 1777.

Having examined the contents of the foregoing petition, dated August 27, 1777, and the demand made by Louis Bissonet, an inhabitant of this town of St. Louis, who has stated that he has not land in sufficient quantity to make the sowings necessary for the support of his family, I have granted and do grant to him in full property, for him and his heirs, a piece of land of 2 arpents in width by 20 in length, situated in the prairie called the White Ox prairie, and bounded on one side by the river Gingras, behind by a creek coming down from the hills, and on the two other sides by lands not yet conceded, on condition of improving said land in one year from this day, his Majesty reserving to himself to dispose of it as being his domain in case of utility to his royal service.

Given in St. Louis of Illinois on the 28th of August, 1777.

FRANCISCO CRUZAT.

We, Amos Stoddard, captain of artillery and first civil commandant of Upper Louisiana, for the United States of America, do certify to all whom it may concern, that Mr. Auguste Chouteau, merchant of this town, has acquired at the third public sale (adjudication) of the property of the late Genevieve Routier, (who died widow of Louis Bissonet,) at the door of the church of this town, sundry properties as follows:

One piece of land of two arpents and a half in front by forty in depth, situated in the grand prairie of the Great Pond, (Grand Marais,) which had been bid off to Michel Fortin, for the sum of $51, and has been bid off this time to Mr. Auguste Chouteau for the sum of $52. His security, Regis Loisel.

Another detached arpent (arpent détaché) of land, in the said prairie, which had been bid off to Mr. Joseph Lacroix for $15, and has been at this last sale adjudged to Mr. Auguste Chouteau, for the sum of $51. His security, Mr. Regis Loisel.

Another piece of land of two arpents in front, conformably to the decree of Mr. Francis Cruzat, dated August 28, 1777, containing two arpents in front by twenty in depth, situated in the White Ox prairie, which had been bid off to Mr. Joseph Lacroix for $40, and has been at this last sale adjudged to Mr. A. Chouteau for $180. His security, Mr. Regis Loisel.

The above sales, made in favor of Mr. Auguste Chouteau, have taken place at the door of the church of this town, after the saying of the parochial mass, at which there was a great assembly of people, on the 22d day of July last.

In testimony whereof we, commandant, have signed the present document, in order that it shall be available according to law.

AMOS STODDARD, *Civil and Military Commandant, Upper Louisiana.*

St. Louis of Illinois, *September* 28, 1804.

Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
127	Louis Bissonet, by the heirs of Auguste Chouteau.	40	Concession, 28th August, 1777.	Francisco Cruzat.	James Mackay. Certified by him 28th February, 1806. White Ox prairie.

Evidence with reference to minutes and records.

May 1, 1806.—The board met agreeably to adjournment. Present: The honorable John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, commissioners.

Auguste Chouteau, assignee of Genevieve, widow of Louis Bissonet, claiming two by twenty arpents of land, situate at the Prairie du Bœuf Blanc, produces a concession from Francis Cruzat, dated August 28, 1777, and a certificate of survey of the same, dated February 28, 1806. A certificate of public sale of the effects and property of the said Genevieve, widow as aforesaid, dated July 22, 1804.

Emilieu Yostie, being duly sworn, says that the aforesaid Bissonet settled the said tract of land in the year 1798, by building a cabin thereon; that the same never was inhabited, but served as a shelter when the said Bissonet went on the said land to make hay; that the said land never was cultivated nor under fence, but was appropriated and granted for the sole purpose of cutting hay, which was done every year by the owner.

The following being the condition on which the aforesaid tract was granted in the words of the concession: "*Con condicion de establecer dha. tierra en el espacio de un año de este dia.*" The board applied to the interpreter, who translated the same as follows: "On condition to settle the said land within the term of one year from this date."

The board reject this claim, the said tract not having been settled within the time prescribed by the said concession, and for non-inhabitation and cultivation prior to and on the 1st day of October, 1800.—(See book No. 1, page 258.)

September 16, 1808.—Board met. Present: The honorable John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Auguste Chouteau, assignee of Genevieve, widow of Louis Bissonet, claiming two by twenty arpents of land, situate in the Prairie Bœuf Blanc, district of St. Louis, produces to the board a concession for the same from François Cruzat, lieutenant governor, to Louis Bissonet, dated August 28, 1777, and registered in book of registry No. 3, folio 12. Laid over for decision.—(See book No. 3, page 252.)

February 21, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

The claim of Auguste Chouteau, assignee of Genevieve, widow of Louis Bissonet, being taken up by the board and a vote being taken thereon, it is the opinion of the board that said claim ought not to be confirmed. This claim for the major part included within the claim of the widow and representatives of Antoine Morin this day. Confirmed.—(See book No. 3, page 485.)

October 9, 1832.—The board met pursuant to adjournment. Present: L. F. Linn, W. Updike, F. R. Conway, commissioners.

Louis Bissonet, by the heirs of Auguste Chouteau, claiming 40 arpents.—(See record, book D, page 119; book B, page 75. See minutes, No. 1, page 258; No. 3, pages 252 and 485.)

Produces a paper purporting to be an original concession from Francisco Cruzat to Louis Bissonet, dated August 28, 1777; also a document purporting to be an adjudicated sale, certified by Amos Stoddard, commandant of Upper Louisiana, of said tract of land, among others, to Auguste Chouteau, dated September 28, 1804; also a certificate, with a plat of survey, dated February 28, 1806, signed by John Mackay.

Pascal Cerré, duly sworn, saith that the signature to the concession is the handwriting of Francisco Cruzat. He believes the signature to said document is the handwriting of Stoddard, but is not very sure that the signature to the survey is the handwriting of James Mackay.—(See book No. 6, page 16.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Louis Bissonet, claiming 40 arpents of land.—(See page 16 of this book.) The board remark that, in the minutes of the former board, it is there stated that this claim interferes with the claim of the widow and representatives of Antoine Morin. The board are unanimously of opinion that this claim ought to be confirmed to the said Louis Bissonet, according to the concession.—(See book No. 6, page 326.)

Conflicting claim.

Conflicts with the confirmed claim of the representatives of Antoine Morin, deceased.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 128.—Etienne St. Pierre.

To Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Etienne St. Pierre, having for a long time resided in this country, has the honor to represent to you that wishing to form an insulated plantation, in order to cultivate the several kinds of grains which this country is susceptible to produce, and establishing also a stock farm, he has made choice, with the con-

sent of your predecessor, Don Zenon Trudeau, of a tract of vacant land on the right bank of the Missouri, at 66 miles from its mouth, which tract is to be bounded as follows: 1st. The first line shall begin at the foot of the hills which are lower down than the mouth of Berger river, running parallel to said river to about a league, more or less, from the point of departure; thence, by another line which shall be run to the foot of the hills which are opposite Maline island, so as to comprise a part of the course of the river and the bottom. The superficie of this said tract shall be contained in an obtuse angle, formed by the two above-mentioned lines, and the third side of the triangle by the river Missouri, and cannot be determined but after the legal survey, which will result from the orders which you will be pleased to give on this subject.

Your petitioner respectfully claims of your justice that you will grant him your protection in the furtherance of his views, and that you will make him enjoy the same favors which the government generously grants to all his Majesty's subjects. Having no other views but to live as a peaceable and submissive cultivator of the soil, he hopes that you will be pleased to do justice to his demand in a way favorable to his views.

ETIENNE ST. PIERRE, his + mark.

As witness to the signature: ANTONIO SOULARD.
ST. LOUIS, *October* 7, 1799.

ST. LOUIS OF ILLINOIS, *October* 8, 1799.

Being assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the interested party in possession of the land he asks, in the place designated; and this being executed, he shall draw a plat of his survey; delivering the same to the party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated. St. Louis, February 25, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
128	Etienne St. Pierre.	Special location.	Concession, October 8, 1799.	Carlos Dehault Delassus.	Special location.

Evidence with reference to minutes and records.

December 9, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Pierre Chouteau, assignee of Etienne St. Pierre, claiming a tract of land, beginning at the foot of the hills below the mouth of River à Berger, and ascending said river one league, and including the Pointe basse (bottom) opposite (Maline) Mill island, district of St. Charles, produces record of concession from Delassus, lieutenant governor, dated October 8, 1799; record of a transfer from St. Pierre to claimant, dated January 3, 1804. It is the opinion of the board that this claim ought not to be allowed.—(See book No. 5, page 495.)

February 18, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

Etienne St. Pierre, by his assignee, Pierre Chouteau, senior, claiming a special location, of which a league square has been confirmed.—(See record, book B, page 510; minutes, No. 5, page 495; Bates's Decisions, book No. 3, page 59, wherein a league square is confirmed.) Produces a paper purporting to be a concession from Carlos Dehault Delassus, dated October 8, 1799.

M. P. Le Duc, being duly sworn, saith that the signature to the concession is in the true handwriting of Carlos D. Delassus.—(See book No. 6, page 106.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

In the case of Etienne St. Pierre, claiming a special location on River à Berger, François Boucher, being duly sworn, says he is 56 years of age; that he has travelled up and down the Missouri since he was a young man; that he has ascended said river perhaps forty times; that he believes the distance from the hills below Berger river to the hills opposite Maline island to be three leagues in following the turn of the Missouri, which makes a great bend at that place. Witness further says that he never crossed Berger bottom by land, and cannot say what is the distance in a straight line.

James Gunsolis, being also duly sworn, says that he has often ascended the Missouri in keelboats and steamboats, and that he believes the distance to be, from the hills below Berger river to the hills opposite Maline island, 9 miles more or less.

Peter Chouteau, the present claimant, personally appeared before the board, and states that the line beginning at the foot of the hills below Berger river has always been understood to be one league in length, although the petition expresses one league, more or less, and the said line is to run parallel with the general course of said Berger river; and from the end of the said line of one league in length another straight line is to be run, to strike the foot of the hills opposite Maline island, which foot of said hills is washed by the Missouri, and the quantity comprised between the said two lines and the Missouri is the quantity claimed, of which the number of arpents contained in a league square has been confirmed.—(See Bates's Decisions, page 59.)

The board is unanimously of opinion that the balance of this claim ought to be confirmed to the said Etienne St. Pierre, or to his legal representatives, according to the concession.—(See book No. 6, page 327.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 129.—JOHN ST. CLAIRE, jr., *claiming* 640 *acres.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
129	John St. Claire, jr.....	640	Settlement right.		

Evidence with reference to minutes and records.

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, F. R. Conway, and A. G. Harrison, commissioners.

John Sinclaire, jr., otherwise called John St. Claire, otherwise John Senclare, otherwise called John St. Clare, claiming 640 acres of land situate on the waters of St. Francis, in the late district of St. Genevieve, now county of Madison.—(See record, book F, page 13; Bates's Decisions, page 97.) The following testimony was taken before L. F. Linn, commissioner:

STATE OF MISSOURI, *county of Madison:*

Thompson Crawford, a witness aged about forty-seven years, who being duly sworn as the law directs, deposeth and saith that he is well acquainted with the original claimant; that he came to this country, then the province of Upper Louisiana, in the fall of the year 1803; that he was then a young man grown, and made his home at his father's, whose name was also John St. Claire. Witness also knows the land claimed, and that, in the early part of the year 1804, the claimant made some improvements on the land, and he knows cultivated land that year, but whether the cultivation was on the land claimed or not, witness does not recollect; and that the land claimed has been inhabited, improved, and cultivated ever since.

THOMPSON CRAWFORD.

Sworn to and subscribed before me, L. F. Linn, commissioner, this 22d October, 1833.

LEWIS F. LINN, *Commissioner.*

And, also, came John Reaves, a witness aged about seventy-three years, who, also, being duly sworn, deposeth and saith that he well knew John St. Claire, the claimant; that he came with the claimant to the country in 1803; that they lived a while together; witness knows the land claimed, and knows that the claimant settled on, improved, and cultivated the same in 1803 and 1804; that the Osage Indians, in 1804, drove the inhabitants together, where they made a common defence and common crop in that year; and witness further knows that the land has been actually inhabited, improved, and cultivated ever since.

his
JOHN + REAVES,
mark.

Sworn to and subscribed before me, L. E. Linn, commissision, this 23d October, 1833.

L. F. LINN, *Commissioner.*

The board are unanimously of opinion that 640 acres of land ought to be granted to the said John St. Claire, or to his legal representatives —(See book No 6, page 328.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 130.—DANIEL KRYTZ, *claiming* 234 *arpents and* 36 *perches.*

No.	Name of original claimant	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
130	Daniel Krytz.....	234 36 p.	Settlement right.	.....	B. Cousin, D. S., 7th January, 1806, countersigned Antonio Soulard, S. G.; on waters of Bird's creek, district of Cape Girardeau.

Evidence with reference to minutes and records.

May 1, 1809.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Peter Krytz, legatee of Dawalt Krytz, (Daniel Crites,) claiming two hundred and thirty-four arpents thirty-six perches of land situate on waters of Bird's creek, district of Cape Girardeau, produces to the board, as a special permission to settle, list B, on which Dawalt Krytz is No. 28, for two hundred arpents; a plat of survey, dated January 7, 1806, signed B. Cousin and countersigned Antonio Soulard, surveyor general.

The following testimony in the foregoing claim was taken as aforesaid at Cape Girardeau, June 2, 1808, by Frederick Bates, commissioner:

George F. Bollinger, duly sworn, says that this land was improved in the year 1804, in October or November; cabin built; a few acres, about twelve or fourteen, cleared, enclosed, and cultivated; constantly inhabited and cultivated to this day. Board adjourned till Friday next, 9 o'clock a. m.—(See book No. 4, page 36.)

February 19, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Krytz, legatee of Dawalt Krytz, (Daniel Crites,) claiming two hundred and thirty-four arpents thirty-six perches.—(See book No. 4, page 36.) It is the opinion of the board that this claim ought not to be granted.—(See book No. 4, page 280.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Daniel Crites, claiming six hundred and forty acres of land situate in the late district of Cape Girardeau, now county of Cape Girardeau.—(See book No. 4, pages 36 and 280.)

The following testimony was taken before L. F. Linn, commissioner:

STATE OF MISSOURI, *county of Madison:*

Daniel Bollinger, aged about eighty years, who, being duly sworn as the law directs, deposeth and saith that he is well acquainted with the original claimant, Daniel Crites or Crits; that said claimant came to this country, then the province of Upper Louisiana, in the fall of the year 1802; witness also knows the land claimed, and knows that the claimant got permission of Louis Lorimier, then commandant at Cape Girardeau, to settle lands, and witness also knows that the claimant settled on said land claimed, in 1803 or early in 1804, and then built a good house, a good barn, and stables, with kitchen and out-houses; fenced in and cleared, in 1803 and 1804, some ten acres or more, and cultivated the same in corn and other things necessary for a family. Claimant also at that time planted an orchard; claimant had a wife and seven or eight children; claimant had a good stock of horses, cattle, hogs, &c., and the claimant has actually continued to inhabit, improve, and cultivate the said land from the time of the original settlement to the present day, and still actually resides on and cultivates the same, being his only home from the time he came to the country to the present day, himself and such of his family as remain with him at home.

his
DANIEL + BOLLINGER.
mark.

Sworn to and subscribed before me, L. F. Linn, commissioner, this 23d day of October, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 330.)

The board are unanimously of opinion that two hundred and thirty-four arpents thirty-six perches of land, being the quantity originally claimed, ought to be granted to the said Daniel Krytz, or to his legal representatives.—(See book No. 6, page 331.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 131.—JACOB WALKER, *claiming* 982 *arpents* 65 *perches.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
131	Jacob Walker.	982 arpents 65 perches.	Settlement right.	.....	B. Cousin, deputy surveyor; received for record February 27, 1806, by A. Soulard, surveyor general; district of Cape Girardeau.

Evidence with reference to minutes and records.

April 21, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacob Welker, (Walker,) claiming nine hundred and eighty-two arpents sixty-five perches of land situate on the waters of Caney creek, district of Cape Girardeau, produces to the board, as a special permission to settle, list A, on which claimant is No. 109, for three hundred arpents; a plat of survey signed B. Cousin, and certified to be received for record February 27, 1806, by Antoine Soulard, surveyor general.

The following testimony in the foregoing claim, taken as aforesaid by Frederick Bates, commissioner, at Cape Girardeau, June 1, 1808:

Leonard Walker, duly sworn, says that claimant settled in 1804, in November, and moved his family on in the spring following; built a cabin and cultivated about six acres of ground; premises constantly inhabited and cultivated to this time.

Laid over for decision.—(See book No. 4, page 12.)

January 23, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacob Walker, claiming nine hundred and eighty-two arpents sixty-five perches of land.—(See book No. 4, page 12.)

It is the opinion of the board that this claim ought not to be granted.—(See book No. 4, page 264.)

November 15, 1833.—Board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Jacob Walker, by his heirs and legal representatives, claiming nine hundred and eighty-two arpents sixty-five perches of land.—(See book No. 4, pages 12 and 264.)

The following testimony was taken before L. F. Linn, commissioner:

STATE OF MISSOURI, *county of Cape Girardeau:*

George T. Bollinger, aged about sixty years, and Joseph Neswonger, aged nearly fifty-four, being severally duly sworn as the law directs, depose and say, that they were well acquainted with Jacob Walker, the original claimant; that he came to this country, then the province of Upper Louisiana, now State of Missouri, in the year 1799; that he obtained a grant or permission to settle from Louis Lorimier, the then Spanish commandant of this post; they also knew that he built a house on the land claimed in the year 1801, and cultivated the same land; and that the said land has been both inhabited and cultivated ever since.

GEORGE T. BOLLINGER.

JOSEPH his + mark. NESWONGER.

Sworn to and subscribed, October 19, 1833.

L. F. LINN, *Commissioner.*

The board are unanimously of opinion that six hundred and forty acres of land ought to be granted to the said Jacob Walker, or to his legal representatives.—(See book No. 6, page 332.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 132.—THOMAS CAULK, *claiming* 400 *arpents.*

To Don Charles Dehault Delassus, lieutenant governor and commandant-in-chief of Upper Louisiana, &c.:

The petitioner, Thomas Caulk, has the honor of representing to you that he is inhabiting this side (of the Mississippi) since some time, and has settled himself, with the permission of the government, in the district of St. Charles, and farming the land of Richard Caulk; and having made choice of a piece of land, therefore he has the honor to supplicate you to have the goodness to grant to him, at the same place, the quantity of four hundred arpents of land in superficie, a quantity which is necessary to comprehend the wood and water necessary. The petitioner, having the means of improving a farm, and having no other view but to live in submission to the laws and gain honestly his livelihood, hopes to render himself worthy of the favor which he solicits of your justice.

ST. ANDRÉ, *March* 3, 1800. [No signature.]

Be it transferred to the commandant-in-chief, with information that what is here alleged is true, and that the petitioner is worthy of the favor which he solicits.

SANTIAGO MACKAY.

ST. ANDRÉ, *March* 4, 1800.

ST. LOUIS OF ILLINOIS, *March* 10, 1800.

In virtue of the information here above of the commandant of St. André, Captain Don Santiago Mackay, the surveyor, Don Antonio Soulard, shall put the interested in possession of four hundred arpents of land in superficie in the place he asks for; this quantity is corresponding to the number of individuals composing his family, according to the regulation made by the governor of this province; and when this is done, he will draw a plat, which he shall deliver to the party, with his certificate, to serve him in obtaining the concession and title in form from the intendant general of these provinces, to whom alone corresponds the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of the settlements of Upper Louisiana.

I do certify that a tract of land of four hundred arpents in superficie was measured, the lines run and bounded, in favor and in presence of Thomas Caulk, jr.; this measurement was done with the perch of Paris, of eighteen feet lineal measure of the same city, according to the agrarian mode of measurement in this province, which land is situated three miles from the river Missouri, one mile and a half below the

river Aux Calumets and about eighty miles to the northwest of this town of St. Louis; bounded on its four sides as follows: northwest with land of Richard Caulk, northeast by land of Don Antonio Saugrin, southwest by land of Richard Caulk, and southeast by vacant lands of the royal domain; which survey and measurement were executed without regard to the variation of the needle, which is 7° 30′ E., as is evident by the figurative plat here above, in which are noted the dimensions, directions of the lines, other boundaries, &c. This survey was executed by virtue of the decree of the lieutenant governor and sub-delegate of the fiscal department, Don Carlos Dehault Delassus, dated March 10, 1800, which is here annexed. In testimony whereof I do give the present with the figurative plat here above, in conformity with the survey executed by the deputy surveyor, Don Santiago Mackay, dated the 19th of February of this present year, and which he signed on the minutes, all which I do certify.

ANTONIO SOULARD, *Surveyor General.*

St. Louis of Illinois, *March* 28, 1804.

A true translation. St. Louis, October 17, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
132	Thomas Caulk...	400	Concession, Mar. 10, 1800.	Carlos Dehault Delassus.	James Mackay, Feb. 19, 1804; certified by Soulard, March 28, 1804; 3 miles from the Missouri and 1½ mile below the river Calumet.

Evidence with reference to minutes and records.

October 5, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn and F. R. Conway, commissioners.

Thomas Caulk, claiming 400 arpents of land.—(See record, book D, page 368.) This claim has not been acted upon by the former board. Produces a paper purporting to be a concession from Carlos Dehault Delassus, dated March 10, 1800, and a paper purporting to be a survey, taken on the 19th of February, and certified the 28th of March, 1804, by Antoine Soulard, surveyor general.

M. P. Le Duc, duly sworn, saith that the signature to the said concession is the handwriting of Carlos Dehault Delassus, and that the signature to the survey is the handwriting of Antoine Soulard, surveyor general. The claimant refers to the affidavits of James Mackay and Antoine Soulard, taken in the above case of Richard Caulk; also, to the affidavit of Major Wood, taken before Benjamin Cottle, justice of the peace, dated September 28, 1819.—(See book No. [illegible] page 7.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Thomas Caulk claiming 400 arpents of land.—(See page 7 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Thomas Caulk, or to his legal representatives, according to the concession.—(See book No. 6, page 325.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 133.—Joachin Lisa, *claiming* 6,000 *arpents.*

To the lieutenant governor:

Don Manuel de Lisa, inhabitant and merchant of New Orleans, for the present in this town of St. Louis, with great respect represents to you that his eldest brother, Don Joachin de Lisa, wishing to follow the petitioner and settle himself in the same place where the petitioner's residence has to be, implores your justice, in order to obtain a concession for 6,000 arpents of land in superficie, on the domains of his Majesty, that by this means his brother may dispose of and sell the plantation which he owns in New Orleans, and come up with his family and slaves to this jurisdiction. For these motives the petitioner supplicates you to condescend to grant to his said brother the concession which he solicits, and to order that the place where you shall be pleased to grant be designated—favor which your petitioner and his brother expects of your well known justice. May God preserve your life many years.

MANUEL DE LISA.

St. Louis, *July* 16, 1799.

St. Louis, *July* 17, 1799.

In a vacant place, on the banks of the river Missouri, and to the satisfaction of Don Manuel de Lisa, the surveyor, Don Antonio Soulard, shall put him in possession of 6,000 arpents of land in superficie, in favor of Don Joachin de Lisa, his brother, in order that, according to the procès verbal of survey, the title of concession in form can be expedited to him; in the meanwhile the interested party, from this time, may dispose of the tract of land which is chosen as being his own property.

ZENON TRUDEAU.

Truly translated. St. Louis, December 25, 1832.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
133	Joachin Lisa.....	6,000	Concession, July 17, 1799.	Zenon Trudeau.	

Evidence with reference to minutes and records.

August 22, 1806.—Manuel Lisa, assignee of Joachin Lisa, claiming 6,000 arpents of land by virtue of a concession from Zenon Trudeau, (duly registered,) dated the 17th of July, 1799, and a deed of transfer of the same, dated the 8th of July, 1804.

Jacque Clamorgan, being duly sworn, says that he was present at the lieutenant governor's house when the aforesaid concession was given to claimant; that the same was granted at the time it bears date. They reject this claim.

November 23, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel Lisa, assignee of Joachin Lisa, claiming 6,000 arpents of land unlocated.

Eugenio Alvarez, sworn, says that the father of Joachin Lisa came to this country with him (the witness) at the time the Spaniards took possession here; that said Joachin Lisa's father was then in the service of Spain and died in the service; that Joachin Lisa was born a subject of Spain, in Spanish America, and has resided since his birth, or shortly after, in Louisiana. Laid over for decision.—(See book No. 3, page 365.)

July 9, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Manuel Lisa, assignee of Joachin Lisa, claiming 6,000 arpents of land.—(See book No. 2, page 33; book No. 3, page 365.) It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 421.)

November 28, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, F. R. Conway, commissioners.

Joachin Lisa, by Manuel Lisa's legal representatives, claiming 6,000 arpents of land.—(See book B, page 91; minutes, No. 2, page 33; No. 3, page 365; No. 4, page 421.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated July 17, 1799, and a deed of conveyance for the same.

M. P. Le Duc, duly sworn, saith that the signature to said concession is in the proper handwriting of the said Zenon Trudeau, lieutenant governor.—(See book No. 6, page 61.)

November 6, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

In the case of Joachin Lisa, claiming 6,000 arpents of land.—(See page 61 of this book.)

John P. Cabanné, duly sworn, says that, to the best of his knowledge, Joachin Lisa came to this country in the year 1800; that he resided in this town with his family, consisting of his wife and four or five children; that he thinks said Lisa had several slaves, but cannot say how many; that said Lisa resided in this place from 1800 to the fall of 1804, at which time said Lisa went down to New Orleans with him, the deponent. He further says that in 1792, when deponent arrived in New Orleans, said Lisa was then employed in the custom-house in said place; that at that time all the family of said Lisa was living in New Orleans; that he had a plantation near Bayou St. John, and that he sold said plantation before he came to this country, with the intention of settling himself as a farmer; that he, the deponent, first came to this country in 1799, and was married in 1800, and has resided in this country ever since.

The deponent further says that he knew that Manuel Lisa, brother of claimant, was in St. Louis in the summer of 1799, and that the signature to the petition asking 6,000 arpents of land for the said Joachin Lisa is in the proper handwriting of the said Manuel Lisa; that the claimant, Joachin Lisa, was the elder brother of said Manual Lisa.—(See book No. 6, page 301.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Joachin Lisa, claiming 6,000 arpents of land.—(See pages 61 and 301 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Joachin Lisa, or to his legal representatives, according to the concession.—(See book No. 6, page 333.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 134.—MELCHIOR AMAN MICHAU, *claiming* 600 *arpents.*

To Don Carlos Dehault Delassus, lieutenant governor of Upper Louisiana:

SIR: Victor St. Amant has the honor to represent to you that he would wish to make an establishment in the upper part of this province; therefore he prays you to grant to him a tract of land of 600 arpents in superficie, to be taken on the vacant lands of the King's domain, in the place which shall be most advantageous to the interest of your petitioner, who presumes to expect this favor of your justice.

MELCHIOR AMAN MICHAU.

ST. LOUIS, *May* 14, 1800.

St. Louis of Illinois, *May* 16, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

I, the undersigned, certify that on the 16th of May, in the year 1800, it is to Melchior Michau, as it is specified in my foregoing decree, that I have granted the tract of land of 600 arpents in superficie which he asked for in his petition, under date of May 14, of the same year.

Given in St. Louis, July 14, 1818.

CHS. DEHAULT DELASSUS.

Truly translated. St. Louis, May 24, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
134	Melchior Aman Michau.	600	Con[illegible]n, May 16, 18[illegible]	Carlos Dehault Delassus.	John Harvey, deputy surveyor. January 15, 1806. Received for record by Soulard, surveyor general, February 28, 1806. District of St. Charles.

Evidence with reference to minutes and records.

April 13, 1833.—The board met pursuant to adjournment. Present: F. R. Conway, A. G. Harrison, commissioners.

Melchior Aman Michau, claiming 600 arpents of land, (see book B, page 238,) produces a plat of survey received for record by Antonio Soulard, February 28, 1806; and as evidence in support of said claim produces a concession purporting to be from Carlos Dehault Delassus, dated 16th May, 1800, at the foot of which there is a certificate of said Delassus, dated July 14, 1818, by which it appears that the land was granted to claimant, and not to J. Michau, as appears by minutes, book 5, page 454.

November 25, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Michau, claiming 600 arpents of land situate in the district of St. Charles, produces record of a plat of survey, dated 15th January, and certified 28th February, 1806. It is the opinion of the board that this claim ought not to be granted.—(See book No. 5, page 454.)

M. P. Le Duc, duly sworn, says that the signature to the plat of survey is in the proper handwriting of Antonio Soulard, and that the signatures to the concession and to the certificate are in the proper handwriting of said Carlos Dehault Delassus.—(See book No. 6, page 155.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Melchior Aman Michau, claiming 600 arpents of land.—(See page 155 of this book.) The board are unanimously of opinion that this claim ought to be confirmed to the said Melchior Aman Michau, or to his legal representatives, according to the concession.—(See book No. 6, page 333.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 135.—Auguste Chouteau, *claiming* 1,281 *arpents.*

To Mr. Charles Dehault Delassus, lieutenant colonel in the army and lieutenant governor of Upper Louisiana, &c.:

Sir: Auguste Chouteau humbly prays, and has the honor to represent to you, that wishing to establish in this town a manufactory suitable to distill the different kinds of grain that are raised in this dependency, in order to supply the wants of the place, whose remote distance from the capital renders the importation too expensive to draw therefrom, annually, the quantity necessary for its consumption; therefore, sir, the petitioner, before he enters into the great expenses necessary to form such an establishment, would wish to obtain the honor of your consent, in order that hereafter he may not be subjected to any alteration prejudicial to his interest, and the petitioner shall return thanks to your goodness in granting his demand.

AUGUSTE CHOUTEAU.

St. Louis of Illinois, *November* 5, 1799.

St. Louis of Illinois, *January* 3, 1800.

Considering the establishment which the petitioner proposes to form as useful to the public and to commerce, seeing that there does not exist any of this kind, and that he shall procure liquors in greater abundance and at a more reasonable price than those that come from New Orleans, and in very small quantity, we do grant his demand.

CHARLES DEHAULT DELASSUS

To Mr. Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the same province:

Auguste Chouteau, merchant of this town, has the honor to represent to you that the lands in the vicinity of this town being partly conceded, and timber becoming every day more scarce, he finds himself much embarrassed in the carrying on of the considerable distillery which you have permitted him to establish by your decree, dated 5th November of last year; therefore he hopes you will be pleased to assist him in his views, and have the goodness to grant to him the concession of a tract of land of twelve hundred and eighty-one arpents in superficie, situated upon the fourth concession in depth, (beginning from the lands which are adjoining this town,) bounded north by land belonging to Don John Watkins; to the south and west by the lands of the third concession. The petitioner, besides having the intention to improve the said land, hopes to be deserving the favor which he solicits of your justice.

AUGUSTE CHOUTEAU.

ST. LOUIS, *January* 5, 1800.

ST. LOUIS OF ILLINOIS, *January* 5, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, within the term fixed by the regulation of the governor general of this province, the surveyor of this Upper Louisiana, Don Antonio Soulard, shall put him in possession of the twelve hundred and eighty-one arpents of land in superficie, in the place where he asks them; and this being executed, the interested shall have to solicit the title of concession in due form from the intendant general of these provinces, to whom alone corresponds, by order of his Majesty, the distributing and granting of all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, surveyor general of Upper Louisiana.

I do certify that on the 5th of March of the present year, (by virtue of the decree here annexed of the lieutenant governor and lieutenant colonel in the royal army, Don Carlos Dehault Delassus, dated 5th January of the last year,) I went on the land of Mr. Auguste Chouteau, to survey it conformably to his demand of twelve hundred and eighty-one arpents in superficie, which measurement was executed in presence of the proprietor and adjoining neighbors, with the perch of Paris, of eighteen feet in length, according to the custom adopted in this province of Louisiana, and without regard to the variation of the needle, which is 7° 30′ E., as it is evinced by the foregoing figurative plat. The said land is situated at about four miles N. 56½° W. from this town, and bounded as follows: to the north, in part by lands belonging to Messrs. John Watkins, Philip Riviere, and by vacant lands of the royal domain; to the south and west by the same above-mentioned vacant lands; and to the east by the lands of divers inhabitants of this town of St. Louis; and, that it may be available according to law, I do give the present, with the foregoing figurative plat, on which are noted the dimensions and the natural and artificial limits which surround said land.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *April* 10, 1801.

NEW ORLEANS, *May* 20, 1799.

MY DEAR FRIEND: In order not to miss any opportunity of expressing my esteem for you, I merely assure you of my esteem, promising to you to answer your letter by the boat which has just now arrived, and which will depart next week.

In my instructions to Mr. Delassus, I particularly recommend to him to favor all your undertakings, &c.

Adieu—I am in such a haste that I have only time to tell you that I am your sincere friend and very humble servant.

MANUEL GAYOSO DE LEMOS.

Mr. AUGUSTE CHOUTEAU.

Truly translated. St. Louis, January 24, 1833.

JULIUS DE MUN.

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
135	Auguste Chouteau, by his heirs.	1, 281	Concession, January 5, 1800.	Carlos Dehault Delassus.	Antonio Soulard, March 5, 1801; 4 miles N. 56½° W. of St. Louis.

Evidence with reference to minutes and records.

July 26, 1806.—The board met agreeably to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, esqs.

Auguste Chouteau, claiming 1,281 arpents of land, situate on Beaver pond, district of St. Louis,

produces a concession from Charles D. Delassus, dated January 5, 1800, and a survey of the same, taken March 5, and certified April 10, 1801; the aforesaid concession granted for the purpose of procuring fuel for a distillery established by claimant, and which could not be kept in operation without fuel. He further produces a permission from Charles D. Delassus to build the aforesaid distillery, the same being then considered by government as an establishment of public utility and benefit; said permission dated January 3, 1800.

Gabriel Dodié, being duly sworn, says that claimant, having purchased the said tract of land, built a house on the same in the year 1800.

Myers Michael, being also duly sworn, says that claimant had a distillery built prior to October, 1800.

A. Soulard, being also duly sworn, says that, to his knowledge, claimant did procure from the aforesaid tract of land the fuel necessary for the said distillery.

The board reject this claim.—(See book No. 1, page 427.)

September 14, 1808.—Board met. Present: The Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Auguste Chouteau, claiming 1,281 arpents of land, situate on Beaver pond, district of St. Louis.

David Delauney, sworn, says that he wrote the petition for the permission to build a distillery, dated November 5, 1799; that the same was written at the time the permission bears date, to wit, January 3, 1800.

Laid over for decision.—(See book No. 3, page 245.)

June 8, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Auguste Chouteau, claiming 1,281 arpents of land.—(See book No. 1, page 427; No. 3, page 245.)

It is the opinion of the board that this claim ought not to be confirmed.—(See book No. 4, page 370.)

October 8, 1832.—The board met pursuant to adjournment. Present: Lewis F. Linn, Wm. Updyke, and F. R. Conway, commissioners.

Auguste Chouteau, by his heirs, claiming 1,281 arpents of land, (see record, book B, pages 58 and 59; minutes, book No. 1, page 427; No. 3, page 245; and No. 4, page 370,) produces a paper purporting to be a concession from Carlos Dehault Delassus, dated January 5, 1800, to Auguste Chouteau; also a plat of survey, executed March 5, 1801, and certified April 10, 1801; also a paper purporting to be a petition, dated November 5, 1799, signed by A. Chouteau, and addressed to C. D. Delassus, lieutenant governor, together with the answer of said Delassus to said petition; also a letter from Manuel Galloso de Lemos, dated May 20, 1799, to A. Chouteau.

Pascal Cerré, duly sworn, saith that the signature to the petition is the handwriting of A. Chouteau, and the signature to the concession is the handwriting of C. D. Delassus; that the signature to the above-mentioned letter is the handwriting of said Galloso; that the signature to the plat of survey and certificate is the handwriting of A. Soulard, surveyor general; that the signature to the petition, dated November 5, 1799, is the handwriting of A. Chouteau, and that the signature to the decree is the handwriting of C. D. Delassus; knows that A. Chouteau had a distillery in operation several years before 1800; believes said distillery was in operation twelve or fifteen years; that to his knowledge Chouteau cut the wood for his distillery on said tract of land; that the Côte Brillante tract was generally known by the inhabitants of St. Louis to be the property of said Chouteau.—(See book No. 6, page 12.)

November 19, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Auguste Chouteau, claiming 1,281 arpents of land.—(See page 11 of this book, No. 6.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Auguste Chouteau, or to his legal representatives, according to the concession.—(See page 143, No. 6.)

A. G. HARRISON.
F. R. CONWAY.
L. F. LINN

No. 136.—JAMES MCDANIEL, *claiming* 800 *arpents.*

No.	Name of original claimant.	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
136	James McDaniel ..	800	Settlement right.	.....	James Mackay, February 14, 1806; received for record by Soulard, February 26, 1806; three or four miles above Belle Fontaine, district of St. Louis.

Evidence with reference to minutes and records.

January 2, 1812.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James McDaniel, claiming 800 arpents of land situated on the Missouri, district of St. Louis, produces record of a plat of survey, dated 14th and certified 26th February, 1806. It is the opinion of the board that this claim ought not to be granted.—(See book No. 5, page 552.)

May 23, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

James McDaniel, by his legal representatives, claiming 800 arpents of land under settlement right, situated three or four miles above Belle Fontaine.—(See book B, page 262; minutes, No. 5, page 552.)

Albert Tison, duly sworn, says that he saw the said McDaniel living and residing on said land in 1801 and 1802; that he had a cabin and field of about five or six acres; that in 1805 or 1806 the said

McDaniel resided yet on said place; that when he first saw it he judged that it had been settled a few years before.—(See book No. 6, page 170.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

James McDaniel, claiming under settlement right 800 arpents of land.—(See page 170 of this book.) The board are unanimously of opinion that 640 acres of land ought to be granted to the said James McDaniel, or to his legal representatives.—(See book No. 6, page 333.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 137.—EDMUND CHANDLER, *claiming* 640 *acres.*

No.	Name of original claimant.	Quantity, in acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
137	Edmund Chandler.	640	Settlement right.		

Evidence with reference to minutes and records.

February 3, 1809.—Board met. Present: the honorable John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Arthur Burns, jr., assignee of Edmund Chandler, claiming 640 acres of land situate on river Sandy, district of St. Charles, produces to the board a notice to the recorder and a deed of conveyance from said Chandler to claimant, dated December 30, 1805.

(For permission to settle, see Mackay's list.)

Claibourne Rhodes, sworn, says that Edmund Chandler fenced in a piece of ground on the land claimed, but resided in the neighborhood with witness; planted watermelons and potatoes on the same in 1803; in 1804 claimant ploughed a piece of land, and planted corn, which was never gathered in; said Chandler was a single man in 1803. Laid over for decision.—(See book No. 3, page 460.)

July 16, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, Frederick Bates, commissioners.

Arthur Burns, jr., assignee of Edmund Chandler, claiming 640 acres of land.—(See book No. 3, page 460.) It is the opinion of the board that this claim ought not to be granted.—(See book No. 4, page 439.)

May 22, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Edmund Chandler, by Arthur Burns, jr., claiming 640 acres of land under settlement right.—(See record, book D, page 340; minutes, No. 3, page 460; No. 4, page 439.) Produces original deed of conveyance from Chandler to Burns.—(See book No. 6, page 170.)

May 23, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of Edmund Chandler, claiming 640 acres of land.—(See the beginning of this claim.) Albert Tison, duly sworn, says that in the winter of 1803 and 1804 he saw said Chandler, with his family, residing on said land; that he had a house and field.—(See book No. 6, p. 170.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Edmund Chandler, claiming under settlement right 640 acres of land.—(See page 170 of this book.) The board are unanimously of opinion that 640 acres of land ought to be granted to the said Edmund Chandler, or to his legal representatives.—(See book No. 6, page 334.)

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 138.—WILLIAM DILLON, *claiming* 640 *acres.*

No.	Name of original claimant.	Quantity, acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
138	William Dillon.	640	Settlement right.		

Evidence with reference to minutes and records.

November 30, 1808.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Dillon, claiming 640 acres of land situate on the west side of the river St. François, opposite a concession claimed by James Dodson, produces to the board a notice of claim.

Samuel Campbell, sworn, says that in 1803 claimant built a cabin on the tract claimed, moved on it, and continued to reside on it that winter. Laid over for decision.—(See book No. 3, page 386.)

July 12, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Dillon, claiming six hundred and forty acres of land.—(See book No. 3, page 386.) It is the opinion of the board that this claim ought not to be granted.—(See book No. 4, page 431.)

November 15, 1833.—Board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

William Dillon, heirs and legal representatives of, now the heirs of William Crawford, claiming six hundred and forty acres of land.—(See book No. 3, page 386; No. 4, page 431.) The following testimony was taken before L. F. Linn, commissioner:

STATE OF MISSOURI, *county of Madison:*

Samuel Campbell, aged about sixty-eight years, who, being duly sworn, deposeth and saith that he was well acquainted with the original claimant; that the witness became acquainted with him in the spring of 1803, and understood the claimant had been here for some years before; witness also knows the land claimed, and knows that the claimant was settled on the same, and living thereon, in the spring of 1803, and the place had the appearance of having been settled for several years, for there were then two houses, a dwelling-house and kitchen, and several acres of land under fence and cleared, and appeared to have been in cultivation up to that time, and that he knows the claimant actually inhabited and cultivated the same in 1803, and that the same tract of land has been continually inhabited and cultivated by either the claimant or some other person ever since, till within a few years past, and may have been for those few years, but the witness cannot positively say, as he removed to another part of the State.

SAMUEL CAMPBELL.

Sworn to and subscribed before me, the subscriber, L. F. Linn, commissioner, this 22d October, 1833.

L. F. LINN, *Commissioner.*

Also came John Clements, a witness, aged about fifty-three years, who, being duly sworn as the law directs, deposeth and saith that he was well acquainted with William Dillon, the original claimant; that he found him in this country, then the province of Upper Louisiana, in the spring of the year 1802; the witness also knows the land claimed, and knows that the claimant was then settled on and living on the land claimed; that claimant had then a dwelling-house, and in the same year built a kitchen; that claimant had in 1802 some three or four acres under fence and cleared, which land was actually cultivated, in the year 1802, in corn and other things; claimant also had a garden; claimant continued to inhabit and cultivate the land during that year, and the witness understood that he had afterwards remained there for some time, but witness went away in the fall of 1802, and cannot say positively; witness lived with claimant, and helped him to build the house, and attend the same at the time.

JOHN his × mark. CLEMENTS.

Sworn to and subscribed before me, L. F. Linn, commissioner, this 22d October, 1833.

L. F. LINN, *Commissioner.*

Also came John Reaves, a witness, aged about seventy-three years, who, being duly sworn as the law directs, deposeth and saith that he knew the original claimant; that he found him a citizen and residenter of this county in 1803, when the witness came to the country; witness also knew the land claimed. Claimant was settled on the same in 1803, had a house in which he lived, and had several acres in actual cultivation, cleared and under fence, and the same tract of land has been actually inhabited, continually improved, and cultivated ever since.

JOHN his + mark. REAVES.

Sworn to and subscribed before me, L. F. Linn, commissioner, this 23d October, 1833.

L. F. LINN, *Commissioner.*

The board are unanimously of opinion that six hundred and forty acres ought to be granted to the said William Dillon, or to his legal representatives.—(See book No. 6, page 334.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 139.—ROBERT GIBONEY, *claiming* 348 *arpents and* 42 *perches.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
139	Robert Giboney.	348 arpents 42 perches.	Settlement right.	.....	B. Cousin, deputy surveyor, 24th December, 1805; countersigned Ant. Soulard, surseyor general. On Giboney's creek, district of Cape Girardeau.

Evidence with reference to minutes and records.

March 6, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Robert Giboney, claiming three hundred and forty-eight arpents and forty-two perches of land situate on Giboney's creek, district of Cape Girardeau, produces to the board, as a special permission to settle, list

A, on which claimant is No. 46, a plat of survey, dated 24th December, 1805, countersigned Antoine Soulard, surveyor general. The following testimony in the above claim taken by Frederick Bates, commissioner, at Cape Girardeau, by authority from the board, May 31, 1808:

Andrew Ramsey, sr., sworn, says that the claimant came to the country last of the year 1797, or beginning of the year 1798; that he has continued in the country ever since, and performed all those duties usually enjoined on subjects during the continuance of that government; that claimant followed the business of a blacksmith, which witness presumes prevented a more early application for a concession.

Samuel Bradley, duly sworn, says that he has seen claimant working on the tract claimed; that several acres, perhaps 10, were cleared, and a sufficiency of rails mauled to enclose it; claimant also occupied a sugar camp on said land. Laid over for decision.—(See book No. 3, page 507.)

January 16, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Robert Giboney, claiming 348 arpents 42 perches of land.—(See book No. 3, page 507.) It is the opinion of the board that this claim ought not to be granted.—(See book No. 4, page 255.)

November 13, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Robert Giboney, claiming 348 arpents 42 perches of land.—(See book No. 3, page 507; book No. 4, page 255.) The following testimony was taken by L. F. Linn, commissioner:

STATE OF MISSOURI, *county of Cape Girardeau, sct:*

This day personally appeared before me, Lewis F. Linn, one of the commissioners appointed under an act of Congress to settle and adjust the unconfirmed land claims in the State of Missouri, Alexander Summers, of lawful age, who, being sworn, deposeth and saith that he emigrated to the district of Cape Girardeau in the year 1798, the district being then under the Spanish government; that in the year 1800 this affiant knows that Robert Giboney made a settlement and improvement on the waters of Giboney's creek, in said district; this affiant knows that the said improvement has always been claimed by said Robert Giboney; that the same has been ever since improved and cultivated; that this affiant has lived here, and still resides here.

ALEX. SUMMERS.

Sworn and subscribed October 15, 1833.

L. F. LINN, *Commissioner.*

STATE OF MISSOURI, *county of Cape Girardeau, sct:*

This day personally appeared before me, Lewis F. Linn, one of the commissioners appointed under an act of Congress to settle and adjust the unconfirmed land claims in the State of Missouri, William Williams, of lawful age, who, being sworn according to law, deposeth and saith that he emigrated to the district of Cape Girardeau under the Spanish government, A. D. 1799. This affiant recollects that as early as the year A. D. 1802 he saw an improvement made and claimed by Robert Giboney, in the district of Cape Girardeau; and this affiant recollects that, from his frequently having passed the said improvement since that time, the same appears to have been improved and cultivated up to the present time.

WM. WILLIAMS.

Sworn to and subscribed October 15, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

The board are unanimously of opinion that 348 arpents 42 perches of land, it being the quantity originally claimed, ought to be granted to the said Robert Giboney, or to his legal representatives.—(See book No. 6, page 336.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 140.—JACOB WICKERHAM, *claiming* 800 *arpents.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
140	Jacob Wickerham.....	800	Settlement right.		

Evidence with reference to minutes and records.

June 6, 1833.—F. R. Conway, esq., appeared pursuant to adjournment.

Jacob Wickerham, by his legal representative, William Drennen, claiming 800 arpents of land situated on Balew's creek.—(See record, book F, page 142; Bates's Decisions, page 104.)

William Moss, duly sworn, says that he is settled in this country since the year 1795, and knows the tract now claimed; that in 1803 he went to the farm of Jacob Wickerham's father to buy corn, and having lost his way, he met with the said Jacob Wickerham, who took him through a piece of land on which he

had about 500 peach trees he had planted the year before and was then hoeing; the said trees were enclosed with a strong fence, and that the said Wickerham proposed to sell his improvements to him, the said deponent.—(See book No. 6, page 173.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jacob Wickerham, claiming 800 arpents of land.—(See page 173 of this book.) The board are unanimously of opinion that 640 acres of land ought to be granted to the said Jacob Wickerham, or to his legal representatives.—(See book No. 6, page 338.)

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

No. 141.—JACOB COLLINS, *claiming* 890 *arpents.*

No.	Name of original claimant.	Quantity, in arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
141	Jacob Collins.....	890	Settlement right.....	.....	John Stewart, June 21, 1808; on Negro Fork of the river Maramec, district of St. Louis.

Evidence with reference to minutes and records.

October 22, 1808.—Board met. Present: The Hon. Clement B. Penrose and Frederick Bates, commissioners.

Jacob Collins, claiming 890 arpents of land situate on the Negro Fork of the river Maramec, district of St. Louis, produces to the board a notice of claim to the recorder, dated June 25, 1808; a plat of survey, dated June 21, 1808, signed by John Stewart, surveyor.

John Wideman, sworn, says that claimant built a cabin on the place in 1802, and raised a crop; one Charles Pruitt cultivated the same in 1803, but does not know for whom; that three years ago claimant inhabited and cultivated the same, and ever since; that claimant was one of the families that came to the country with him, the witness.

John Pruitt, sworn, says that claimant, in 1803, had a wife and one child.

Laid over for decision (in the margin—for permission to settle, see John Wideman's claim, book No. 1, page 390,) to wit:

Michael Horine, being also duly sworn, says that Francis Vallé, when commandant of St. Genevieve informed him, the witness, that he had permitted the Widemans and their families (consisting then of eight or ten families) to settle on vacant lands.—(See book No. 3, page 315.)

June 21, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacob Collins claiming 890 arpents of land.—(See book No. 3, page 315.)

It is the opinion of the board that this claim ought not to be granted.—(See book No. 4, page 399.)

June 18, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jacob Collins, claiming 890 arpents of land situate on Big river, Maramec, bounded on one side by the said Big river, on the upper side by Hugh McCullick, on the lower side by Mark Wideman, and back by public land, by virtue of a settlement right.—(See minutes, No. 4, page 399.)

James Rogers, duly sworn, says that he is about fifty-two years of age; that some time in May, 1802, he came on to this country in company with the claimant; that they arrived time enough to raise a crop of corn; that he, the deponent, worked a few days for the claimant; that, in that same year, the claimant raised corn; that they made a camp, it being too late to build a house; that in 1803, claimant got one Charles Pruitt to work said place for him, and said Pruitt sowed flax and planted some corn; that said place is under cultivation now, and deponent thinks it has ever been so since the first settling of it; that there are now about forty acres under cultivation, and never heard that any body claimed it but the aforesaid Jacob Collins; that he never knew of Jacob Collins laying any claims to any other lands; that when claimant first moved to this country he had a wife and three children; that at present there is on the place a hewn two story log-house with shingle roof, a barn, two stables, a well, &c. The deponent further says that he was absent two years at Natchez and the Walnut hills; his absence embracing the time when said Collins presented his claim before the former board of commissioners.—(See book No. 6, page 176.)

November 15, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jacob Collins, claiming under settlement right 890 arpents of land.—(See page 176 of this book.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Jacob Collins, or to his legal representatives.—(See book No. 6, page 333.)

A. G HARRISON.
L. F. LINN.
F. R. CONWAY.

No. 142.—Sebastian Butcher and Peter Bloom, *claiming* 1,600 *arpents.*

To his lordship the intendant general of the province of Louisiana, in his mansion in New Orleans:

Michael Butcher, Bartholomew Butcher, Bastian Butcher, and Peter Bloom, supplicate very humbly, and have the honor to represent that having resided since several years under the domination of his Catholic Majesty, and having never obtained any land from the government, they would wish to make and improve a plantation as well as a grazing farm. To this effect they have made researches for a tract of land suitable to their views, and they have found one situated at about six miles from Mine à la Motte, on the road which leads to St. Genevieve and New Bourbon, at a place where there is a spring, which is at about a half mile from the land of Mr. Robert Friend, the said tract consisting of sixteen hundred arpents in superficie. For these motives the said petitioners apply to your lordship, praying that you may be pleased to grant to them the above-mentioned tract of land, consisting of sixteen hundred arpents in superficie, at the place above described, for them, their heirs and assigns; and in case the aforesaid quantity of arable land was not to be found in the place here above described, to authorize them to take what would be wanting in a vacant place of the King's domain; the said land now solicited for not being granted to any person, which fact can be certified, if needed, by the nearest neighbors, as well as by the surveyor of this district. In so doing the petitioners shall never cease to pray for the conservation of your days.

Done at New Bourbon, June 11, 1802.

BARTHOLOMEW BUTCHER.
MICHAEL BUTCHER.
BASTIAN BUTCHER, his + mark.
PETER BLOOM, his + mark.

We, captain, civil and military commandant of the post of New Bourbon, of Illinois, do certify to my lord the intendant of Louisiana that the petitioners are very honest individuals, exercising in a perfect manner the profession of masons, who have been of the most precious utility to the inhabitants of these districts since their arrival, as much for the construction of houses and chimneys free of catching fire, *(à l'abry du feu,)* as for the erecting of furnaces to smelt lead. We do certify, besides, that the greatest part of the said mason work being finished, and the said petitioners having the intention of leaving this country, we have united our endeavors to those of Don François Vallé, commandant at St. Genevieve, to prevail upon them to remain, to which they have consented, upon the promise we have made them to employ ourselves near his lordship the intendant, in order to have the concession which they solicit granted to them to form thereon a plantation. The said land has not been granted to any person, and is evidently a part of the King's domain.

Done at New Bourbon, June 15, 1802.

PIERRE DELASSUS DELUZIERE.

A true translation. St. Louis, December 12, 1832.

JULIUS DE MUN.

No.	Name of original claimant	Quantity, arpents.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
142	Sebastian Butcher and others.	1, 600	Petition and recommendation, June 15, 1802.		

Evidence with reference to minutes and records.

October 3, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Michael Butcher, Bartholomew Butcher, Bastian Butcher, and Peter Bloom, claiming 400 arpents of land situate on the waters of the river St. Francis, district of St. Genevieve, produce a petition to the intendant, together with a recommendation from Pierre D. Delassus Deluziere, commandant of New Bourbon, dated December 15, 1802. A plat of survey, dated February 23, 1806, certified February 23, 1806. It is the opinion of the board that this claim ought not to be granted.

Michael Butcher, Bartholomew Butcher, Bastian Butcher, and Peter Bloom, claiming 1,200 arpents of land situate on the waters of Big river, district of St. Genevieve, produce to the board the petition and recommendation, as in the foregoing claim. A plat of survey, dated February 25, 1806; certified February 28, 1806. It is the opinion of the board that this claim ought not to be granted.—(See book No. 5, page 352.)

December 14, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom, claiming 1,600 arpents of land.—(See book No. 5, page 352; record, book D, pages 46 and 47.) Produces a paper purporting to be their petition to the intendant general of Louisiana, and a recommendation to the same of Pierre Delassus Deluziere, commandant of New Bourbon, dated June 15, 1802; also a paper purporting to be a plat and certificate of survey, dated February 25, 1806, by Nathaniel Cook, deputy surveyor.

The following additional testimony was taken in the foregoing case, in compliance with a resolution of this board of the 10th of October last:

The claimants state that, by virtue of their said claim, they located 400 arpents thereof about six miles from Mine à la Motte, as in their petition prayed for; that finding no other vacant land at that place of value for cultivation, they located the remaining 1,200 arpents at a place on the waters of Grand or Big river, agreeably to the tenor of their said petition and the plat of survey herewith shown to the board of commissoners. The petitioners further state that the plat of survey for the said 400 arpents, so located near Mine à la Motte, is now in the land office at Jackson, so that they can now produce it, but believe the same is on record in the office of the recorder of land titles in St. Louis.

Joseph Pratte, being duly sworn in this behalf, deposeth and saith that he has seen the recommendation of the said Deluziere, late commander of the post of New Bourbon, annexed to the petition of the said claimants for a grant or concession of 1,600 arpents of land; that he is well acquainted with the handwriting of said Deluziere, and the said recommendation, dated June 15, 1802, and the signature thereunto affixed, are in the handwriting of the said Deluziere. This deponent further saith that he is well acquainted with the handwriting of Antoine Soulard, late surveyor general of Upper Louisiana, and that his signature to the plat of survey here shown is, as this deponent verily believes, genuine, and written by himself. This deponent further saith that he is fifty-seven years of age, and has resided in St. Genevieve and vicinity, in what was formerly Upper Louisiana, all his life; that he is well acquainted with the nature of Spanish concessions and requests, and recommendations of commandants of posts, of which latter class the claim here shown appears to be; that after the year 1799 or 1800 (as near as he can recollect) the commandants did not give concessions, but recommendations to the intendant general at New Orleans, (as in this case,) and that said recommendations were uniformly considered of equal validity with concessions, and were passed and transferred from hand to hand as such, and that it was the uniform custom of the intendant general at New Orleans to grant and confirm all such claims. This affiant further saith that he has no doubt that the claim here shown would have been confirmed by the said intendant, under the usages and custom of the Spanish government; that he has known the said Sebastian, (or Bastian,) Michael, and Bartholomew Butcher, and Peter Bloom, to have come to the country in the year 1797, and that it was the custom of the government to give lands to persons of their description, when applied for, and he has never heard that they received any other lands than those in the present claim mentioned.

JOSEPH PRATTE,
L. F. LINN,
Land Commissioners.

John Baptiste Vallé, sen., being duly sworn in this behalf, deposeth and saith that he has seen the recommendation of the said Deluziere, late commandant of the post of New Bourbon, annexed to the petition of the said claimants for a grant and concession of sixteen hundred arpents of land; that he is well acquainted with the handwriting of the said Deluziere, and that the said recommendation to the intendant general, and the signature thereunto affixed, are in the handwriting of the said Deluziere. This deponent further says that he was well acquainted with Antoine Soulard, late surveyor general of Upper Louisiana, and that his signature to the plat of survey here shown this deponent believes to be genuine, and written by said Soulard. This deponent further says that he is now seventy-two years of age, and has resided in St. Genevieve, in the district (now county) of St. Genevieve, all his life, and is well acquainted with the manner of granting concessions by the Spanish government in Louisiana, and he always considered incipient titles of the kind here shown as much entitled to a confirmation as any other, and that frequently lands granted by the said Spanish government were not surveyed until several years after they were granted and confirmed.

J. BAPTISTE VALLÉ.

And as a witness in this behalf, Mary Ann Laplante personally appeared before Lewis F. Linn, one of the commissioners appointed to settle and finally adjust the land claims in Missouri, and authorized by the said board of commissioners to receive testimony in this behalf, who, being duly sworn, deposeth and saith that she is about fifty-eight years of age; that she came from France to Upper Louisiana in the family of Mr. Deluziere, late commandant of the post of New Bourbon, and has resided in St. Genevieve and New Bourbon ever since the said Deluziere came to the country; that some time before the change of government, (she thinks about the year 1802,) she was in the office of the said Deluziere, (he being then commandant of the post of New Bourbon,) and saw Mr. Deluziere writing a paper, which said Deluziere then told her was a concession or grant of land to Bartholomew Butcher, Michael Butcher, Sebastian (or Bastian) Butcher, and Peter Bloom, which grant or concession said Deluziere informed the witness was for four hundred arpents for each of said persons, for that, as those persons were such good stonemasons, it was a great object to the people and the government of the country to have such good workmen and peaceable subjects retained in the country. This affiant, being now blind, cannot, of course, say whether the grant or concession or recommendation now shown to the commissioner is the same she saw Mr. Deluziere write.

MARY ANN LAPLANTE, her + mark.
L. F. LINN.

(See book No. 6, page 76.)

November 17, 1833.—The board met pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Sebastian Butcher, Bartholomew Butcher, Bastian Butcher, and Peter Bloom, claiming 1,600 arpents of land. The board, although not considering themselves authorized by the provisions of the act of Congress to take cognizance of this claim, regarding it to be a meritorious claim, respectfully recommend it to the examination of Congress for confirmation.

L. F. LINN.
F. R. CONWAY.
A. G. HARRISON.

23D CONGRESS.] No. 1174. [1ST SESSION.

APPLICATION OF ALABAMA TO EXCHANGE THE SIXTEENTH SECTIONS OF LAND FOR OTHER LANDS WHEN VALUELESS.

COMMUNICATED TO THE SENATE FEBRUARY 10, 1834.

JOINT MEMORIAL to the Congress of the United States, requesting the right of a grant of land for each township wherein the sixteenth sections have proved valueless.

The memorial of the legislature of the State of Alabama to the Congress of the United States respectfully represents to your honorable body that there is a large portion of the citizens of their State entirely deprived of the benefits of an act of Congress granting the sixteenth section of each township to the use of the inhabitants of the same for literary purposes, in consequence of said sixteenth section proving entirely valueless, and that generally in the poorer sections of the State, where the inhabitants mostly stand in need of the benefits of the donation. Your memorialists therefore respectfully represent to your honorable body the justice and propriety of allowing the inhabitants in each and every township in this State, where the sixteenth sections have proved valueless, to relinquish the same, and, in lieu thereof, select one other section from any unappropriated lands in the State, to be applied to the specific object of education in the township for which the selection was made; and as in duty bound your memorialists will ever pray.

Resolved, That our senators and representatives in Congress be requested to use their best endeavors to procure the passage of a law in Congress embracing the objects of the foregoing memorial.

Resolved, That his excellency the governor of the State be requested to forward one copy of this joint memorial and resolutions to each of our senators and members in Congress.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
JOHN ERWIN, *President of the Senate.*

Approved January 18, 1834.

JOHN GAYLE.

23D CONGRESS.] No. 1175. [1ST SESSION.

APPLICATION OF ALABAMA FOR AUTHORITY TO SELL THE REMAINING PART OF THE LANDS GRANTED FOR IMPROVING THE TENNESSEE AND OTHER RIVERS WITHOUT LIMITATION AS TO PRICE.

COMMUNICATED TO THE SENATE FEBRUARY 10, 1834.

JOINT MEMORIAL of the general assembly of the State of Alabama to the Congress of the United States.

Your memorialists beg leave to state to your honorable body that there remains unsold a remnant of the 400,000 acres of land given to this State for the improvement of the Tennessee and other rivers, which they believe can never be sold at the present minimum price of the public lands; below which price they have no right, by the terms of the grant, to provide for its disposal. The importance of realizing the entire proceeds of the grant of 400,000 acres is to us most obvious. The work around the Muscle Shoals is now in successful progress, and we look forward with flattering prospects to its early completion. In order, therefore, that the value of the remaining portion of land may be disposed of, we ask of your honorable body the passage of a law authorizing the State of Alabama to sell the remnant of the land granted to the State for improving rivers therein named for the best price that can be obtained, without regard to the fixed minimum rate. It will be seen by your honorable body that this subject is not alone a matter of great interest to the State of Alabama, but equally to all the States who, from their locality, feel interested in the works for the completion of which the donation was made. By authorizing the State to effect a sale upon the best terms a considerable sum may be realized, but under existing regulations and restrictions the lands cannot be sold.

Resolved, therefore, That our senators be instructed, and our representatives requested, to use their best exertions to pass such a law as is contemplated in the memorial; and that his excellency the governor be requested to transmit to each of our senators and representatives in Congress a copy hereof.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
JOHN ERWIN, *President of the Senate.*

Approved January 17, 1834.

JOHN GAYLE.

23D CONGRESS.] No. 1176. [1ST SESSION.

APPLICATION OF ALABAMA FOR A GRANT OF LAND TO THE MALE AND FEMALE ACADEMIES IN TUSCUMBIA.

COMMUNICATED TO THE SENATE FEBRUARY 10, 1834.

JOINT MEMORIAL to the Congress of the United States.

The memorial of the senate and house of representatives of the State of Alabama respectfully represent to your honorable body: That the little but flourishing town of Tuscumbia, in Franklin county, has two infant but respectable institutions in said town, known by the names of the Male and Female Academies; and as it is known that the Congress of the United States has unappropriated lands within the limits of said county of Franklin, therefore—

Be it resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That our senators be instructed, and our representatives in Congress be requested, to use their best endeavors to have an act of Congress passed at the present session authorizing the trustees of said institution to select for each institution four sections of land at the minimum.

And be it further resolved, That the trustees of the Elizabeth Academy, in said county of Franklin, be authorized to select four sections.

And that the executive of this State be requested to forward a copy of the same to each of our senators and representatives in Congress.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
JOHN ERWIN, *President of the Senate.*

Approved January 17, 1834.

JOHN GAYLE.

23D CONGRESS.] No. 1177. [1ST SESSION.

ON PRIVATE LAND CLAIMS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 10, 1834.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the communication of the Secretary of the Treasury, accompanied by the report of the register and receiver of the southeastern district, in the State of Louisiana, reported:

That by the act of July 4, 1832, the register and receiver of the southeastern district, in the State of Louisiana, were directed to receive and record the claims of any person or persons claiming lands within the limits of said district, "agreeably to the laws heretofore enacted for the adjustment of land claims in that part of the Territory of Orleans or State of Louisiana, but whose titles have not been heretofore confirmed," on or before July 1, 1833, and to report the same to the Secretary of the Treasury.

The register and receiver very properly classed the different individuals claiming a confirmation of their title under four different heads:

First, called by them "Class A, including claims founded upon grants or concessions, made and completed in due form, by the French or Spanish governments."

Second, "Class B, including claims founded upon incomplete titles, such as orders or warrants of survey, authentic surveys," &c.

Third, "Class C, including claims founded upon possession and cultivation for at least ten consecutive years prior to December 20, 1803."

Fourth, "Class D, including the claims embraced within the provisions of the fourth section of the above-mentioned act, passed July 4, 1833."

The claimants under class A found their titles upon the protection to persons and property promised by the government in the treaty with France of April 30, 1803, and under the first section of an act of Congress passed March 2, 1805, (L. L., 518,) which provides that any person or persons resident within the territories ceded by the French republic, and who had, before October 1, 1800, obtained from the French or Spanish governments "any duly registered warrant or order of survey, and which were on that day actually inhabited or cultivated for his or their use, shall be confirmed in their titles in the same manner as if their titles had been complete."

The act of March 20, 1805, makes void all grants or evidences of title emanating from the Spanish government after October 1, 1800, the date of the treaty of St. Ildefonso.

Under the provisions of these laws the register and receiver have received and recorded, and transmitted to the Secretary of the Treasury, with the evidence upon which they acted, the applications of forty-nine claimants for a confirmation of their titles, and recommend a confirmation of their claims. An abstract accompanies this report, showing the names, by what title they claim, and the quantity of land claimed by them. The committee are satisfied that the several applicants named in said list should be confirmed, respectively, in their titles as being embraced within the provisions of the laws aforesaid, except those which are hereafter named.

CLASS A.

No.	Names.	Quantity.	Titles.
1	E. B. Dufocher De Gruy	10 arpents by 40	French grant
2	Jean Sevet	3....do....40	.....do.....
3	Simon Cuculu	6 arpents to the cape	.....do.....
4	Acheville and Lawrence Segur	27 arpents in front 13 arpents by 80 14....do....40	Spanish grant..... .....do..... .....do.....
5	Pierre Latour	6....do... 40	French grant
6	Joachim Bermudez	6....do....40 121¾ superficial arpents	Spanish grant
7	François, Phillippon, & Jean Antoine	21 arpents in front Irregular depth	Four French grants..... Two Spanish grants .....
8	John Castellin	4 arpents by 40.	French grant
9	Louis Saulaud	7....do....40	.....do.....
10	Pierre Gervais Arnault	6 arpents in front, irregular depth to the lake.	.....do.....
11	Antoine Chevalier Doricourt	15 arpents by 20	.....do.....
12	Marie Joseph Carel	6....do....40	.....do.....
13	Bonaventure Baily	8....do....40	.....do.....
14	Heirs of Lawrente Guenard	5....do....40	.....do.....
15	Louis Menier	1....do....40	Spanish grant
16	Jean Estevan	1....do....40	.....do.....
17	Widow of Pierre Lope	1....do....40	.....do.....
18	Adrien Deve	1....do....40	.....do.....
19	Victor Chevalier	1....do....40	.....do.....
20	Arthemise Cassagnol	1....do....40	.....do.....
21	E. B. Dufocher De Gruy	11....do....40	French grant
22	Marcos Caulor De Villiers	540 superficial arpents	Spanish grant
23	Marguerite Nivette	3 arpents by 40	French grant
24	Tenor Nivette	1½...do....40	.....do.....
25	Magloire Guichard	12....do....40	.....do.....
26	Etienne Grandpre	4....do....40	Spanish in 1802.....
27	Pierre Lafetor	4....do....40	.....do.....
28	Antoine Joseph Doussan	2....do....40	.....do.....
29	François Martin	20....do....40	French grant
30	John Estevan	6½...do....40	Spanish grant.....
31	Wm. and Jona. Montgomery	23½...do....80	.....do.....
32	Widow Français Pascales Labarre	20 arpents in front to the lake Pon.	French grant
33	Alexander Milne	40 arpents by 80	.....do.....
34	Joseph Blanchard	3½...do....40	Spanish grant.....
35	Anne Robinet	43....do....40	Part Spanish, part French.
36	Noel Frederick	3....do....40	French grant
37	Jacques Courtault	7....do....40	.....do.....
38	Wm. Gormly and others	Island Chenur Aminada	.....do.....
39	David Urquhart	12 arpents on each side by 20	.....do.....
40	Jean Baptiste Genois	120 feet front by 3 arpents deep.	Spanish grant
41	Julie Sharp	6 arpents by 11	.....do.....
42	Rene Arnous and Constat Viel	4 arpents and 10 toises by 40.	.....do.....
43	Thomasin Blanchard	2 arpents by 40	.....do.....
44	Heirs of Jacques Milton	40....do....40	French grant.....
45	The heirs of Jeane Dilotte, now claimed under act of April 12, 1814.	2,269 superficial arpents	Spanish grant, August 9, 1802.
46	Sosthene Roman	2,100 superficial arpents, 8 arpents in front and back to the first water-course.	French grant
47	Heirs of Julien Paydrass	65 arpents by 40	Spanish grant

Upon examining the preceding list it will be perceived that those claimants marked as Nos. 3, 10, 25, 32, 38, and 46, have no specific depth in arpents nor any superficial extent, so as to enable the officers of the government to designate with sufficient certainty the said lands, and they are, therefore, not recommended for confirmation at the present time; and they have therefore provided, in the bill accompanying this report, that the said claims be again referred to the register and receiver for further report, designating the boundaries of the claims, respectively, and also the quantity of land.

The claim No. 45, to the heirs of Jeane Dilotte, for 2,269 arpents, is founded on a grant from the Spanish government, dated the 9th day of August, 1802. The act of the 2d March, 1805, section fourteen, makes express provision that all Spanish grants made after the treaty of St. Ildefonso, the 1st of October, 1800, when the Spanish government ceded to France Louisiana, shall be void; and the committee are not informed of the government ever having recognized one grant as valid subsequent to that date, and this claim was presented to and rejected by a former board of commissioners. The register and receiver now place its confirmation on the first section of the act of the 12th April, 1814. It is believed, from an examination of said act, only to apply to incomplete Spanish titles and not to grants; that the present

case does not fall within the provisions of that law, and the committee do not, therefore, recommend its confirmation.

Nos. 26, 27, and 28, are small tracts of land claimed also under Spanish grants in 1802; but as they were surveyed in 1798 by the proper Spanish officer, and the grantees put in possession, it is believed that their claims would have been embraced in the provisions of the law if no complete title had been made thereto in 1802, and they are, therefore, recommended for confirmation.

CLASS B.

The claimants under Class B also found their titles upon the acts of Congress before referred to. The register and receiver have reported fifty-three applicants who hold their lands by incomplete Spanish titles, such as surveys, &c., and recommend a confirmation of their claims. An abstract from the report of the register and receiver accompanies this report, specifying the names of the claimants, the quantity of land claimed, and the nature of the title under which they claim. The committee are satisfied that the said claimants, respectively, should be confirmed in their titles to the lands claimed by them, believing that they are embraced within the provisions of the laws aforesaid, except those which are designated hereafter.

No.	Names.	Quantity.	Titles.
1	Samuel Britton Bennett	15 arpents by 40	Order of survey 1782, and settled ever since.
2	Alexander Lesseps	40....do...120	Island, order of survey of 1788.
3	Pleasant Branch Cock	10....do....40	Grand Isle, order of survey of 1787.
4	John Emile Faures	2....do....40	Claimed by a decree in 1790, and continued possession since.
5	Noel Barthelemy Le Breton	2 arpents and 21 toises by 40	.....do.....do.....
6	George Seicshneydre	10 arpents by 40	By survey in 1774, and possession since.
7	Julian Truxille	8....do....40	By survey in 1790, and possession.
8	François Barthelemy and brothers	10....do....40	By survey in 1789, and possession since.
9	François Regaud	6....do...120	Grand Isle, survey in 1781, and possession since.
10	Charles Hogan	4....do. ..40	By survey in 1777, and possession.
11	Zenon Nivet	3....do....40	Permission to settle in 1764, and possession since.
12	Ebenezer Cooley	20....do....40	By order of survey 1787
13	St. Julian De Tournillon	1,520 superficial arpents	Permission to settle in 1802, and actual possession and cultivation December, 1803.
14	Zenon Bourgeat	4 arpents by 40	Survey in 1777, and possession.
15	Zenon Lacour	2....do....40	Survey in 1774, and possession.
16	Jean Trahan	4....do....40	Survey in 1780, and possession.
17	Clotilde Dugas	2....do....40	.....do.....do.....
18	Jean Baptiste Laudry	2....do....40	Survey in June, 1800, and possession.
19	Jean Louis Gaston Villiers	5 leagues front by 3 arpents; 1,239 superficial arpents.	See book. Possession and cultivation for forty years.
20	John McDonough	20 arpents by 40	Survey in 1794, and possession.
21	.....do.....	12....do....40	Survey in 1794, and continued possession.
22	Ludger Fortier	8....do....40	Grant in 1802, and cultivation and possession long before.
23	Jean Baptiste Degruy	5 leagues front and 1 by 20 arpents.	Survey in 1789, and continued possession for fifty years.
24	Heirs of Guillaume	3¾ arpents by 60	Survey in 1799, and possession.
25	Auguste François Guerin	3¾....do....60	.....do.....do.....
26	Angelique Aury	17 in front to the lake, 8 in front, and back not exceeding 20.	Survey 1791, and possession ..
27	François Dorville	9 arpents by 18	.....do.....do.....
28	Marie Joseph Beaulieu	3 arpents on each side	Survey 1796, and possession ..
29	Jean Louis Beaulieu	2 arpents on each side, and not exceeding 18 back.	Survey 1791, and possession ..
30	Hiacinthe Thomas Hazeur & others	3 arpents on each side road	Possession 50 years
31	Pierre Babin and Henry Bonamy	5 arpents by 40	Survey 1786, and possession..
32	Thomas Mille	2....do....40	Survey 1791, and possession..
33	Etienne Blanchard	3 arpents 9 toises by 23	.....do.....do.....
34	Joseph Guillot	3 arpents by 26	.....do.....do.....

CLASS B—Continued.

No.	Names.	Quantity.	Titles.
35	Heirs of John Alman	12 arpents by 40	Survey in 1789
36	....do	20....do....40	Survey 1794, and possession until his death in 1805.
37	François Dusuan De La Croix	56....do....40	Surveyed in 1801, and possession 50 years.
38	Auguste Groleau	4½...do....40	Surveyed in 1786, & possession.
39	Heirs of George Oliveau	20....do....40	Survey 1787, and possession ..
40	Heirs of Pierre Robeau	2....do....40	Survey 1776, and possession ..
41	Andre Pizani	12....do....40	Survey 1771, and possession ..
42	Jean Jacques Haydel	9....do....40	Survey 1786
43	Heirs of Stephen Henry	15....do....40	Survey 1790
44	Heirs of Pierre Sauve	49....do....39	Partly under a supposed grant in 1738, and partly by surveys and possession for 55 years.
45	Antoine Michaud	820 superficial arpents	Survey 1785, and possession ..
46	Jean Pierre Guedry	4 arpents by 40	Surveyed in April, 1803, and possession.
47	François Enoul Levaudais	3½ leagues by 3 arpents	Grant lost but proven, and also habitation.
48	Widow of Jean Pierre Dugert	491 acres	Decree in 1795, and possession.
49	Jean Voisin	5 arpents by 40	Possession and cultivation 40 years.
50	....do	600 superficial arpents	Survey 1788, and possession ..
51	Louis François Montault	10 arpents by 40	Surveyed Dec. 18, 1803, and continued possession since..
52	Agenor Bosque	5 arpents by the depth belonging to 97 superficial arpents.	....do....do
53	Heirs of Simon Aingle	25 arpents by 40	Survey 1787, and possession ..

In examining the preceding list of claimants it will be seen that Nos. 26, 28, and 29, are in the same situation as the claimants under the Class A, numbered 3, 10, 25, 32, and 38; and the same course is provided for both claimants in the bill accompanying this report.

Claim No. 19 is for a tract of land fifteen miles long and about one-ninth of a mile wide.

Claim No. 23 is for two tracts, one fifteen miles long and fifteen and one-third chains wide; the other three miles long and fifty-eight and one-third chains wide.

Claim No. 47, for a tract near eleven miles long, about one-ninth of a mile wide.

These claims, for such a quantity of land and in such a shape, do not seem sanctioned by the usage and custom of the Spanish or French governments, and therefore, in the opinion of the committee, should be further examined before a confirmation; and they have, therefore, added a section in the bill accompanying this report, making it the duty of the register and receiver to forward a transcript of the evidences before them in relation to said claims to the Secretary of the Treasury for his adjudication.

Claim No. 13 is also for 1,520 superficial arpents, founded on a permission to settle in 1802, and proof of a settlement of said land on the 20th of December, 1803. The second section of the act before referred to limits the quantity of land to those claiming to have settled by permission of the Spanish officers to 640 acres of land.

The permission given in this case is subsequent to the time when Spain ceded Louisiana to France. This claim was once before presented to the board of commissioners by the settler, Bernardo de Deva, and was rejected for the want of proof of settlement, and the present applicant claims under him, and produces proof of settlement the 20th of December, 1803, by the said Bernardo. The committee have also included this claim in the section requiring further proof from the other claimants.

Claims 35, 42, and 43, from the report of the register and receiver, were surveyed by the proper officers for the claimants, but not settled or cultivated by them; and the act aforesaid only directs the confirmation to those who claim "by any duly registered warrant or order of survey, and which were, on the 1st of October, 1800, actually inhabited and cultivated" by the claimant, or for his use or benefit. The committee therefore include those claimants also in the section of the bill requiring further proof in relation to said claims.

All the other claimants in Class B are recommended by the committee to be confirmed.

CLASS C.

Claimants under Class C found their claim upon the second section of the act of the 3d of March, 1807, (L. L. 548,) which provides "that any person or persons who, on the 20th of December, 1803, had, for ten consecutive years prior to that day, been in possession of a tract of land not claimed by any other person and not exceeding 2,000 acres, and who were, on that day, resident and had still possession of such tract of land, shall be confirmed in their titles to such tract," to the extent contained within the ascertained and acknowledged boundaries. The register and receiver have reported two hundred and fifty-one applicants under the preceding law. The committee accompany this report with an abstract from their report, showing the names of the applicants, the quantity of land claimed, and the length of possession, all of whom the committee think should be confirmed in their claims, except those specified hereafter.

CLASS C—Continued.

No.	Names.	Quantity.	Possession.
1	Hugues Lavergne	9½ arp'ts by 75	Upwards of 50 years
2	Felix Martin Forstall	26....do....80	Since 1776
3	Nicholas Reggio	20....do....40	Since 1792
4	Edmond and François Frazende	6 arps. 26 ts. 5 ft. 6 in. by 40	For 50 years
5	Lewis Bernondy	4 arps. 26 ts. 6 ft. by 40	do
6	Edmond and Jean Baptist Drouet	1½ league by 6 arpents	Since 1776
7	Pierre Robin Lacoste	16 arpents by 40	Since 1786
8	Louise Odille Destrahan	16....do....40	For more than 40 years
9	François Delery	10....do....40	For 50 years
10	Aimee Guillet	4½...do....40	Since 1794
11	Pierre Charlet	4....do....40	Over 40 years
12	Louis Bouligny	23½...do....40	do
13	François Robert Avart	8½...do....40	do
14	Louis Barthelemy Macarty	3....do....40	Over 50 years
15	Philip Guesnor	1½...do....40	do
16	David Oliver	2....do....40	do
17	Martin Duralde	2½...do....40	do
18	Thomas W. Chinn	4....do....40	Over 40 years
19	Peter Rapp	12 ...do....40	do
20	Michel Bernard Cantrelle	7....do....40	Since 1782
21	Jean Ursin Jarreau	26....do....40	do
22	Michael Aime	20....do....40	Over 40 years
23	Etienne Trepagnier	7....do....40	Over 50 years
24	Edmond Fortier	1....do....40	Over 40 years
25	Bernard Marigny	24....do....40	Over 50 years
26	Widow of Louis Nicholas, and sons	6½...do....40	Over 40 years
27	Widow Jean Salvant	3....do....40	do
28	Auguste Madere	3....do....40	do
29	Louis Le Bourgeois	2....do....40	Since 1782
30	Marie Constance Larche	4....do....40	Since 1792
31	Heirs of Marie Emeranthe Schetaigre	3....do....40	Over 40 years
32	Jean Tircuit	1¼...do....40	do
33	Jean L. Edmond and Jean B. Drouet	3½...do....40	do
34	Church of Assumption	4....do....40	Since 1786
35	Charles Beromee Dufau	5....do....40	Over 40 years
36	Zenon Ledoux	10....do....40	do
37	Joseph Cavalier	½ of 1.do....40	do
38	Jean Baptiste Terence Drouet	2½...do....40	do
39	Juste Le Bean	6....do....20	do
40	Rene Trudeau	28 arps. 20 toises, back to lake*	Over 50 years
41	Josephine Power	35 arpents, not exceeding 40	Over 40 years
42	Heirs of Laurent Guerard	32 arpents by 40	do
43	Honore Lagroue	2....do....40	do
44	Desire De Blanc	2....do....40	do
45	Donate Landry	2....do....40	do
46	do	1....do....40	do
47	Frosine Laneaux	2....do....40	Since 1792
48	Scolastique Laneaux	1....do....40	Over 40 years
49	Augustine Larause	1....do....40	do
50	Joseph Dufrise	2....do....40	do
51	Joseph Aillau	2....do....40	do
52	Evariste Lapine	9½...do....40	do
53	Raphael Gotreau	5½...do....40	do
54	Michael Theriot	4....do....40	do
55	Jean Baptiste Pacquet	3....do....40	About 40 years
56	Michael Andre and Hortaire Audry	35½...do....40	Over 50 years
57	Gilbert Leonard	1... do....40	Over 40 years
58	Joseph Vilton	9....do....40	Since 1789
59	John Nivit	15....do....40	Over 40 years
60	François Lafrance	6....do....40	Since 1789
61	do	4....do....40	Over 40 years
62	Perrine Lafrance	4....do....40	Since 1789
63	Celeste Daubard	2....do....40	Over 40 years
64	do	1½...do....40	Since 1789
65	Raphael Labady	1½...do....40	do
66	Heirs of George Shitz	6....do....40	Over 40 years
67	Jean Baptiste and Lise Cantrelle	6....do... 40	do
68	Andre Wagenspack	2....do....40	do
69	Paul Marie Boudreau	6½...do....40	Since 1785
70	Heirs of Mary Saul	16....do....40	Since 1789
71	Pierre Caulon	20....do....40	Over 40 years
72	Philibert Justin Taris	6....do....40	Over 45 years
73	Emanuel Landry	10....do....40	Over 40 years
74	Jean Baptiste Guedry	2....do....40	do

* Grant presumed from proof, but lost.

CLASS C—Continued.

No.	Names.	Quantity.	Possession.
75	Pierre Lefebvre	4½ arp'ts by 40	Over 40 years
76	Sebastian Hermandez	3....do....40	.....do
77	Jeanne Dessalles	4....do....40	.....do
78	Anne Boudraux	4....do....40	.....do
79	Pierre Soniat Dufossart and others	10....do....40	.....do
80	Heirs of François D'Hebecourt	A small irregular tract	.....do
81	.....do	23 arpents by 40	.....do
82	Louis Allard	4....do....40	.....do
83	Heirs of Louis Allard	14....do....40	.....do
84	John McDonough	18....do....40	By permission before 1803.
85	.....do	6....do....40	.....do
86	.....do	30 acres front by 110 arpents	Over 40 years
87	Euphraim La Branche	4 arpents by 45	.....do
88	François and Achille Lorio	3....do....40	.....do
89	Heirs of Andre France	½ of 1.do....40	.....do
90	Henry Armstrong James	¾ of 1.do....40	.....do
91	Heirs of Jacques Ingle	10....do....40	Since 1790
92	Heirs of George Kinler	¾ of 1.do....40	Over 40 years
93	Honore Doussan	1....do....40	.....do
94	Sylvian Boudoin and others	1¾...do ...40	Since 1782
95	Auguste Perron	6....do....40	Over 40 years
96	Antonio Vela	7....do....40	.....do
97	Joseph Cavaliero	2....do....40	.....do
98	Jacques Vichnair	2....do....40	.....do
99	Antoine Badaux	2....do....40	.....do
100	Heirs of Antoine Badaux	2½...do....40	.....do
101	Evariste Badaux	1½...do....40	.....do
102	Francis Himmel	1½...do....40	.....do
103	Alexis Himmel	1....do....40	.....do
104	Mathias Borne	½ of 1.do....40	.....do
105	Ursin Savois	2....do....40	.....do
106	Jean Dufreney	2....do....40	.....do
107	George Dufreney	2....do....40	.....do
108	Alexis Amand Leday	3....do....40	.....do
109	Marguerite Melancon	1....do....40	.....do
110	Antoine Leday	2....do....40	.....do
111	Etienne Guidraux	30 acres front by 40 arpents	.....do
112	.....do	4¼ arp'ts by 40	.....do
113	.....do	1¼...do....40	.....do
114	Edward Bergeron	1....do....40	.....do
115	Severin Forest	4....do....40	.....do
116	Celeste Lamatte	1½...do....40	.....do
117	Alexander Lepine	2¼...do....40	.....do
118	Honore Zeringue	1....do....40	.....do
119	Pelagie Haydel	1....do....40	.....do
120	Paul Champagne	1....do....40	.....do
121	Louis and Udger Friloux	1....do....40	.....do
122	Heirs of Pierre Dragon	5....do....40	.....do
123	François Guerin and others	31....do....40	.....do
124	Joseph and Benj. Carentine	2....do....40	.....do
125	Andre Madere	1....do....40	.....do
126	Jacques Lafrance	4....do....40	.....do
127	John Morris	9....do....40	.....do
128	Valfroy Duplessis and others	12....do....40	.....do
129	Honore Duplessis	5....do....40	.....do
130	Pierre Robin Lacoste	11 1-5.do....40	.....do
131	Fernando Rodriguez	3....do....40	.....do
132	Alex. Dennistown and others	56....do....40	.....do
133	Pierre Rouanet	2½...do....40	.....do
134	Valfroy Duplessis	7....do....40	.....do
135	Remy Bourgeois	1....do....40	.....do
136	John Alexis and Joseph Brodraux	3....do....40	.....do
137	Alexis Folse	10....do....40	.....do
138	Romain Rodri	2....do....40	.....do
139	Nicolas Meillon	2....do....40	.....do
140	Pierre Jean Pierre Buras	20....do....40	.....do
141	Jean Pierre Burat	8....do....40	.....do
142	Pierre Cagnolati	4½...do....40	.....do
143	.....do	3....do....40	.....do
144	Heirs of Pierre Clause	4....do....40	.....do
145	Jacques Adain Frederic	4....do....40	.....do
146	Joseph Lausade	8....do....40	.....do
147	Pierre Covin	3½...do....40	.....do
148	Catharine Wilkinson	15....do....40	.....do

CLASS C—Continued.

No.	Names.	Quantity.	Possession.
149	Joseph B. Wilkinson	25 arpents by 40	Over 40 years
150	Merced Manent	½ of 1.do....40	.....do
151	Genevieve Zelime Gaultier	37....do....40	.....do
152	Domingo Ragas	6....do....40	.....do
153	Jacques Frederic	5....do....40	.....do
154	François Moreaux	3....do....40	.....do
155	Jean Lafrance	1....do....40	.....do
156	Hortaire Bouvier	1....do....40	.....do
157	Jean Baptiste Malaison	1¾...do....40	.....do
158	Reuben Bust	6....do....40	.....do
159	Pierre Robin Delogny	5 1-6.do....40	.....do
160	John S. David and another	5....do....40	.....do
161	Brinville Lafrance	2....do....40	.....do
162	Joseph Lalonier	½ of 1.do....40	.....do
163	Louis Harang	1....do....40	.....do
164	François McCarty	1....do....8	.....do
165	Jos. Enoul Dugue Livandais and Chs. Enoul Dugue Livandais.	2 2-3.do....80	.....do
166	Honore Bacchus	1....do....40	.....do
167	Zenon Saulet	4....do....80	.....do
168	Mary Bacchus	1¾...do....40	.....do
169	Mercellet Rieux	⅔ of 1.do....40	.....do
170	Heirs of Andre Lasseigne	2....do....40	.....do
171	Louis Constant Destez	2....do....33	.....do
172	George Tegre	1⅓...do....40	.....do
173	Victoire Deslondes	2....do....40	.....do
174	Rosalie Isidor	½ of 1.do....34	.....do
175	Joseph Pacquet	1⅓...do....40	.....do
176	Narcisse Lasse	2 each side road, extent to lake.	.....do
177	Marie Pierre Dumouy	Same size as above	.....do
178	François Pascalis Lacestiere and Volant de La Barre.	2 arpents on each side; depth not defined.	.....do
179	Lacestiere Volant La Barre and Jean Baptiste Volant La Barre.	12 arpents on each side; depth not defined.	.....do
180	Edm. Bozonnier Marmillon and another	6 arpents by 40	.....do
181	Joseph Nicholas Dugas	6....do....40	.....do
182	Jean Baptiste Gaudin	1....do....40	.....do
183	Beloni Babin	3....do....40	.....do
184	Marcelin Leblanc	2....do....40	.....do
185	Antoine Diez	20....do....40	.....do
186	Heirs of John Dugat	60....do....40	.....do
187	Heirs of Guillaume Terrebonne	20 on each side by 40 arpents	.....do
188	Manuel Perrin	11 arpents by 10	.....do
189	Armand Magnon & Jacques Pelleteau.	11....do....10	.....do
190	François Dusuan De La Croix	10....do....40	.....do
191	Heirs of Philip Villere	7¼ arpents back to lake	.....do
192	Barthelemy Favre	3 arpents by 40	.....do
193	Camille Arnoul	⅔ of 1.do....40	.....do
194	.....do	3....do....40	.....do
195	.....do	5....do....40	.....do
196	Michael Lucien La Branche	4....do....80	.....do
197	.....do	2....do....40	.....do
198	Sosthene Roman, as syndic for creditors of Jean Baptiste De Gruy.	10....do...103 10....do....60 20....do....40	Possession in 1792, and surrendered to his creditors in 1812.
199	Barthelemy Baptiste	25....do....40	Over 40 years
200	Henry McCall	7....do....40	.....do
201	Philip Augustus De La Chaise	7⅓...do....40	.....do
202	Benjamin Folse	6....do....40	.....do
203	Marie Lesche	2¼...do....40	.....do
204	Jacques Babin	1¾...do....40	.....do
205	Joseph Leblanc	2....do....40	.....do
206	Hypolite Guedry	2....do....40	.....do
207	Joseph Nicolas	5-6 of 1.do....40	.....do
208	Martial Lebœuf	5....do....40	.....do
209	Nicolas Arcenaux	1....do....40	.....do
210	.....do	2....do....40	.....do
211	.....do	2....do....40	.....do
212	Joseph Barrio	6....do....40	.....do
213	.....do	4....do....40	.....do
214	.....do	2....do....40	.....do
215	Jourdain Savoie	2....do....40	.....do
216	St. Mary's Church	6....do....40	.....do
217	Marie Babin	3....do....40	.....do

CLASS C—Continued.

No.	Names.	Quantity.	Possession.
218	Michel Duplessis	3 arpents by 40	Over 40 years
219	François Meffre Rouzan	8⅔...do....40	Holden under a decree of Spanish governor in 1795.
220	Antoine Michaud	1,202 superficial arpents	Over 40 years
221	.....do	1,800.....do	.....do
222	François Alpuente	75 feet by 304 feet	.....do
223	.....do	3 arpents by 40	.....do
224	.....do	188 feet, irregular depth	.....do
225	Felix Leonard and others	10 arpents by 40	.....do
226	William Shea	4....do....40	.....do
227	George W. Johnson & Co	4....do....40	.....do
228	.....do	4....do....40	.....do
229	David Lanaux and others	30....do....40	.....do
230	.....do	80....do....40	.....do
231	Delphine Bazonier Marmillon	10....do....40	.....do
232	Jean Marie Dieudonne	17....do....40	.....do
233	Charles Labedoyere Huchet Kernion & Pierre Guermeur Huchet Kernion.	13....do....20	.....do
234	Belisle Doricourt	22 arpents on both sides by 22	.....do
235	Thomas A. Morgan	6 arpents by 40	.....do
236	Joseph Girod	1....do....40	.....do
237	Pierre Cire	6....do....40	.....do
238	Alix Bienvenue	37½...do....48	.....do
239	Aimee Delhommer	39....do....40	.....do
240	Antonio Marcelin Ducros	20....do....40	.....do
241	Heirs of Julien Paydras	6....do....40	.....do
242	.....do	84....do....40	.....do
243	Jouissant Mossy	2... do....40	.....do
244	Widow of Pierre Gueno	Area of 65 arpents	.....do
245	Guillaume Bellanger	135 feet by 540 feet	.....do
246	Manuel Audry	2⅓ arpents by 40	.....do
247	Widow of Joseph Castenado	730 feet by 540 feet	.....do
248	.....do	206 feet by 1,580 feet	.....do
249	Church ———	6 arpents by 40	Since 1815; recommended for religious uses.
250	Charles Morgan	10....do....40	Over 40 years
251	Parish ———	23....do....40	Because they erected a levee in 1815.

Upon examining the preceding list of claims, it will be seen that No. 6 is a claim for 4½ miles long by less than a quarter of a mile in depth.

No. 186 is a claim for 60 arpents front by 40, equal to 2,400 arpents.

Nos. 220 and 221 belong to the same individual—the first for 1,202 superficial arpents, and the second for 1,800 superficial arpents.

No. 86 is for a tract of 30 acres front by 110 arpents in depth.

These are for larger tracts of land than the law above alluded to justifies; and besides, there is no evidence showing that there is that quantity of land within the "ascertained and acknowledged boundaries" of their respective claims, and without further evidence the committee would not be inclined to allow them more than a common settlement of 640 acres, including their improvement; and therefore these claims are included, with others, in the section providing for a further examination of said claims.

Nos. 84 and 85, claimed by the same individual, and not proved to have been inhabited and cultivated for ten consecutive years prior to December 20, 1803, and No. 86, also claimed by the same, and being a larger amount than the law contemplates, are referred for further examination with the cases above alluded to.

Nos. 40, 176, 177, 178, 179, and 191 are not defined in their limits or the quantity of acres claimed, and are therefore referred for further examination with the other claims of a similar character in classes A and B.

No. 198, for 10 arpents by 103, for 10 arpents by 60, and for 20 arpents by 40, is claimed by the creditors of Jean Baptiste De Gruy, to whom they were said to have been surrendered in 1812 for the payment of debts. The committee think the case deserves further examination, and place it in the bill with others for that purpose.

No. 251 is a claim set up by the police jury of Point Coupee for 920 arpents of land, in consequence of having erected a levee on it to prevent the back country from overflowing. There is no law or custom known to the committee which justifies the claim; and they see no reason or propriety in it, and recommend its rejection.

The act of July 4, 1832, in the fourth section, authorizes all those persons who held lands in the southeastern district of Louisiana by confirmed titles, but which were embraced in the laws for the adjustment of land titles in Louisiana, whose lands may have been sold as a part of the public domain on the first Monday in November, 1830, at New Orleans, may, upon application, have their titles con-

firmed as if they had not been sold, and directs a report of the cases, which has been done by the register and receiver. An abstract of the report is hereto annexed, showing the names of the applicants, the quantity of land claimed, and the nature of the title claimed.

CLASS D.

No.	Names.	Quantity.	Possession.
1	Thelesphore Champagne	1 arpent by 40	Over 40 years
2	Daniel Lambert	1....do.....40	.....do
3	Andre Dowin	4 arpents by 40	Granted in 1777
4	Heirs of François Gabriel Lono, and Marie Jeanne Lono.	1½...do.....40	Over 50 years
5	The Church ———	4....do.....80	One-half granted in 1770 for church; one-half granted in 1774.
6	Eli Champagne	1....do.....40	Over 40 years
7	Charles Amie Darensburgh	1....do.....40	.....do
8	Heirs of Frederick Touks	2....do.....40	.....do
9	Widow of Philip Noeufburgh	4....do.....40	.....do
10	Valsin B. Marmillon	4....do 40	.....do

The committee recommend a confirmation of said claims, as they were sold by mistake, and the applicants clearly entitled to them. No further provision is necessary for the purchasers from the United States, as the act of 1832 authorizes the purchase money to be refunded at the Treasury Department.

23D CONGRESS.] No. 1178. [1ST SESSION.

ON THE EXPEDIENCY OF COERCING THOSE ENTITLED TO MILITARY BOUNTY LANDS IN ARKANSAS TO DRAW THEIR PATENTS FOR SAME.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 11, 1834.

Mr. CLAY, from the Committee on Public Lands, to whom was referred a resolution of the House instructing them "to inquire into the expediency of providing by law for coercing those entitled to military land in Arkansas to draw their patents for the same," reported:

That it appears by the annexed letter from the Commissioner of the General Land Office, addressed to the chairman of said committee, which is made part of this report, that the whole quantity of land selected in Arkansas for military bounties is estimated to be 1,162,880 acres, of which the quantity actually patented is 1,037,120 acres, leaving a balance not yet patented of 125,760 acres. So large a portion of the land set apart for military bounties having already been granted, the committee entertain the opinion that the remaining portion, so far as it may be fit for cultivation, will be applied for in a reasonable time by those entitled, and that it is inexpedient to make any provision by law to coerce applications. They therefore ask to be discharged from the further consideration of the resolution.

GENERAL LAND OFFICE, *February* 5, 1834.

SIR: In reference to the inquiries propounded in your letter of this date, transmitting the enclosed resolution of the House of Representatives instructing the Committee on Public Lands "to inquire into the expediency of providing by law for coercing those entitled to military land in Arkansas to draw their patents for the same," I have the honor to state:

1st. The quantity of land in Arkansas, selected for military bounties, and made subject to the lottery, (being placed in the form of tickets in a wheel, which are drawn forth as locations are required from time to time,) is estimated to be 1,162,880

2d. The quantity actually patented has been reported to embrace 1,037,120

Leaving a balance, more or less, of 125,760

3d. I am unable to suggest any plan by which these soldiers, or their representatives, who have not received their bounties, can be *coerced* to receive them.

On inquiry at the War Department it is ascertained that about 6,000 persons have not yet applied for their warrants. Of this number, however, only those who shall produce an "*honorable discharge*" from the service will be entitled by law to receive the bounty.

It is further ascertained that about 6,500 of the warrants already issued have not yet been located.

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

ELIJAH HAYWARD.

Hon. C. C. CLAY, *Chairman of the Committee on Public Lands, H. R.*

23D CONGRESS.] No. 1179. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 11, 1834.

Mr. A. MANN, jr., from the Committee on Private Land Claims, to whom was referred the petition of Jean Arnauld Agness, of the State of Louisiana, reported:

That the petitioner prays a confirmation of his claim to a tract of land in the parish of Natchitoches, about twenty-five miles from that post, and he states that he inhabited and cultivated the said tract of land on the 20th December, 1803, and has continued so to do ever since. Accompanying the petition are two affidavits, made by different persons, purporting to be verified before a justice of the peace, proving the occupation as stated in the petition. No reason is assigned for the omission by the petitioner to file his claim with the commissioners who were appointed under the act of 2d March, 1805, (and the acts supplementary thereto,) entitled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the district of Louisiana." These commissioners were authorized to proceed in a summary way and award upon the claims preferred, and were required to report their decisions to the Secretary of the Treasury. Claims not preferred by the time prescribed in the acts of Congress are declared to be barred. The evidence of occupation by *ex parte* affidavits now produced, in the opinion of the committee, ought to be received with caution.

The persons making these affidavits cannot be known to the committee. They may or may not be credible persons, and the committee have no means of ascertaining satisfactorily. The fact that the petitioner's claim was not preferred to the commissioners, and established, if valid and legal, under the laws, after a lapse of nearly twenty years, should be satisfactorily explained by testimony of the clearest and most satisfactory nature.

The committee, however, in this case do not intend to express an opinion upon the merits of the petitioner's claim to the relief prayed for; they only intend to say that, in their opinion, the evidence produced is not in any respect sufficient to authorize Congress in granting the relief. They, therefore, submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

23D CONGRESS.] No. 1180. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 11, 1834.

Mr. A. MANN, jr., from the Committee on Private Land Claims, to whom was referred the petition of Joseph Derbanne, of the State of Louisiana, reported:

That the petitioner asks a confirmation of his claim to 640 acres of land in the parish of Natchitoches, about twenty-five miles from that post; and he states that he inhabited and cultivated the said tract of land prior to the 20th December, 1803, and has continued so to do ever since.

This case and the evidence therein is in all respects like that of Jean Arnauld Agness, and the remarks and opinion of the committee, as made and expressed in that case, are also applicable to this and to the report of that case. The committee refer and submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

23D CONGRESS.] No. 1181. [1ST SESSION.

RELATIVE TO A CONNEXION OF THE SURVEYS OF THE PUBLIC LANDS WITH THE LINE OF DEMARCATION BETWEEN INDIANA AND ILLINOIS.

COMMUNICATED TO THE SENATE FEBRUARY 17, 1834.

TREASURY DEPARTMENT, *February* 14, 1834.

SIR: In obedience to a resolution of the Senate of the 24th ultimo, directing the Secretary of the Treasury "to inform the Senate what progress has been made in connecting the surveys of the public lands with the line of demarcation between the States of Indiana and Illinois, agreeably to the provisions of an act of Congress entitled 'An act authorizing the President of the United States to cause the public surveys to be connected with the line of demarcation between the States of Indiana and Illinois,'" approved March 2, 1833, I have the honor to state that the resolution was referred to the Commissioner of the General Land Office, whose report thereupon I herewith enclose.

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

R. B. TANEY, *Secretary of the Treasury.*

Hon. MARTIN VAN BUREN, *Vice-President of the United States and President of the Senate.*

GENERAL LAND OFFICE, *February* 13, 1834.

SIR: In pursuance of a resolution of the Senate of the United States, passed on the 24th ultimo, in the words following, to wit: "*Resolved*, That the Secretary of the Treasury be directed to inform the Senate what progress has been made in connecting the surveys of the public lands with the line of demarcation between the States of Indiana and Illinois, agreeably to the provisions of an act of Congress, entitled 'An act authorizing the President of the United States to cause the public surveys to be connected with the line of demarcation between the States of Indiana and Illinois,'" approved the 2d March, 1833, and which you have referred to this office, I have the honor to submit a copy of my letter of instruction to the surveyor general at Cincinnati, dated April 23, 1833, paper marked A, and an extract from his communication to this office, dated 1st instant, paper marked B, in reference to the execution of the act aforesaid, being all the information on the subject in the possession of this office.

With great respect, your obedient servant,

ELIJAH HAYWARD, *Commissioner.*

Hon. R. B. TANEY, *Secretary of the Treasury.*

A.

GENERAL LAND OFFICE, *April* 23, 1833.

SIR: Enclosed is a copy of an order of the President of the United States, appointing you to cause the public lands lying along the line of demarcation between the States of Indiana and Illinois, as established by the joint sanction of those States, to be surveyed, in connexion with said line, on each side thereof, agreeably to the provisions of the act of Congress to that effect, passed on the 2d of March last.

A copy of the plat and field-notes of the survey of the boundary line referred to was transmitted to your predecessor and acknowledged to have been received by his letter of the 1st December, 1827.

You are requested to call on E. T. Langham, the surveyor of Illinois and Missouri, for certified copies of such township plats and field and descriptive notes of the lands through which the line passes, and also for such explanations as may be necessary to the execution of the duty imposed on you. Herewith is transmitted a sketch of the townships through which the line passes, as far north as township 25; townships 26 and 27 have, however, been surveyed. The State boundary is not laid down with great precision. The mode pursued by the draughtsman has been to continue north and south the line of Mr. Tiffin's connexions with the State line in townships 21, 22, and 23. The State line commences on the Wabash, in township 11, range 10 west of second principal meridian, further west than is exhibited by the diagram.

Fractional townships 16, north of Harrison's purchase, 17, 18, 19, and 20, north of the base line and west of the second principal meridian, appear to have been surveyed by J. B. McCall, and are certified by General Rector, July 10, 1821.

Fractional townships 21, 22, 23, 24, 25, and 26, appear to have been surveyed under contract with Elias Rector, and are certified December 3, 1822.

Fractional township No. 27 appears to have been surveyed under contract with J. B. McCall, and is certified November 12, 1822.

You will require from Mr. Langham the plats and field-notes of townships 16 to 20, inclusive, in range 10, and also of townships 24, 25, 26, and 27, of the same range, which four last-named townships are within the limits of the late Pottawatomie cession.

Herewith are furnished copies of General Rector's plats of townships 21, 22, and 23, of range 10; also copies of Mr. Tiffin's plats of same townships, showing their connexion with the State line. I wish to call your attention to those surveys; some explanation respecting them seems to be necessary. General Rector's surveys of these townships abut on the old Indian boundary on the east, which is not a meridian line, making a gore of fractions on that boundary. Mr. Tiffin's surveys show the eastern boundary to be a line which appears to be meridional, and therefore not identical with the old Indian boundary. How does this happen? Has Mr. Tiffin omitted this gore of fractions on the Indian boundary, or is his eastern line identical with the western boundary of these townships in range 9?

In making the connexions you will cancel such surveys as, in your judgment, may be most expedient for the due execution of the service. It is expected that you will be enabled to have the work completed for a sum not exceeding four dollars per mile.

Enclosed for your information are copies of two letters from Colonel McRee, dated January 9 and July 11, 1829, on the subject of connecting the public surveys with the State line. It is highly important that there should be monuments of the *most durable* and *uniform* description established on the line at the points of intersection of the townships' corners therewith throughout its whole extent. The sectional and quarter-sectional corners planted thereon should be of a *special kind*, but differing materially from the township corners.

To effect this object it will be necessary for your surveyors to commence with the line on the Wabash river, and establish monuments for township corners, and also sectional and quarter-sectional corners within the limits of Harrison's purchase, in addition and immediately adjacent to those already established under instructions from your predecessor. At the point of intersection of the State line with that of Harrison's purchase, it may be that the line run under the sanction of the States cannot be readily discovered, so as to be at once retraced. If such should be the case, you will have to cause a *random* line to be run *due north* from that point of intersection, preliminary to the running of a straight line between said point and the southwest corner of township 21, of range 10 west, where Mr. Tiffin's surveyors have commenced their connexions with the State line, for a distance of eighteen miles. After retracing the western boundary of townships 21, 22, and 23, which purports to be identical with the State line, and having planted the additional monuments as aforesaid as far north as the northwest corner of township 23, of range 10 west, should your surveyors not be able to retrace the State line, they will have to run a random line due north until they find the State line; but in case the State line cannot be retraced north of the said township 23, and between it and Lake Michigan, the said random line, continued due north as aforesaid, will have to be considered as the States' boundary, and the monuments for township corners and the sectional and quarter-sectional corners will have to be established corresponding with those which will have been planted south; and, on reaching Lake Michigan, a most durable and conspicuous monument is to be established, on which is to be marked the distance in miles from the Wabash river, and on the east side the words "Boundary of Indiana," and on the west side the words "Boundary of Illinois," and in front the words, "Erected in virtue of the act of Congress of 2d March, 1833, in order to connect the public surveys with the States' boundary." As the intention of the act of Congress is not to attempt to establish a line between Indiana and Illinois, but merely to ascertain the line which has been run under the joint sanction of those States, that line is of course to govern the public surveys on each side thereof, whenever it can be ascertained. There may be frequent breaks in the line, where it cannot be retraced for want of monuments. Along such breaks, and between those points where the line can certainly be identified, straight lines are to be run, which will be a true continuation of the line intended by the States. If, however, it should so happen that your surveyors should arrive at a point where the line cannot be identified on their north and as far as its termination, then, and in no other event, will they be authorized in running a due north line and planting their monuments thereon. The field-notes of the line are to show the corners established, both for the Illinois and Indiana surveys. Colonel McRee, in his letter of 9th January, 1829, acknowledges to have received from Mr. Tiffin the field-notes of the connexions of the public surveys on the Illinois side within Harrison's purchase; but inasmuch as no surveys showing the connexions on that side were returned by Colonel McRee to this office, I am unable to judge with certainty whether or not the connexions have been properly made. On this point you will have to decide. If all the necessary connexions on the Illinois side were returned to Colonel McRee by Mr. Tiffin, so as to admit of the correct platting and calculations of the quantities of the fractions on the Illinois side, it is not intended that those connexions should be again made, but only that they should be fully and completely designated in the field-notes. It is not known to this office that in townships Nos. 21, 22, and 23, of range 10 west, in Indiana, connected by Mr. Tiffin with the State line, there were any connexions with the surveys on the same range on the Illinois side; and it is therefore presumed that those connexions will have to be made, and the evidences thereof furnished both to this office and the surveyor's office at St. Louis.

I am, very respectfully, your obedient servant,

E. HAYWARD.

M. T. WILLIAMS, Esq., *Surveyor General, Cincinnati, Ohio.*

B.

Extract of a letter from Micajah T. Williams, esq., surveyor general of Ohio, Indiana, and Territory of Michigan, to the Commissioner of the General Land Office.

CINCINNATI, *February* 1, 1834.

"SIR: In reply to your letter of the 24th ultimo, requesting to be informed 'what progress has been made in connecting the surveys of the public lands with the line of demarcation between the States of Indiana and Illinois, &c., under the provisions of the act of Congress of March 2, 1833,' I have the honor to state that, as a preparatory step, I addressed, in June last, under your instructions, a letter to the

surveyor general at St. Louis, requesting of that officer copies of the field-notes and township plats of the townships connected with the boundary line in question from township 16 to 27 north, inclusive, of range 10, and township 21 to 27 north, inclusive, of range 11 west of the second meridian.

"Upon the receipt, in the month of November, of the plats and field-notes of the townships requested in range 10, the necessary papers and instructions for executing these surveys as far north as township 21 were prepared, and, on the 12th December, were transmitted to Perrin Kent, esq., a surveyor residing in Warren county, Indiana, in the vicinity of the work to be performed. With Mr. Kent a previous arrangement had been made to execute these surveys with as little delay as practicable after the receipt of the necessary documents from St. Louis; and it is presumed that he is now engaged in that service, though no advice of his progress therein has been received at this office. It is intended to extend Mr. Kent's instructions as far north as to township 27 north, upon the reception of the notes and plats in range 11, from the office at St. Louis, which have been requested and are expected soon to be received. In the meantime the surveys in townships 16 to 21 will progress.

"The retracing of the line of boundary between the two States, under your instructions on that subject, is committed to Sylvester Sibley, esq, who will execute the service in connexion with the running of the adjoining township and range lines in Indiana. He has already received the requisite instructions on that subject, in connexion with the instructions given him for the adjoining surveys."

23D CONGRESS.] No. 1182. [1ST SESSION.

PROGRESS IN THE SURVEY OF THE LANDS ACQUIRED BY PURCHASE FROM THE POTTAWATOMIE INDIANS.

COMMUNICATED TO THE SENATE FEBRUARY 17, 1834.

GENERAL LAND OFFICE, *February* 13, 1834.

SIR: In conformity to a resolution of the Senate of the United States, passed on the 24th ultimo, in the words following, to wit: "*Resolved*, That the Commissioner of the General Land Office be directed to report to the Senate what progress, if any, has been made in surveying and preparing for sale the lands acquired by purchase from the Pattowotamie Indians in the State of Indiana, and that he report the number of surveyors and deputy surveyors that have been engaged in that work, with their names and residences," I have the honor to submit to the Senate the accompanying documents, viz: paper marked A, being an extract from a communication made to this office by Micajah T. Williams, esq., surveyor general of Ohio, Indiana, and Michigan.

Documents marked B and C, being diagrams explanatory of the first-named paper, and which together afford the information sought for by the resolution.

With great respect, your obedient servant,

ELIJAH HAYWARD.

The PRESIDENT *of the Senate of the United States.*

A.

Extract of a letter from Micajah T. Williams, esq., surveyor general of Ohio, Indiana, and Territory of Michigan, to the Commissioner of the General Land Office, dated February 1, 1834.

"The surveys of the public lands in Indiana acquired by the late Pattowotamie treaty were commenced about the first of August last by two deputy surveyors, to whom had been assigned the running of the range and township lines of the entire purchase. The whole of that part of said purchase lying east of the second meridian, with a considerable proportion of that lying west of the same line, has been surveyed into townships, returns of most of which have been received at this office. The surveyors are still in the field, and are now engaged in extending the lines over the Kankakee ponds and marshes, which can only be done to advantage while the frost prevails. I am advised, under date of the 21st ultimo, that they intend to continue their labors throughout the winter, and that they expect to complete the survey of the range and town lines of the whole purchase within that State in the month of April next.

"Arrangements for running these lines were made in the month of May last, the surveys to be commenced by the 1st of July. By reason, however, of an attack of fever experienced by each of the surveyors assigned to that service, the commencement was necessarily delayed about one month. On the reception at this office of the notes of the survey of the exterior township lines of the country east of the meridian, amounting to about fifty townships, contracts were made for the subdivision into sections, to be completed by the 15th of June and 1st of July. Under these contracts three of the surveyors have gone to the field, and the fourth one is expected to commence his work within a few days of this time.

"Twenty-four townships west of the meridian, returns of the survey of which have just been received at this office, will be put into the hands of surveyors for subdivision as soon as the necessary papers and instructions therefor can be prepared and transmitted; and arrangements are made for putting into the hands of surveyors the remaining townships of the unsurveyed lands in this purchase, as fast as the returns of survey of the exterior township lines are received; and it is anticipated confidently that the *field-work* of all the public surveys now to be executed in this State may be performed by the first of December next, and that a large proportion thereof may be prepared for public sales by the 1st of October.

"To Sylvester Sibley, of Detroit, and Robert Clark, jr., of White Pigeon, Michigan Territory, has been assigned the running of the range and township lines of the purchase; to Thomas Brown, of Union county, John Hendricks, of Shelby county, David Hillis, of Jefferson county, and Reuben J. Dawson, of Allen county, Indiana, has been assigned the subdivision into sections of the fifty townships east of the second meridian; to Robert Hanna, jr., and Benjamin J. Blythe, of Marion county, Jeremiah Smith, of Randolph county, and Abner Vanness, of Cass county, Indiana, has been assigned the first forty townships west of said meridian.

"The enclosed plat of township lines west of the meridian, added to the plat I enclosed you with my report on the state of the public surveys now ordered to be executed by this office of the 23d ultimo, will exhibit at one view an outline of the surveys within the late Pottawatomie cession, so far as they have been received at this office."

23D CONGRESS.] No. 1183. [1ST SESSION.

RELATIVE TO THE QUANTITY OF LAND TO SATISFY REVOLUTIONARY LAND WARRANTS.

COMMUNICATED TO THE SENATE FEBRUARY 18, 1834.

TREASURY DEPARTMENT, *February* 14, 1834.

SIR: In obedience to the resolution of the Senate of the 4th December last, directing the Secretary of the Treasury "to report upon the sufficiency of the provision made by the act of March 2, 1833, for the satisfaction of revolutionary bounty land warrants, and whether a further appropriation of land and issue of scrip is necessary to satisfy the outstanding warrants," I have the honor to transmit herewith to the Senate—

1. Report of the Commissioner of the General Land Office, with a "schedule exhibiting the number of each description of warrants, the quantity of land therein granted, the amount of money of the certificates issued on each description of warrants, and the number of certificates issued under the several acts of Congress of 30th May, 1830, 13th of July, 1832, and 2d of March, 1833, up to the 15th November, 1833."

2. Letter from W. Selden, register of the land office of the State of Virginia.

3. Statement of John H. Smith, agent of Virginia for the examination of revolutionary claims.

These documents contain all the information of which the department is in possession in relation to the subject.

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

R. B. TANEY, *Secretary of the Treasury.*

HON. MARTIN VAN BUREN, *Vice-President of the United States and President of the Senate.*

No. 1.

Report of Commissioner of General Land Office.

GENERAL LAND OFFICE, *December* 7, 1833.

SIR: In compliance with the resolution of the Senate, which is as follows: "*Resolved*, That the Secretary of the Treasury be instructed to report to the Senate upon the sufficiency of the provision made by the act of March 2, 1833, for the satisfaction of revolutionary bounty land warrants, and whether a further appropriation of land and issue of scrip is necessary to satisfy outstanding warrants," I have the honor to enclose herewith a schedule exhibiting the proceedings had under the several acts of Congress of 30th May, 1830, 13th July, 1832, and 2d March, 1833, and state that I am not able to say, nor has this office the means of ascertaining, the amount of the outstanding warrants.

The warrants issued by the State of Virginia since the date of the first act authorizing the issue of scrip have, with very few exceptions, been satisfied.

The quantity of land granted by warrants now on file in this office, and for which there is no provision, amounts to about 17,000 acres.

I am, sir, with great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. R. B. TANEY, *Secretary of the Treasury.*

Schedule exhibiting the number of each description of warrants, the quantity of land therein granted, the amount in money of the certificates issued on each description of warrants, and the number of certificates issued under the several acts of Congress of May 30, 1830, July 13, 1832, and March 2, 1833, up to November 15, 1833.

Description of warrants.	Number of warrants.	Quantity.	Amount, in money, of the certificates iss'd on each description of warrants.	Number of certificates.
Virginia State line and navy	558	521,354	$651,692 50	
Virginia continental line	308	251,070	313,837 50	10,731
United States	424	78,450	98,062 50	
Total	1,290	850,874	1,063,592 50	10,731

N. B.—There was appropriated by the act of Congress of 30th of May, 1830, for the State line and navy ..... 260,000 acres.
By the same act for the continental line ..... 50,000 "
By the act of July 13, 1832, for both lines of Virginia ..... 300,000 "
By the act of March 2, 1833 ..... 200,000 "

Total appropriations ..... 810,000 "
Of which quantity deduct the amount of warrants satisfied, (of the Virginia State and continental lines) ..... 772,424 "

Leaving a quantity of ..... 37,576 acres
yet to be satisfied, and for which there are warrants on file in this office.

GENERAL LAND OFFICE, *December* 6, 1833.

ELIJAH HAYWARD, *Commissioner.*

No. 2.

Letter from W. Selden, register of the land office of Virginia.

LAND OFFICE OF VIRGINIA, *Richmond, January* 8, 1834.

SIR: In compliance with your request "to forward to the Treasury Department, at as early a day as my convenience will permit, such information as I can furnish on the subject of unsatisfied military warrants for revolutionary services," I have to inform you that there are now on file in this office 120 executive orders for military bounty land warrants, to the amount of 160,000 acres of land. To this should be added a large amount of unsettled claims yet before the executive of Virginia, and the greater portion of which will probably be allowed. I am of opinion that the valid claims now before the executive will exceed 100,000 acres of bounty land.

What is the precise quantity of land for which those warrants have issued which have been surrendered for scrip, but which could not come within the last appropriation of Congress, is ascertainable at the General Land Office, where it is believed nearly the whole of those warrants will be found.

Very respectfully, your obedient servant,

W. SELDEN.

Hon. R. B. TANEY, *Secretary of the Treasury.*

No. 3.

Statement of John H. Smith, agent of Virginia for the examination of revolutionary claims.

JANUARY 13, 1834.

At the request of the auditor of public accounts, I make the following conjectural statement—I call it conjectural because I have made no accurate calculation on which it can rest—viz:

The good claims to military bounty land which have been reported by me in my general report to the governor, and from time to time in reports upon petitions for bounty land which have been referred to me by the executive, will require upwards of 500,000 acres of land to satisfy them. There are probably between 4,000 and 5,000 good claims of non-commissioned officers and privates of the revolutionary army, which will be reported hereafter.

JOHN H. SMITH,
Agent of Virginia for the examination of revolutionary claims.

23D CONGRESS.] No. 1184. [1ST SESSION.

ON CLAIMS TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1834.

Mr. CAGE, from the Committee on Private Land Claims, to whom was referred the petition of Farish Carter and of Seaton Grantland, administrator of Charles Williamson, deceased, reported:

That Evans Audere, Ervin Williams, James Roach, Willis Drew, Pearson Peacock, and Nathan Ramsay, were each entitled to pre-emption rights to one quarter section of land in the Territory of Florida, and located the said pre-emption rights according to law; for which the government price of said land, to

wit, one dollar and twenty cents per acre, was paid to Richard K. Call, esq., receiver of public money for the land office at Tallahassee, who issued certificates for the said purchase money for the pre-emption rights aforesaid; that Farish Carter, assignee of the aforesaid persons, now holds said certificates, and was entitled to the patents for the said quarter sections of land described in said certificates; that application has been made at the General Land Office for patents for said lands, contained and described in said certificates, which have been refused to the said Carter upon the ground that the said lands have been granted by the United States to the Deaf and Dumb Asylum.

And the committee further report, that the said Charles Williamson, when in life, purchased and paid for one-half of a quarter section and lot containing eighty acres, for the first of which he paid one dollar and twenty-five cents per acre, and for the latter the sum of two dollars and fourteen cents per acre, to the receiver of public moneys at Tallahassee, for which he held certificates from the said receiver, and which are now held by Seaton Grantland, his administrator; and that application has been made to the General Land Office for patents for said land in compliance with said sale, and the same have been refused. Your committee therefore recommend that the said Farish Carter should have leave to enter, free of purchase, six quarter sections on land belonging to the United States, in lieu of the land which he had purchased as assignee; and that Seaton Grantland, as administrator of Charles Williamson, should have the right to enter one half-quarter section on land of the United States, and to enter one half-quarter section on any land of the United States which has been offered for sale, free of purchase, in lieu of the land purchased by the said Charles Williamson; and for that purpose your committee have drawn and report a bill for their relief.

23D CONGRESS.] No. 1185 [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1834.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of Eugene Senet, reported:

That on the 18th of October, 1797, Don Louis De Blanc, commandant of the post of Attakapas, in pursuance of a decree of the governor general of the province of Louisiana, exposed to public sale the property of the succession of Marie Joseph Dauphin; that among the property sold was a tract of land of sixteen arpents front by forty in depth on each side of the river Teche, which was bought by Eugene Senet.

The petitioners, who are the heirs of Eugene Senet, state that on the change of government and the establishment of the land office for the registry of claims their ancestor sent the title papers by a surveyor of the United States to be recorded; that their ancestor shortly after died, leaving his children of tender age; that, from some omission, the claim was confirmed for the land on the west side of the river only, and they now ask for confirmation on the east side.

In the opinion of the committee the claim is a good one. The right to sixteen arpents on both sides of the river is ascertained by a solemn judicial proceeding in the year 1797, and the existence of the title in form is therein affirmed. The proceeding in 1797 shows that it was then an old plantation, and parol evidence is exhibited of continual occupancy and cultivation for the last thirty years of both sides of the river. They accordingly report a bill.

[Translation.]

Don Manuel Gayoso de Lemos, governor general of the province of Louisiana:

I hereby give notice to the commandant of Attakapas, Don Louis De Blanc, that in the proceedings of the estate of Marie Joseph Dauphin there is a petition of Joseph Drouet, which petition, and the decree made thereon, is of the following tenor:

Joseph Drouet, husband of Rosa Senet, as appears by the proceedings of the estate of Marie Joseph Dauphin, represents that this is the most favorable moment to obtain an advantageous sale of the property of the succession existing in the post of Attakapas, and consisting of the plantation, cattle, and tools, which cannot be transported to the capital. Wherefore your lordship will be pleased to issue orders to the commandant of Attakapas to proceed to the sale in the usual way.

Decree.

Having considered the above, let the order issue as prayed for by Joseph Drouet, in order that the commandant of Attakapas proceed to the sale of the inventoried property of Marie Joseph Dauphin, deceased, at public auction, after the legal forms.

GAYOSO.

Approved by Nicolas Marie Vidal, lieutenant governor, auditor of war, and assessor general, at New Orleans, the 14th September, 1797.

P. PEDESCLAUX, *Notary Public.*

On the same day the decree was notified to Joseph Drouet.

P. PEDESCLAUX, *Notary Public.*

In order that the foregoing decree may be carried into effect I order its delivery to the party.

MANUEL GAYOSO DE LEMOS.

NEW ORLEANS, *September* 15, 1797.

By command of his lordship.

P. PEDESCLAUX, *Notary Public.*

Proceedings on the public sale.

At the post of Attakapas, on the 19th October, 1797, pursuant to a decree of his lordship, governor general of the province, dated 14th September of last year, ordering me to proceed to sell to the highest bidder of the property left by Marie Dauphin, I, Don Louis De Blanc, civil and military commandant of the post of Attakapas, have given notice to appear to the heirs, who are John the Baptist, &c., (naming them,) and have explained the decree of the governor, to which they assented, agreeing to the terms, and stipulating that the price shall be payable in March next, in order to leave to purchasers the time to get their crops to town and raise the money by the time it may be required.

Item.

The plantation and appurtenances, containing *sixteen arpents front on each side of the river Teche,* bounded, &c.; which plantation was bought of Cadet Monccon, and the title papers of which are in the city, the heirs obligating themselves to deliver them to the purchaser. On which tract of land there is an inferior dwelling-house, two pairs of vats, two corn-houses, one negro cabin, and one pestle mill, all in bad condition. Struck off to Eugene Senet for $300.

23D CONGRESS.] No. 1186. [1ST SESSION.

ON DONATION OF LAND FOR THE USE OF SCHOOLS, IN LIEU OF THE SIXTEENTH SECTION GRANTED FOR THE USE OF A COLLEGE IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of the citizens living on the reserved township in Monroe county, in the State of Indiana, reported:

That upon referring to the act entitled an act to enable the people of the Territory of Indiana to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States, several propositions were submitted, by the act of Congress, to the convention, among which were two, which read as follows, to wit:

The section numbered sixteen in every township, and, when such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township for the use of schools.

The fifth proposition is as follows: That one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for a seminary of learning, and vested in the legislature of said State, to be appropriated solely to the use of such seminary by the said legislature.

These propositions were acceded to by the convention. The petitioners state that they have been deprived of the sixteenth section of the reserved township, by the same being granted by the United States to the State for the use and benefit of a State college. They pray for a donation of land for the use of schools in said township, equivalent in value, and in lieu of the sixteenth section of the reserved township aforesaid, which was granted by Congress for the use of a State college. By reference to the act of Congress approved May 7, 1822, authorizing the location of certain school lands therein named, it will be seen that the register of the land office at Brookville was authorized to select school lands within said district equivalent to one thirty-sixth part of the reservation commonly called Clark's grant. And by the same act the register of the land office at Terre Haute was authorized to select, within his district, a certain quantity of lands for the use of schools within the Vincennes donation.

The committee cannot, under any view of the case, see why the citizens of the reserved township in the county aforesaid should be excluded from the privileges granted to the citizens of other townships. Their interest was no more advanced by the grant of the sixteenth section aforesaid to the State than was the interest of other citizens of the State; but, on the contrary, they have been, by the grant aforesaid, deprived of the value of the said section, which rightfully belonged to them for the use of schools in said township.

The committee are of opinion that the citizens of said township are entitled to relief, and for that purpose report a bill.

23D CONGRESS] No. 1187. [1ST SESSION.

ON CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1834.

Mr. A. MANN, jr., from the Committee on Private Land Claims, to whom was referred the petition of Woodson Wren, reported:

The petitioner states that he purchased from one Little Page Robertson his right to a tract of land which he claimed, under a written permission of the Spanish government in 1782, which tract is now within the State of Mississippi; that his claim to 800 arpents was confirmed by act of Congress in the year 1830, to be surveyed and patented in the usual manner, to include his settlement claim, and that the act provided that in case any part of his land had been confirmed to any other person, the petitioner might enter an equal number of acres thus confirmed or sold on any lands subject to entry in the State of Mississippi. The petitioner further states that two hundred and thirty-six acres of the land included within the boundaries of the 800 arpents confirmed to him had been previously confirmed by act of Congress to a Widow Lafontain, and that these 236 acres constituted the chief value of the whole, being the front on the bayou Biloxi, while the residue is nearly all rear and barren land; and he furnishes a plat and survey showing the boundary lines, and prays that he may be permitted to enter the whole 800 arpents on any lands in Mississippi, Louisiana, or Arkansas Territory, liable to private entry.

It is proper to observe that in all or nearly all the laws which Congress have passed for confirming the titles to lands, they have declared that the act should only operate as a release of the claims of the United States, and should not be construed to impair the rights of third persons. Such is the act of 1830, for the relief of the petitioner. That act also declares that the petitioner should have the right to enter as much land as might have been confirmed to any other person; and it now appears that a part of it was claimed, and confirmed to another. It appears probable to the committee that Little Page Robertson, from whom the petitioner derived all the right he had to the land, had not so much right as the petitioner supposed, because the Widow Lafontain had obtained or possessed a part of the claim for which the petitioner has the right to enter an equal quantity of land elsewhere by the act of 1830; and he wishes now to have his right extended to the whole quantity, because that which remains is poor land. In other words, he wishes, by this petition, to exchange with the United States poor lands for good, because Mrs. Lafontain had a better right to the 236 acres than the petitioner's grantor. The committee are not in favor of making such exchanges, and therefore recommend the adoption of the following resolution:

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

23D CONGRESS.] No. 1188. [1ST SESSION.

APPLICATION OF INDIANA FOR THE LOCATION OF OTHER LANDS FOR THE WABASH AND ERIE CANAL, IN LIEU OF THE LAND GRANTED FOR THAT OBJECT AND DISPOSED OF BY THE UNITED STATES.

COMMUNICATED TO THE SENATE FEBRUARY 19, 1834.

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

Whereas by an act of Congress of March 2, 1827, each alternate section of land, equal to five miles in width on each side of the line of a canal to connect the navigable waters of the Wabash river with Lake Erie, was granted to Indiana to aid in the construction of said canal; and whereas that part of the canal line from the line of this State, through the territory of Ohio, not having been surveyed until a late period, and the sales of the public lands having progressed, nearly eighty thousand acres of the lands properly granted to Indiana have been disposed of at private sale; your memorialists therefore pray that permission may be granted to the State of Ohio to authorize her commissioners to select, in lieu thereof, the like quantity of land from those reserves lately acquired by the general government by purchase from the Indians, or from other lands in the neighborhood of the line of said canal. Wherefore—

Resolved, That our senators in Congress be instructed, and our representatives requested, to use all honorable means to speedily carry into effect the object prayed for in this memorial.

Resolved, That the governor be, and he is hereby, requested to transmit a copy of the foregoing memorial and joint resolution to each of our senators and representatives in Congress.

N. B. PALMER, *Speaker of the House of Representatives.*
A. MORGAN, *President of the Senate pro tem.*

Approved February 1, 1834. N. NOBLE.

23D CONGRESS.] No. 1189. [1ST SESSION.

ON LAND CLAIMS IN MISSOURI, WITH TRANSLATIONS OF SUNDRY SPANISH LAWS AND CUSTOMS RELATING THERETO.

COMMUNICATED TO THE SENATE FEBRUARY 19, 1834.

Report of the commissioners of land claims under the act for the final adjustment of private land claims in Missouri, and the act supplementary thereto of 2d March, 1833, with translations of sundry Spanish laws and customs having relation thereto, and furnished by Hon. J. M. White, delegate from Florida.

RECORDER'S OFFICE, *St. Louis, Missouri, November* 27, 1833.

SIR: In pursuance of the act of Congress entitled "An act for the final adjustment of land claims in Missouri," and of the act supplementary thereto, of the 2d March, 1833, the undersigned recorder and commissioners beg leave to lay before you, for the decision of Congress, the result of their examination.

In the report now submitted the board have included only such claims as appeared to be entitled to confirmation and to be placed in the first class. They reserved their decision upon those claims which seemed to be destitute of merit in law or equity under the laws, usages, and customs of the Spanish government, for their final report to Congress. We were influenced to take this course from the belief that we were authorized by the terms of the act, which provide that the lands contained in the second class shall not be subject to sale until the final report of the recorder and commissioners shall have been made. This view of the subject was the more readily adopted from the fact that during the almost entire existence of the board the cholera has prevailed to such an extent as to prevent, in a great measure, the appearance of the claimants or their witnesses before the board. Under such circumstances, ordinary justice, not only to the claimants but to the government itself, seemed to require that the greatest indulgence should be given which the law could possibly extend.

Before entering into an examination of the claims, the board came to the determination of settling such general principles as might be found to be applicable, and which should be not only their guide in the decisions to be made, but the basis of the report which they are required to submit.

These principles or general propositions will be found embodied, in the form of resolutions, in the paper marked A, which accompanies this report, and to which you are referred.

The tabular form has been adopted as the most convenient mode of presenting each claim, including the evidence produced in support of it. But as it is made the duty of the board not only to present the claims as they have been submitted, but also to "*state the authority and power under which they were granted by the French or Spanish governors, commandant, or sub-delegate,*" they will do so as succinctly as the nature of the case will permit.

For the purpose of arriving at correct conclusions upon the merits of the claims reported, we have availed ourselves of all the sources of information accessible to us. We have consulted not only all the authorities and proofs within our reach on the subject of the French and Spanish laws, usages, and customs, but have also attentively considered the acts of Congress heretofore passed on the subject, and the construction which has been given to them.

By a reference to the various acts of Congress relative to the incomplete French and Spanish claims in Louisiana, it will be seen that the confirmations which have been made of those titles have not been donations or gratuities on the part of our government, but, on the contrary, were predicated upon a right vested in the grantee, or those claiming under him, and founded upon the laws, usages, customs, and practice of the government under which the claims originated. These acts and confirmations might, therefore, have been considered as conclusive, as far as they went, of those laws, usages, customs, and practice; and, consequently, that every claim of a similar character should be confirmed, or placed in the first class, would be the reasonable and natural inference. Without, however, going this length, the board felt it to be their duty, whenever a principle protective of a claim was furnished by those acts, to give it effect, unless some law, usage, or custom of the government which originated the claim should be found to be inconsistent with their provisions.

Among the claims examined, we found that many of them had been excluded from confirmation upon grounds which have since been abandoned by Congress, or upon grounds which have been taken by former commissioners to whom the claims were submitted, and from whose decision there was no appeal; or, lastly, upon grounds which, although justified perhaps by the letter of those acts, were evidently opposed to their spirit and intention. No claim, by the act of 1807, could be confirmed which contained a lead mine or salt spring, and, consequently, a class of claims whose merits in every other particular were admitted were rejected for that reason. This objection, although at the date of the act considered sound, it seems, has long since been abandoned. By the act of 1824, and those subsequent to it, no such exception is made. A meritorious claim, therefore, although containing a lead mine or salt spring, was entitled, intrinsically, to as favorable consideration in 1807 as in 1824, and, in justice, it would seem, should never, at any time, have been excluded from confirmation.

Again: By the act of 1814 it is provided "*that in every case where it shall appear, by the report of the commissioners, register, or recorder, that the concession, warrant, or order of survey under which the claim is made contains a special location, or had been actually located or surveyed* (within the Territory of Missouri) *before the* 10*th day of March*, 1804, *by a surveyor* duly authorized by the government making such grant, the claimants shall be, and are hereby, confirmed in their claims, provided that no claim adjudged fraudulent, nor a greater quantity than a league square, nor the claim of any person who has received in his own right a donation grant from the United States in said Territory, shall be confirmed."

Now, if those claims coming directly within the provisions of the act just alluded to were entitled to be confirmed and were actually confirmed, we would reasonably conclude, from the same views, that the claims now reported, especially such as are within a league square, are entitled to protection from principles established not only by the acts of 1807 and 1814, but by other acts of Congress; for we are not able to perceive the difference in merit or character which has confirmed some and rejected others which were evidently intended by Congress should be confirmed.

By a parity of reasoning, the authority of the Spanish sub-delegate officers in Upper Louisiana to grant lands, not only to the quantity of 7,056 arpents, or a league square, but even to the extent of 27,000 arpents, it would seem has been established by Congress. In several cases Congress confirmed claims to land exceeding 7,056 arpents based upon *mere permission to occupy*, given by the lieutenant governor. The case of the Vallés and others for the *Mine la Motte* tract, believed to contain 27,000 arpents, and that of the Shawanee Indians, who inhabited a considerable tract of country in the former districts of St. Genevieve and Cape Girardeau, who removed from their situation in the United States, by invitation of the Spanish government through their agent, Louis Lorimier, to use them against the aggressions of foreign or domestic enemies in the province of Upper Louisiana, is another and a strong instance illustrating the view here taken on this point.

By several acts of Congress, also, concessions by the lieutenant governor to various individuals have been confirmed to the extent of 7,056 arpents, out of a larger quantity, of from 15,000 to 20,000 arpents, including the original grant. From this the board would conclude that, in thus ratifying those concessions, Congress have settled the question of the power of the granting officer to make them ; because they would reasonably suppose that, if the authority was not possessed, the grant would have been void *in toto*, as it would have been an usurpation on the part of the officer, and a flagrant violation of his duty to make grants to such an extent. Such a concession should be regarded as a whole, and its validity or invalidity settled accordingly.

When we ascend beyond the various acts of Congress passed upon the subject of these claims, and seek for their grounds of confirmation under the laws, usages, customs, and practice of the government, and of the authorities at New Orleans acting in obedience to them, as we are required by the law under which we act, we find nothing in those laws, usages, customs, or practice which would justify the idea that Congress, in extending its protection to these claims, has transcended the bounds of propriety and of justice. On the contrary, a close and, as far as we could, a thorough investigation of the subject has brought our minds to the conclusion that, with the exception of the act of 1824, and those acts amendatory of and supplementary to it, the laws of Congress passed in relation to these claims have not been sufficiently comprehensive. Impressed with this belief, we cannot but think that those acts which limit confirmations within a league square ; those which exclude claims which contain lead mines or salt springs; and those which require either a special location, or a survey previous to March 10, 1804, have not had sufficiently in view the rights of the claimants as founded upon the laws, usages, customs, and practice of the French and Spanish authorities, and as protected by the treaty of cession and the law of nations.

Breckenridge, in his "Views of Louisiana," speaking of these claims, says, page 143, "it is a subject on which the claimants are feelingly alive. This anxiety is a tacit compliment to our government, or under the former their claims would scarcely be worth attention. The general complaint is the want of sufficient liberality in determining on the claims. There is, perhaps, too great a disposition to lean against the larger concessions, some of which are certainly very great; but when we consider the trifling value of lands under the Spanish government, there will appear less reason for this prepossession against them. For many reasons, it would not be to the honor of the United States that too much strictness should be required in the proof or formalities of title, particularly of a people who came into their power without any participation on their part, and without having been consulted."

In compliance with the provision in the act which requires the commissioners *to state the authority and power under which each claim was granted by the French or Spanish governor, commandant, or sub-delegate*, we would refer for proof of the same to—

1. The usage and practice of the lieutenant governors and sub-delegates in Upper Louisiana from the earliest period to the last concession granted in that province.

2. To the usage and practice of the governors general and the intendant general at New Orleans.

3. To the Spanish laws and royal ordinances on the subject of grants of lands belonging to the royal domain in all its colonial possessions in the western hemisphere.

That the usage and practice have been consistent with the presumption of lawful power in the officers who made grants is, in our opinion, demonstrated and sustained by all the evidence, oral and written, to which we have had access. It is to be observed that the lieutenant governor and the other sub-delegates in Upper Louisiana have almost universally originated the claim or concession. The cases are few in which the original grant emanated from the governor general, and scarcely constitute exceptions to the general practice ; since, even in those few cases, the survey was to be made under the immediate sanction of the subordinate provincial authority.

Not a single case has been discovered in which the exercise of the power to grant by the lieutenant governor has been questioned, nor where a complete title has been refused by the governor general or intendant, at New Orleans, upon the ground of the want of power in the lieutenant governor or sub-delegate to make the grant, nor have we found that any was ever refused on the ground that the granting officer had transcended his powers. On the contrary, in the complete titles which have come to our knowledge, the inchoate or primary concession is recognized as legal and valid, and with the survey form the foundation of the formal or complete title. It is a fact worthy of notice, that all the lieutenant governors in Upper Louisiana, from the first to the last, exercised this power of making grants varying in the number of the arpents according to the prayer of the petitioner and the circumstances of the case. Every grant, as far as we have been able to ascertain, made by the French authorities prior to the treaty of Fontainbleau, in 1762, by which Spain acquired possession of Louisiana, and indeed all such as were made prior to the year 1767, the time when Spain was put in possession of the country, were subsequently recognized by the Spanish authorities. The right to make such grants by the French authorities was never questioned. From that period to the date of the purchase of the country by the American government, there was a continual and uninterrupted exercise of the granting of lands by lieutenant governors and sub-delegates, and no complaint was ever uttered by the French or Spanish government for this use of authority. The proclamation made by the Spanish commissioners at New Orleans, May 18, 1803, in the presence of the American authorities, upon delivering the province of Louisiana to the French republic, explicitly assures the people who were then about to pass into the hands of a new sovereign of protection in their rights, by announcing "*that all concessions or property of any kind soever given by the governors of these provinces be confirmed, although it had not been done by his Majesty.*" These facts alone are sufficient, in our opinion, to authorize the conclusion that those officers who made grants in Upper Louisiana had the power so to do, and did act within the pale of their authority. It would be a very rash and violent presumption to suppose that a succession of provincial officers, regularly pursuing the same course, for nearly half a century, in the granting of lands, were, in

every step taken, and every act done, usurping power, and violating not only the mandates of an arbitrary despotism, but also the laws, usages, customs, and practice of the government under which they acted. And it would be an unreasonable inference to be deduced from these facts that, because the sovereign has nowhere given his *express assent* to such proceedings, they were therefore illegal and void. We are happy to find that we are sustained in these views by the opinion of the Supreme Court of the United States in the case of the United States against Arredondo. These are the words of the court: "The grants of colonial governors, before the revolution, have always been and yet are taken as plenary evidence of the grant itself, as well as authority to dispose of the public lands. Its actual exercise, without any evidence of disavowal, revocation, or denial by the King, and his consequent acquiescence and presumed ratification, are sufficient proof, in the absence of any to the contrary, (subsequent to the grant) of the royal assent to the exercise of his perogative by his local governors. This or no other court can require proof that there exists in every government a power to dispose of its property; in the absence of any elsewhere, we are bound to presume and consider that it exists in the officers or tribunal who exercise it by making grants, and that it is fully evidenced by occupation, enjoyment, and transfers of property, had and made under them without disturbance by any superior power, and respected by all co-ordinate and inferior officers and tribunals throughout the State, colony, or province where it lies."—(6th Peters's Report, p. 728.)

We find that all the complete grants, eighteen only of which have come to our knowledge, were based on grants made by the subordinate authorities subsequent to the first of December, 1802; no complete title could be made, as appears from the letter of the intendant, Morales, to the lieutenant governor of Upper Louisiana of the same date, stating that the office was closed on account of the death of the assessor, and directing that no applications for complete titles should be made till further orders. No order, so far as we know, was given; nor does it appear that the office was ever reopened previous to the treaty of cession.

The difficulties attending the making of titles complete were many and great. The expenses in procuring a complete title at New Orleans were enormous, and considered as extortionate. Stoddart, in his "Sketches of Louisiana," a book to which we particularly refer as shedding much light on this subject, says that it "was necessary that a concession should pass through four, and, in some instances, seven offices, before a complete title could be procured, in which the fees exacted, in consequence of the studied ambiguity of the thirteenth article, frequently amounted to more than the value of the lands." Besides, the difficulties of intercourse between the posts in Upper Louisiana and New Orleans were so great that few were willing to encounter them, especially as the formalities of a complete title seemed in the minds of the people to vest no more right than was acquired when incomplete.

From the closest scrutiny that we have been able to make, the quality and the location of the land were the principal concern; but little importance was attached to the fact that the title was incomplete. And why should it have been otherwise, when the governor general unquestionably well knew the constant and invariable practice of the lieutenant governors in granting lands, and never, so far as we know, either ordered or required that the concessions should be taken to New Orleans for his signature, before they could be considered as passing titles. These incomplete grants could be and were sold for debts, did pass by devise, and were transferable at the will of the concessionary; and it is notorious that these several modes of disposing of them were resorted to and adopted as the fixed practice of the country. The governor general, as the superior of the lieutenant governor, or sub-delegate, must be presumed to have known the acts of his inferior, and the ordinary customs of the country; and if such practices and customs were contrary to law, the supposition is that he would have prohibited them for the future. There was no regulation or law that we have been able to find in the researches which we have made, which required that the grantee should apply within any given time to have his grant made complete. It would seem that he was at perfect liberty to consult his own convenience. Indeed, the royal domain was distributed in such a liberal manner, and for such worthy purposes, that it appears the people were entirely satisfied with the assurance of property contained in the grant made by the lieutenant governor. The objects contemplated by these grants were the improvement of the country, the increasing of population; and also they were given as rewards, and as compensation for services rendered. We have not been able to find a single instance of the sale of the royal domain in Upper Louisiana, from the first establishment of the post of St. Louis in 1764 to the 10th of March 1804. A proposal to purchase was made by Bartholomew Cousin, on the 5th of March, 1800, at a price to be fixed by the intendant general, but it does not appear that it was ever acted on. The first sale of land that was ever made in Upper Louisiana by the sovereign of the soil was, from all the information in our possession, made by the government of the United States.

The regulations of O'Reily, Gayoso, and Morales, in the opinion of the board, had no effect in changing the practice in the distributing of the royal lands; nor were ever considered as a new code, different from the one already existing as the settled law of the Spanish American dominions. Those by Gayoso evidently had reference to new settlers coming from foreign countries, and, as regards Spanish subjects, were disregarded by himself, as appears by a complete title granted by him to one Regis Loisel, of St. Louis, described in the grant as a merchant. By his regulations no grants were allowed to merchants. As respects the laws of O'Reily, Stoddart, in his Sketches of Louisiana, pages 251 and 252, says that "it may be doubted whether the land laws of O'Reily ever operated in Upper Louisiana. They bear date nearly three months before the Spaniards took possession of that part of the country, at which time there existed only a few miserable huts in it; the first settlements commenced only four years before." Again he says, "indeed, the regulations contained in them were totally inapplicable to that part of the country, and the Spanish authorities there always conceded lands on principles not derived from them."

The same author, speaking of the laws of Morales, says, page 252, "it is believed that these laws were never in force, certain it is that they were never carried into effect. The reason for the first is, that the great clamor raised against them in all parts of the province induced the governor general and cabildo to draw up a strong protest against them and to lay it before the King. The consequence was, that Morales was removed from office, though he was afterwards reinstated, merely to assist in transferring the possession of the country to the French republic. The reason for the second is, that the assessor died soon after they were promulgated, which totally deranged the tribunal of finance and rendered it incapable of making or confirming land titles." The board cannot therefore believe, if they were ever so intended, that these laws had the effect to supplant the laws, usages, customs, or practice of the Spanish government in the province of Upper Louisiana, as they were then known to the people and recognized and acted upon by those in power. The general code of the Spanish land laws in Louisiana

seemed to have grown into gradual though silent operation, originating from the circumstances of the country, and accommodating itself to the necessities and condition of the people. They were resorted to as the country required their application and became ripe to receive them, and furnished the rules of action and decision for all the subordinate civil authorities of the province.

So peculiarly connected with the circumstances of the country was the administration of the law, that Stoddart, page 250, advances the opinion that the lieutenant governors had a *discretionary power* in the making of grants. "For," says he, "they always exercised it, and it is difficult to presume that they would contravene the known laws of their superiors without instructions to that effect. In all their concessions they were regulated by the wealth and importance of the settlers." He adds, "the governor general at first imposed considerable restrictions on the commandant relative to the concession of lands, but he afterwards found it necessary to be more liberal than even the land laws of O'Reily. In July, 1789, he wrote to the commandant at New Madrid as follows: "Notwithstanding the instructions heretofore sent you, more or less front or depth may be given according to the exigency of the ground, *as likewise a greater or less quantity of land agreeably to the wealth of the grantee.*" In the claims which have been examined, and are now submitted for the supervision of Congress, we noticed the fact as remarkable that grants prior to 1789 differed from those subsequent to that period, not only as regards quantity, but also the terms of the grant; those subsequent generally containing a much larger quantity and being more liberal to the concessionary.

In a colony so partially organized, and under such circumstances, it would seem unreasonable to call for the *precise* written authority under which each officer acted, or to require that the particular law or ordinance of the Spanish government under which any act or series of acts was done should be *specially exhibited.* It is sufficient that nothing in these laws, usages, customs, or practice is inconsistent with or repugnant to the royal ordinances of the King.

The Spanish laws which we have consulted, and to which we beg leave to refer Congress as calculated to throw some light upon the subject, are to be found in the *Recopilacion de Leyes de los Indias;* the royal ordinance of the 15th of October, 1754, by Ferdinand the Sixth; that of 1786, by Charles the Third, and the royal letters to Morales of the 22d of October, 1798. Also we would here again refer to the "Sketches of Louisiana," written by Mr. Amos Stoddart, who was the first civil and military commandant in Upper Louisiana after the country was taken possession of by the American government. The board have with great attention consulted this author, and have relied with unhesitating confidence on his statements. Coming to the country, as he did, immediately after the treaty of cession, to take command of the country as a civil officer of the American government, when the Spanish officers were many of them still in the province, and the laws, usages, customs, and practice, as exercised and applied under the Spanish government, although it had just ceased to exist, were still fresh in the minds of the people, with the Spanish records in his possession, he must have known as facts what he has stated as such; and if fraud had been practiced, of all other times it must then have been discovered.

The laws authorizing grants of land for the purposes of settlement and population are to be found in White's Compilation, pages 34, 35, 38, 39. Those relating to grants of lands as rewards for services, or as pure graces, "mercedes," will be found in the same work, pages 30, 35, and 41. The earliest of the first class of laws bears date in 1513. The first law of the second class was made in 1542; the former twenty-one years, the latter fifty years, after the discovery of the New World by Columbus.

The grants of land for services rendered were of a liberal character, and we are bound to believe had the sanction of the sovereign, as we know of no objection having been urged to the usage. The practice seems to have originated from the liberal views of the Emperor Charles in his decree of 1542, which ordains that the viceroys of Peru and New Spain and the governors of the provinces under their authority *grant such rewards, favors, and compensation as to them may seem fit.* This decree, recognized successively by Philip the Second, in 1588; in 1614, by Philip the Third; and in 1628, by Philip the Fourth, was finally incorporated by Charles the Second, in 1682, into the *Recopilacion de Leyes de los Reynos de las Indias.*

Thus it manifestly appears by the laws and authorities above recited and referred to that it was the duty of the provincial authorities not only to grant and distribute the royal lands in the King's name for the purposes of settlement and population, but that it was specially enjoined upon them to grant lands as rewards for services.

The royal ordinances of 1754 and 1786 have been carefully examined, and nothing has been found in them to limit the power conferred on the authorities in the *Recopilacion.* An order of Philip the Fifth, of the 24th of November, 1735, which required confirmation by the crown, was revoked by the ordinance of 1754, which authorized the *audiencias* to issue the confirmations in the King's name; and when the sea intervened, or they were in distant provinces, empowered the governors, with the assistance of other officers mentioned, to issue complete titles.

By the 81st article of the ordinance of 1786, intendants in the kingdom of New Spain were made exclusive judges of grants of lands, and referred them for their government to the various laws on the subject in the *Recopilacion,* and to the ordinance of 1754, which is appended to the 81st article.—(See White's Compilation, pages 54, 55, 56, 57, and 58.) The ordinance of 1786, so far as it vested in the intendants the power to grant lands, was for the first time declared to be in force in Louisiana by the royal order of October 22, 1798, to be found in White's Compilation, page 218.

In the enacting part of the ordinance of 1754, it is to be observed that the King speaks of "mercedes," rewards, as contemplated by it. This ordinance does not specifically mention the laws of the Emperor Charles, of the 2d, 3d, and 4th Philip, and of Charles the Second, who compiled and promulgated the *Recopilacion;* but it does not therefore follow that they were repealed, or in any manner altered as respects the power given by those laws to the subordinate authorities in the Spanish American dominions to grant lands as rewards or graces, "mercedes," for services rendered the government. Nor have we discovered anything in this ordinance to lead us to the opinion that a mere sale of lands with a view to revenue was the object of the government, or that the far more useful and wise policy of settlement and population, as developed in the *Recopilacion,* was intended to be abandoned.

It would extend this report beyond reasonable limits to enter at large into a detail of the circumstances and state of Louisiana to show that the Spanish land systen then observed and practiced upon was expedient and applicable to that part of the Spanish American dominions. The importance of population and settlement in that province, arising from its contiguity to the North American republic on the one side and its great exposure to numerous and formidable Indian nations on the other, were certainly great inducements for the establishment of those laws, usages, customs, and practice which we find did

most certainly prevail. These causes and circumstances, instead of narrowing the power to grant, given by the code of Indies, must rather have been a sufficient reason for widening its range and facilitating its exercise.

In forming an opinion as to what would have been the fate of the claims submitted and now reported "if the government under which they originated had continued in Missouri," the view here taken of the laws, usages, customs, and practice of the Spanish government in the province of Louisiana, and the spirit and policy which they disclose, have led us to the conclusion that those claims which we have examined, and which are now reported to Congress, would have received the sanction of the governor general at New Orleans and been perfected into complete titles. Laying aside every other consideration, the practice alone which universally prevailed of regarding these grants as private property by the government in both Upper and Lower Louisiana, would have strongly inclined the board to regard them in a favorable light. It is a matter of record history that inchoate concessions, were such as were unlocated, unsurveyed, and having nothing special in their character, were the objects of sale, transfer, inheritance, and devise; that they were sold under execution for debt, included in the inventories of persons deceased intestate; in short, that they were regarded by the inhabitants and public authorities, to all intents and purposes, as any other available property, satisfactorily appears from the claims heretofore confirmed and from those examined by the board and now submitted for the consideration of Congress. Some were even adjudicated upon by the governor general at New Orleans. May it not, then, be inferred that the government which would adjudicate upon and sell under execution an inchoate concession and complete the title in favor of the purchaser would, *a fortiori*, unless fraud were shown, perfect that into a complete title, if required, which was in the hands of the original grantee?

In the claims reported it will be seen that some have been recommended for confirmation which were never surveyed. The fact that such grants were regarded by the inhabitants and authorities of the country as property, also induced the board, from that custom, to look upon it in the same light; and as we have not discovered that any condition appears ever to have been implied as to the time within which a complete title was to be applied for, so the same view holds good as to the time when the land should have been located or surveyed. Nor was it possible in the nature of things that the inhabitants could have anticipated a change of government. A survey, besides, as appears from evidence brought before us, and which is now submitted with this report, was accompanied with great expense and difficulty. The cost for surveying a league square was near six hundred dollars. Besides, it was impossible to obtain surveys of all concessions. First, because of the scarcity of surveyors; secondly, because of the presence of hostile Indians on the lands granted. We are unwilling to suppose that the Spanish government, had it still continued, would, under such circumstances, have declared the grant void for the want of a survey on or previous to March 10, 1804. This date is mentioned because by the act of 1814 a survey previous to it is made an indispensable prerequisite to confirmation. It appeared, therefore, to be no valid objection to the confirmation of a grant in the opinion of the board that it had not been surveyed either before or after March 10, 1804, because previous to that date, and even subsequent to it, it was almost impossible to make surveys, and by the act of Congress passed March 26, 1804, such survey was prohibited under heavy penalties.

The same view of the subject has brought the board to the conclusion that where no improvement or cultivation upon land, included within an incomplete grant, although located or surveyed previous to March 10, 1804, has been made, it should work no injury to the grantee, because that act specially forbade any improvement, suspended his rights, and deprived him of all practical benefit of his land until it should be confirmed. This construction of the act was taken by Mr. Madison, the President of the United States, who, in his proclamation of December 12, 1815, prohibited all occupation of unconfirmed lands, and ordered the proper officers of the United States to drive off those who should enter upon them. In the examination of these claims by the board, most carefully made, we have looked with an eye particularly directed to the question of their *bona fide* character. At the same time that we have labored with an anxious scrutiny to detect fraud, we have been careful not gratuitously to presume its existence. On this head we have been governed by the well-settled principle recognized by every enlightened nation, that fraud must be proved and not presumed. In the luminous decision given by the Supreme Court of the United States in the Arredondo claim, this view of the subject is ably laid down and sustained. "Fraud," say the court, "is not to be presumed, but ought to be proved by the party who alleges it; and if the motive and design of an act was to be traced to an honest source equally as to a corrupt one, the former ought to be preferred." With such sound principles, sustained not only by the voice of society but by the decision of the highest judicial tribunal in the country, we have endeavoured to conform our opinions, and it is but justice to declare that in the examination of the claims reported no proof of fraud has been made.

Some claims are reported and submitted for the consideration of Congress which rest alone upon a mere grant. There was no survey, and, as far as we know, no cultivation. From the most mature reflection that we have been enabled to bestow on this class of claims, the conclusion was forced upon our minds, from the circumstances and condition of the country, and from the customs and practice of the inhabitants and civil authorities, that such should be recommended for confirmation. In the first place, the grant was made and signed by an officer of the existing government, whose acts we are bound to presume were in accordance with his powers, and sanctioned by the sovereign will, as contained and expressed in the laws, customs, usages, and practice of the country.

Secondly. They were regarded as vesting a right so far indefeasible that they were subject to the adjudication of the civil authorities; were so adjudged upon; were made liable to public sale for debt; were transferable in the ordinary transactions of life; could be inherited, and were capable of being devised.

Thirdly. By a reference to the testimony of Baptiste Vallé, sr., Frémon Delauriere, and others, which accompanies this report, it will be seen that it was both dangerous and difficult, on account of the Indians, and the scarcity of surveyors to make surveys. The difficulty of making cultivation, habitation, or improvement arose from the same causes. Indeed, the inhabitants found it a matter of no small concern and difficulty to protect themselves from the Indians without encountering the dangers which would arise from excursions into the woods. Breckenridge, in his "Views of Louisiana," bears testimony, page 138, that but "a few troops were kept up in each district throughout the province, and were too inconsiderable to afford much protection to the inhabitants."

Fourthly. There being no limited time within which a survey should be made, the change of govern-

ment prevented the execution of it under the French and Spanish governments, and our laws after the existence of those governments prohibited it.

Fifthly. If such, for the want of survey and cultivation by the laws, usages, customs, and practice of the Spanish government, were void, they would, by those same laws, usages, customs, and practice, have been reannexed to the domain. Whenever a grantee became delinquent as to any of the conditions or requisitions contained in his grant, such land so granted was reannexed to the royal domain. Stoddart, page 247, says, "the same formality and solemnity were observed in the annexation of lands to the domain as when they were granted or conceded. All annexations were declared, by an ordinance of Louis XV, in 1743, to be null and void, and of no effect, *unless they were judicially decreed.* The same principle obtained under the Spanish authorities; and they deemed it obligatory." That such was the law, custom, or usage, and so practiced by the authorities of the country, is fully established by reference to the "Livre Terrein," now in the office of the recorder of land titles, in which we have instances of this method of "judicially decreeing" an annexation to the domain of such lands as had been forfeited for a non-fulfilment of the terms of the grant.

Sixthly. Such grants bear in their terms the character of vesting a fee simple in the grantee. They seem to have been so petitioned for, and were so granted. If such a title could not have been passed by the grant, it would be unreasonable to suppose either that it would have been so requested or so granted. It must be admitted that they were acquainted with their own laws and customs; and allowing them only a small degree of regard and obedience to the same, it is nothing more than a fair presumption that what was asked for and what was granted was legitimate and proper.

In the claim of Bernard Pratte for 800 arpents, to be found among those examined and recommended for confirmation, it will be seen that a transfer of it was made before the grant was located, all of which was sanctioned by the lieutenant governor himself.

In 1779, land was granted by Ferdinand de Leyba to one John Saunders upon express condition that said Saunders should cultivate it one year from the date of the grant. Before the expiration of the year Saunders sold the land, and his assignee made or proved no cultivation. In 1793, Zenon Trudeau, lieutenant governor, made a decree in favor of the claimant against one Joseph Hortez, who claimed the same as his property. Who will say that Trudeau, the lieutenant governor, in this proceeding, violated the laws and customs of the country, and that this was an act of usurpation? There is certainly much more in the history of the country, during the time the French and Spanish governments existed in Louisiana, to prove that it was in accordance with their laws and customs than that it was a violation and an act of usurped authority.

There is one claim reported which seemingly is at variance with the principle contained in the tenth resolution adopted by the board. It is the claim of Louis Bissonet for 40 arpents. The grant was made in 1777 by Francisco Cruzat, in which there was an express condition that the land should be cultivated within a year from its date. No cultivation is shown until the year 1798. It was then claimed by and cultivated as the land of Louis Bissonet. Subsequently, the same land was surveyed by Antoine Soulard, surveyor general of the province of Upper Louisiana, under the Spanish government. Much reflection induced the board to recommend this claim for confirmation, because it was believed that, although the condition was not proven to have been performed, yet the claim so long set up was a fair presumption that the condition had been fulfilled, and that if it had not it would have been re-annexed to the domain.

Having thus presented the views which we have of the question referred to the board by the act of July 9, 1832, we will now proceed to state, in a few words, the nature and grounds of the decisions made upon the claims submitted to them by virtue of the act of March 2, 1833, founded upon settlement and cultivation.

In deciding upon and applying the evidence submitted in support of these claims, we have observed the following rules:

1st. That, under the act of 1833, only such claims founded on settlement and cultivation are cognizable as have been heretofore filed with the recorder.

2d. That all such claims as come within the provisions and requisitions of the act of Congress of March 2, 1805, and the acts supplementary thereto, of April 21, 1806, March 3, 1807, and June 13, 1812, are entitled to confirmation.

The evidence in support of the claims herewith reported is spread upon the tabular statement of each of them, to which we beg leave to refer.

Before concluding, permit us to notice one or two subjects more, upon which we think it is proper that some suggestions should be made. In the examination of the question submitted to us, it was discovered that there were some cases which could not be noticed, in consequence of their not having been filed within the time limited by the acts of Congress. The omission to file them arose from numerous causes; in some cases they were found to be in the hands of infant heirs; in other cases owned by the French or Spaniards, who, not knowing our language, were ignorant of our laws, and of what was demanded under them. But most generally the omission to file them in proper time arose from the ignorance of the people, that such a requisite was necessary to the validity of their claims. The first settlers of the country were daring men, who were scattered over a wide range of country, and whose sources of information of the proceedings of the government were few and difficult; besides, by the act of March 2, 1805, section 4, it was not obligatory on the claimants to file notice of claim founded on any incomplete grant, bearing date prior to the first of October 1800. The 4th section of the act of 1805 provides that every person claiming land "by virtue of an incomplete title, bearing date subsequent to the first day of October, 1800, shall, before the first day of March, 1806, deliver to the recorder of land titles, within whose district the land may be, a notice, in writing, stating the nature and extent of his claim, together with the plat of the tract or tracts claimed." The 5th section of the act of March 3, 1807, provides that "the time fixed by the act above mentioned, (the act of 1805,) and the acts supplementary thereto, be extended to July 1, 1808." Many of these claims deserve, perhaps, the favor which has been extended to those which have been filed.

From all that we can learn, some of those claims seem to possess intrinsic merit. We have been led to make these suggestions, from the fact that these claims were recognized by the act of March 26, 1824, and the acts supplementary thereto, under which the United States district court of Missouri was authorized to adjudicate upon the French and Spanish unconfirmed land claims in said State. There are many claims depending on settlement and cultivation in the same situation, and arising from the same causes.

Upon the subject of conflicting claims we have been unable to ascertain to what extent they exist;

having no *data* by which our exertions could be directed, we have labored pretty much in vain to find out in what cases they have taken place, although we caused a notice to be published, requesting in it adverse claimants to come forward and notify us of the fact; which notice is forwarded with the report. We are of opinion, however, that they exist to a considerable degree. There are numerous cases of lands lying within these French and Spanish claims, belonging to individuals whose right or claim originated under the government of the United States; some depend upon purchases; some upon the law allowing pre-emption; some others upon New Madrid locations; and some again upon settlement rights, which have been confirmed.

Most of these persons have been for a long time settled on their lands. Their claims being of a *bona fide* character, derived from the government of the United States, they went on to improve their lands, making for themselves and families comfortable homes, without any belief that they would ever be interrupted in their possessions. Should the claims reported by the board be confirmed by Congress, in whole or in part, Congress will, in their wisdom, no doubt notice the suggestion here made, and carve out such a course as will quiet the uneasiness and anxiety which are felt, by doing everything which even the most scrupulous demands of justice could require.

We deem it proper to state, before concluding, our apprehension that, in some cases where French or Spanish grants have been held for a small quantity of land only, the grants have been laid aside, and a claim set up by settlement right for 640 acres, a much larger quantity. It is difficult to discover or detect the imposition.

We would respectfully suggest that, in the event of the confirmation of this report, in whole or in part, a provision should be made, confirming settlement rights, where they have sufficient merit, upon the condition that the person to whom it is confirmed had not previously held under a French or Spanish grant. It is due to the claims reported to say that no such suspicion attaches to them, nor will we say positively that we know of any case where such a course has been taken. We have ventured to make the suggestion from circumstances which authorize the belief that some such instances have occurred.

We now close this report by observing that the great number of claims originating under the French and Spanish governments arose from the condition of the country, from their want of population, and from their desire to have the lands speedily brought into a state of cultivation and improvement; for we find that France, in attempting to accomplish her great plan of permanently uniting the St. Lawrence with the Gulf of Mexico, held out inducements to emigration, with the view to form a permanent barrier against the encroachments of the English. Around her various military posts in this quarter colonies were planted, where, amid the vicissitudes of climate, at war with the elements and various Indian tribes, suffering every privation, they continued to flourish under the fostering care of the mother country. The same policy was pursued by the Spanish government. In recommending the claims of these people now presented to your notice, we do it on the grounds of their merit, the various laws, usages, customs, and practice of the different governments under which they originated, and, in our opinion, the great and immutable principle of justice.

All of which is most respectfully submitted.

ALBERT G. HARRISON.
L. F. LINN.
F. R. CONWAY.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

A.

Resolutions passed by the board of commissioners on the 30th October, 1833.

First. *Resolved*, That it was the custom of both France and Spain, and formed a part of the policy of those nations in the settling of new countries, to appoint officers whose business it was, by express regulations, to grant lands to all such of their subjects as might wish to settle in those countries, for the avowed purposes of improving and populating said countries.

Second. That all acts in relation to grants, concessions, warrants, and orders of survey done and performed by the French and Spanish officers during the time those governments had possession and exercised the sovereignty over the province of Upper Louisiana, ought to be considered as *prima facie* evidence of their right to do those acts and perform those duties, and ought to be held and considered binding on the government of the United States, inasmuch as the acts of the officers in said province were not only tolerated but approved by their superiors in power.

Third. That all grants, concessions, warrants, or orders of survey made and issued by the French or Spanish officers in the late province of Upper Louisiana on or before the 10th day of March, 1804, where the same are not proved to be fraudulent, ought to be confirmed, provided the conditions annexed to the grant have been complied with, or a satisfactory reason given for not fulfilling the same.

Fourth. That O'Reily's instructions or regulations of February 18, 1770, those of Gayoso of September 9, 1797, and those of Morales of July 17, 1799, were not in force in Upper Louisiana, except, perhaps, the provisions contained in those of Gayoso which related to new settlers.

Fifth. The sub-delegates, in making grants, &c., were not limited by any known law or custom as to the quantity of arpents they should grant, except, perhaps, as to new settlers, and that such grants passed title, and that a survey was merely an incidental matter after the title had passed by the grant, so as to identify the land that the grantee might take possession of it.

Sixth. That what are called incomplete grants by the custom and practice of the country were recognized as property capable of passing by devise, transferable from one to another, and were liable to be sold for debt.

Seventh. That those grants which are general in their terms pass as good a title as those which are more special, the difference being in the description of the land, and not in the title.

Eighth. That those officers of the French and Spanish governments whose names are signed to concessions must be presumed to have acted agreeably to powers vested in them by their sovereign, and that their acts are accordingly legal until the contrary is shown.

Ninth. That fraud is an affirmative charge, and, as relates to the French and Spanish claims, as well as in all other cases, must be proved, and not presumed.

Tenth. That in all cases where there are conditions to a grant, &c., if the grantee show satisfactorily that he has been prevented from a fulfilment of the conditions by the act of God, by the act of law, by the enemies of the country, or by the act of the party making the grant, or any other sufficient cause, that the grantee will be considered as absolved from the performance of the same, and the grant regarded as absolute.

A. G. HARRISON.
L. F. LINN.
F. R. CONWAY.

PRIVATE LAND CLAIMS.

The undersigned, commissioners appointed for the purpose of finally settling the private land claims in Missouri, would beg leave respectfully to notify all whom it may concern that the time of taking testimony is limited to the 9th of July next, after which period no new evidence can be received. From great age and infirmity many of the witnesses cannot attend at this place. One of the commissioners is authorized to proceed to the southern counties for the purpose of receiving testimony. He will give notice when and where he will be in attendance for that object.

There is another point to which they would call your attention. Many persons have bought lands from the government of the United States which had been covered by Spanish and French grants. Where this is the case the undersigned should be informed, that they may report the fact to Congress, which may have the effect of preventing embarrassment and litigation.

L. F. LINN.
A. G. HARRISON.
F. R. CONWAY.

St. Louis, *March* 21, 1833.

Editors of papers would confer a favor on the public by giving the above a few insertions.

A true copy of an advertisement published in the Free Press of March 28, 1833.

JULIUS DE MUN, *Translator Board of Commissioners.*

St. Louis, *November* 27, 1833.

Letter from J. M. White, delegate from Florida, to Hon. Mr. Linn, Senate of the United States, with translations of sundry Spanish laws and customs having reference to land claims.

Washington, *February* 16, 1834.

Sir: I regret very much that I have not been enabled, from my pressing engagements, public and professional, to read your report upon the Missouri land claims.

I have made some translations of Spanish laws, which may serve to illustrate the subject since the publication of my compilation. If they are deemed of any value, they are at your service.

With great respect, your most obedient,

JOSEPH M. WHITE.

Hon. Dr. Linn, *of the Senate.*

COMPENDIUM OF THE HISTORY OF ROYAL LAW OF SPAIN.

From the institutions of Alvarez.

[Translation.]

As this compendium has no other object than to give to beginners some idea of our codes of law, I will only make in it a brief relation of what our authors are agreed in, without mixing in the prolix disputes which this matter generally gives rise to.

Although there are some who have wished to discover the laws by which the first founders of Spain were governed before its invasion by the Carthagenians, yet it is necessary to confess that we have nothing certain upon this subject. The most probable appears to be that they had no laws written, and that they undoubtedly were governed by those of custom, and by arbitrary decrees founded in equity and justice. It is believed that the Carthagenians would begin at least by introducing theirs into the provinces which they ruled, but even this conjecture is not altogether fixed, if we consider the short time that their government lasted, which was a little more than two hundred years, during which they were agitated with continual wars.

To the Carthagenians succeeded the Romans in the sway over Spain, and these, there is no doubt, as soon as they completed the conquest of all the provinces, introduced in them their language, customs, and legislation.

In the decadence of the Roman empire of the west, Spain passed under the dominion of different barbarous nations of the north, viz: the Goths, Vandals, Alans, the Suevi, and Silingi; all of these disputed the dominion a long time among themselves until the Goths, by the ruin or banishment of all the others, remained sole masters of Spain, which happened about the year 412 of Jesus Christ. These Goths, in the beginning of their reign, permitted the Spaniards to continue the use of the Roman laws, to which it appears they were accustomed, and from time to time went on establishing others. The first who gave them in writing was the King Eurico, who died in the year 483. To these were added others

by his successors, and chiefly by Leovigeldo, who mended and regulated those which existed, taking away those which were superfluous, and adding others necessary.

The first code of Gothic laws is the famous one published in the 12th century in Latin by the title of Liber Judicum, also called Fuero de los Juices ò Fuero Juzgo, (judges' statutes;) and this is held as the fountain or origin of the laws of Spain. The work is divided into twelve books, also divided into chapters, and its laws are composed of edicts of divers Gothic kings of various councils of Toledo and other enactments of unknown origin. There are doubts as regards the author, some giving it to Sisenando, some to Chindasvindo and others to Recesvinto, who all flourished in the seventh century.

After the entry of the Arabs into Spain, which happened in the year 714, in which the Gothic monarchy was destroyed, the Gothic laws continued to govern for many years in the provinces which were preserved from the Moors, and in those which were got back, which were governed by them and by the general customs of the nation. The division of the provinces which were conquered from the Moors, and the difference which, in time, was remarked in many things of the individual government of each, were the cause of the variety of codes which were then established. In Castile was established at the end of the 10th century and commencement of the 11th, by the Count Sancho Garcia, the *Fuero* called *Viejo de Castilla*, (old statutes of Castile,) the laws of which are, after those of the Fuero Juzgo, the fundamental ones of the crown of Castile, separate from those of Leon. Don Alonzo VII, in the cortes of Najera of 1128, augmented and amended it, publishing besides various laws with respect to the nobles. To these were afterwards annexed several usages and customs of Castile and different *fazañas* or sentences pronounced in the tribunals of the kingdom, all which governed up to the reign of Alonzo XI, who desired the preference to be given to the code which he published and regulated in the cortes of Alcala in the year 1348, known by the name of Ordenamiento Real de Alcala, (royal regulations of Alcala.) Lastly, the King Don Pedro, in the cortes of Valladolid of 1351, mended and regulated the Fuero de Castilla in the form in which it has arrived to our times. This code is also known by the names of Fuero de los Hijosdalgos, (statutes of gentlemen,) Fuero de Burgos, (statutes of Burgos,) and Fuero de los Fazañas, (statutes of the sentences,) ancient laws and customs of Spain.

In the kingdom of Leon, King Alonzo V, in the general cortes which he held in the city of that name in the year 1020, gave the statute which he called of Leon, composed of laws established in that assembly for the government of that city and kingdom, including Gallicia and the part of Portugal then conquered, all which continued to be governed by them until the publication of the code called *Fuero Real;* and although the aforesaid two statutes of Castile and Leon were established in both these kingdoms, the laws of the Fuero Juzgo continued also to be observed in the provinces more or less respectively in every thing relating to common law until with time the observance of them began to cool, principally in Old Castile; but if here their vigor decayed it was recovered throughout the whole of New Castile, and the provinces which continued to be conquered from the period of the reign of Alonzo VI up to the beginning of that of Alonzo the Wise, which monarchs gave the laws of this code to the conquered people for their government in all that belonged to common law.

King Alonzo X, called the Wise, being desirous of annulling the statutes of population and conquest and the general ones of Castile and Leon, in order to avoid the confusion and even complication of such a multitude of different laws in each province, ordained and published in the year 1255 the *Fuero Real*, known also by the names of the Book of the Councils of Castile, Statute of the Laws, and Statute of the Court, because by it were chiefly decided the processes in the tribunals of the court, and he ordered that the laws therein should be the general and only ones in all his dominions; but the nobles and the people, particularly of Castile, finding out that their ancient statutes and privileges were by it destroyed, they made their complaint and recovered them in time of the same Don Alonzo, when among these the observance of the Fuero Real ceased; but it was generally in use in Estremadura, Algarva, Andalusia, kingdom of Murcia, &c. The same complaint was made by the councils of the cities and towns of the crown of Leon in the time of the discords of the Infante Don Sancho with his father the same Don Alonzo, when the re-establishment of the laws of the statutes of Leon and of the Fuero Juzgo was agreed upon among other things.

The Fuero Real was not without many defects, and on this account and for its greater clearness and intelligence it became necessary to form the explanations called Leyes de Estilo (laws of the age) to the number of 252, by the authority of the same King Don Alonzo, of his son Don Sancho, and of Don Fernando el Emplazado, as it is declared in the prologue. These were published at the end of the 13th century or beginning of the 14th, and some of them are found inserted in the New Recopilation.

After the Fuero Real follows the celebrated code of the *Partidas*. The prologue to this work informs us that the King Don Alonzo the Wise undertook it by order of his father, Fernando, in the year 1251, and fourth of his reign, and that he finished it in seven years afterwards. These laws were not in practice until the time of Alonzo XI, (about the year 1348,) who, by the law 1 of the 28th chapter of his ordinance of Alcala, published and gave them force after they were mended and corrected by him to his satisfaction. The same appears in law 3, tit. 1, book 2, of the New Recopilation. It is considered as certain that the cause of such a great delay in the publication of this code was the disturbances, wars, and other most important matters which occurred in the reign of Don Alonzo the Wise and the two following.

The Partidas was composed in a great measure of the laws of Roman codes, of chapters from the canonical law, and authorities of the holy fathers. It is evident that they likewise contain many ancient laws of the kingdom, and that the customs and statutes of the nation were consulted, the desire being to issue a perfect legal code, and peculiar to our Spain; but this so important object was not attained completely.

Don Alonzo XI, desirous that all his dominions should be governed by one and the same laws, and in view of what he had promulgated in the cortes of the royal city of Segovia, formed in the cortes of Alcala, in the year 1348, the *Ordenamiento de Leyes*, (ordinance of laws,) known by this name, ordering that these should govern in his dominions in preference to the ancient codes; and, after them, those of the municipal statutes of the cities, and those of the parties after he had corrected them; and this was renewed by Enrique II, in the cortes of Toro, in the year 1369, and by Queen Donna Juana, in the law first of Toro, which is found inserted in the New Recopilation. Of this code almost all the laws passed, in like manner, into that Recopilation, either entire or with some slight alteration.

From the laws of this code, and those which were promulgated by the Kings, the successors from Don Alonzo XI down to the Catholic Kings, was formed that which we know by the title of Royal Ordinances of Castile, and also that called Royal Ordinance. It is composed of various laws, some loose, some found in the Fuero Real, Leyes de Estilo, and Ordinance of Alcala, and is divided into eighty books. It is thought

that its author, Alonzo Montalvo, undertook this work by order of Fernando and Isabella, as he himself says in his prologue; but there never was a law issued to put in force this compilation, and therefore its laws have no other than the merit they have acquired in the original.

After the collections just related followed another which is called the New Recopilation. This was concluded and published in the year 1567, in two volumes, comprehending nine books, having in them the laws which appeared in various pamphlets, and others which were found loose. In the later editions, made in the years 1581, 1592, and 1598, 1640, 1723, and 1745, there were added many laws, established in the intermediate time from one edition to another; so that, in that of 1745, there was added a third volume, in which, under the name of Autos Acordados del Consejo, (acts agreed upon in council,) were included more than 500 pragmaticas, cedulas, decrees, orders, declarations, and resolutions of the King, issued up to that year, all which were distributed in the same order of titles and books contained in those of the volumes of the recopilated laws. With the augmentation of 26 laws and 12 decrees appeared other three editions in the years 1772, 1775, and 1777; the public being promised, in another volume separate, by way of supplement, the great number of cedulas and royal decrees and acts agreed upon since the year 1745.

Latterly has been published another edition of the same Recopilation, not in the method and order of the old one, but in a new form, taking in the useful laws contained in the first, and adding more than 2,000 dispositions appertaining to them, from the year 1745 up to 1805. This collection, which is divided into 12 books, was approved and ordered to be observed, by King Charles VI, with the title of Novisima Recopilacion de las Leyes de España, by a royal cedula of July 15, 1805, which is found at the beginning of the work.

The epochs being known of the promulgation of all these codes, and the principle being established that "later laws destroy the former," the relative value will be known of all these parts of our legislation, and it will be seen by what laws judgment must be had in the various cases which occur; but, in order to proceed in so important a matter according to the tenor of the laws, see the law 3, tit. 2, book 3, of that newest Recopilacion.

HISTORY OF CUBA.—Cap. VII., p. 290.

Government of the island.

The island is divided into two provinces, whose capitals are the Havana and St. Jago de Cuba.

The governor and political chief of the former is captain general of the island, and that province extends to Puerto Principe.

The governor of the latter has jurisdiction over the remaining part of the island, which embraces the province of Cuba, whose government is given to a military officer, who is political chief in his province, and, in military matters, is subordinate to the captain general.

Both governors have jurisdiction in military controversies only.

His excellency Don Juan Ruiz de Apodaca, in compliance with a law of the 9th October last (1812) regulating the powers of courts, declared that his jurisdiction, civil and criminal, in ordinary cases was at an end, and ordered all causes then pending before him to be transferred to the auditor, Lieutenant Governor Leonarde del Monte, to be determined according to the law referred to. Military jurisdiction was reserved to the governor.

The former governors of Cuba were governors of the whole island. In the time of Pedro Valdes it was finally determined that the captaincy-general of the whole island should be annexed to the governor of Havana, leaving the governor of the province of Cuba political and military governor in the district under his command.

In both governments there are six lieutenant-captaincies. In that of the captain general are those of Puerto Principe, Cuatro Villas, and Filipinas. In that of Cuba those of Baraçoa, Bayamo, and Hoguin. These lieutenants exercise jurisdiction in military causes, with appeal to the captain general, but not in civil matters.

There is, in this branch, a superior tribunal of secondary instance, which is the audience sitting at the city of Puerto Principe, and composed of two chambers (salas) and nine judges, (ministros.) It was formerly presided by the captain general of the island, but now by its regent.

In all the towns and villages of the island there are corporations, *ayuntamientos*, elected annually by the people, agreeably to the constitution. And when judicial jurisdiction is exercised by them, and the political and economical government by the judge of *letters* and the constitutional alcaldes, the circuit judges and district captains are suppressed.

The ayuntamiento now consists of two alcaldes, elected annually; twelve regidors, one-half renewed annually; two attorneys, (procuradores,) one renewable annually; one secretary. This body is presided by the captain general of the island.

The principal tribunals are:

The captaincy-general, with jurisdiction in military matters only.

The courts of the judges of letters, (jurez de letras,) of whom there is one for every twenty-five thousand souls. They have original jurisdiction in civil and criminal matters.

The court of constitutional alcaldes having concurrent jurisdiction with the last mentioned, but exclusively in cases first brought before it (a prevencion;) appeal lies from these to the territorial audience.

The tribunal del consulado, having jurisdiction in mercantile matters. It consists of a prior, two consuls, an assessor, and a clerk. From this appeal lies to the tribunal of algadas in matters of considerable amount. This is presided by the captain general, and consists of two members, whom he chooses from among four who are proposed by the parties, and one assessor. The clerk of the consulado serves also in this.

The administration of the royal treasury of the island is presided by the superintendent general residing at Havana, and two intendants of provinces in Puerto Principe. The superintendent is president of the tribunal of accounts, of the board of tythes, of the superintendency of the *cruzada*, judge conservator of the national lottery. He presides in the tribunal in the trial of suits concerning the public treasury; and

from this appeal lies to the superior board, which is presided by the superior accountant, instead of the court of account of Mexico, where such appeals were formerly carried.

The tribunal of superintendence of tobacco is composed of a superintendent, assessor, fiscal and clerk. Appeal lies from it to the supreme court of justice in Spain.

The tribunal of marine, presided by the commandant general.

Ordenanza de Intendantes.

Moved by the paternal affection which all my subjects deserve from me, even the most distant, and by the anxious desire with which, since my exaltation to the throne, I have endeavored to equalize the government of the great empires which God has committed to me, and put in a state of order, happiness, and defence my extended dominions of both Americas, I have resolved, after well-founded reports and mature deliberation, to establish in the kingdom of New Spain provincial intendants, and of the army, in order that, being clothed with authority, and having competent incomes, they may govern those settlements, and the inhabitants, in peace and justice, as far as is entrusted to them; and they are charged by this instruction, that they may take care of the polity, and collect together the lawful interests of my royal exchequer, with the integrity, zeal, and vigilance, which are prescribed by the wise laws of the Indies and the two royal ordinances which my august father and King, Don Ferdinand VI., published July 4, 1718, and October 13, 1749; which prudent and just rules I wish to be observed exactly by the intendants of said kingdom, with the amplifications and restrictions which will be found explained in the articles of this ordinance and instruction.

Article 1. Orders the division of that empire into twelve intendancies by name, and continues, "each of these intendencies will comprehend the jurisdictions, territories, and districts, which will be respectively assigned to them at the end of this instruction, which instruction will be delivered to the new intendants which I may elect, with the corresponding titles, (which, for the present, will be despatched by the secretary of state and universal affairs of the Indies;) for I reserve always to myself to name, and for the time I think proper, for these employments, persons of accredited zeal, integrity, intelligence and good conduct, seeing that in them I shall rest from my cares, committing to them the immediate government and protection of my people.

Article 2. The viceroy of New Spain must continue in the fullness of his superior authority and powers of all kinds which are granted to him by my royal title and instruction, and by the laws of Indies, in quality of governor and captain general in the district of that command; to which high employments is added that of president of the audience and chancery of the capital city of Mexico; but leaving the superintendence and regulation of my royal exchequer in all its branches and products to the care, direction, and management of the general intendancy of the army and exchequer, which is to be erected in said capital, and to which the others of the province will be subordinate, which I order, also, to be erected by this instruction.

Article 3. The viceroy to give currency to the despatch and authority of the intendant.

Article 4. The superintendency which is thus to be exercised by the said intendant general of the army is understood to be delegated from the general one of my royal estate of the Indies, which is invested in my secretary of state and universal affairs of said Indies; and for the just purpose of procuring to the said superintendent sub-delegate some relief in his important duties, and to assist at the same time this establishment of intendancies by uniting the direction of all, for the purpose of making uniform its government, as far as is permitted by the difference of those towns and provinces, I ordain and order this superintendent sub-delegate, with the approbation of my viceroy, to establish immediately in the capital of Mexico a superior *junta* of my royal exchequer, to which he must unite as president, the best being composed conformably to law 8, tit. 3, lib. 8, of the regent of that audience, the fiscal, &c.

Article 15. The intendant general, and every one of those of province, must have a second, a lawyer, who may of himself exercise the jurisdiction in matters forensic, civil and criminal, in the capital and in his particular quarter, and who may be, at the same time, assessor in ordinary in all affairs of the intendancy, supplying the place of its chief in his absence, sickness, or visits to his provinces, or any other cause; it being understood that the assessor of the intendant general must be assessor, also, in everything relating to the superintendence of my royal exchequer, which employs him, supplying the place there, also, in case of defalcation, sickness, or absence. And that the said vice-intendant may possess all the requisites which his situation demands, they must be examined and approved by my counsels, chanceries, or audiencies, and shall be named by me with the consultation of my chamber of Indies, &c.

Then follow various clauses relating to their duty in watching over the general police and good government, agriculture in all its branches, cotton, silk, cochineal, &c., public roads, temples, streets, &c.

Article 75. Being already explained in general the obligations of the intendants corregidors of their provinces, and that of making their subaltern officers fulfil theirs as respects the administration of justice and political and economical government, upon which depends the augmentation and happiness of my subjects, they must preserve the following rules as regards the third class belonging to their cognizance, which is that of my royal exchequer.

Article 76. The direction in chief of my royal rents which are established, or may be established, in the circuit of my said kingdom, and that of whatever dues may belong now and always to my royal fisc, in whatever manner, will be conducted in future under his exclusive inspection and cognizance, with all accompanying, dependent upon, or annexed to it, without distinction, whether the branches be administered for my own account, or be rented, or be in the name of others; and I ordain and declare, besides, that the forensic jurisdiction granted by law 2, tit. 3, lib. 8, to the royal officers for the collection of the effects and branches of my royal treasury, it is understood now, united in, and transferred to, the intendants in their respective provinces, to the absolute exclusion of those ministers of the royal exchequer who will remain with this title for the future, together and individually, with that of contadors and treasurers, although always subject, as heretofore, to securities and a joint responsibility as far as this regards them, and subordinate to these, my new magistrates, looking to them as their chiefs and superiors. Nevertheless, these ministers will take in their charge the obligation which is now held by the royal

officers to administer and collect what belongs to my royal fisc, in the branches which are now in their charge, exercising all the co-active economical powers which may effect the one and the other, with the difference that, in cases where it may be necessary to proceed judicially against the debtors to the fisc, they may proceed to prosecute and follow up the demand in my name, before their respective intendant or sub-delegate, so that, using the jurisdiction which is thus declared to them, they may despatch the orders in course, and conformable to justice.

ARTICLE 77. In order to effect this, and that the orders and decrees of the intendants in respect to this branch, and that of war, may be carried into execution in all the districts of their provinces by persons duly authorized, they will nominate as well in the head cities of the governments, political and military, which are suffered to remain, (except those of Yucatan and Vera Cruz,) as in the other cities and towns which are well populated, and especially where there may be a treasury of my royal exchequer, although this may be of an inferior class, sub-delegates for the forensic part only of these two departments, in the understanding that in the head cities and districts of the said governments the said appointment must fall upon the governors themselves, as is ordered in the eighth article; and also that in the other places indicated, and their respective territories, in no event must the alcaldes be elected, and less the contadores or treasurers, or others, administrators of any branch of my fisc; but be confided to persons private and of the best repute and necessary standing, by previous report of persons who can give it with due acquaintance, declaring, as I now declare, that the military, as far as their appointment of sub-delegate to their respective intendant, must be subordinate to him, and that the faculties of the said sub-delegates, and those of the others ordered by the twelfth article to be established, as far as regards the aforesaid two branches, are only to extend to causes which they may set on foot themselves, or may be passed to them in summary by any lower officers of my custom-house, until they are brought to a point for sentence; for in this state they must be remitted to the intendant of the province for pronouncing, with the advice of his assessor, what may appear just.

ARTICLE 78. As regards the exercise of the forensic jurisdiction in the processes and affairs of my exchequer, the intendants must take cognizance exclusively, and to the absolute separation of all other magistrates, tribunals, and audiences of that kingdom, with the sole exception of the superior junta of exchequer; and this will also actuate in all causes in which my treasury may have any interest or any injury, or which may belong to any branch, or any dues which may be in administration or rented, as well in respect to recoveries as in all incidental matters, so that no intendant, not even the one of Mexico, as regards his district, will admit from any recourse or appeal, unless it be to the said superior junta in cases and with respect to things which admit of it, in the same manner that from the decrees of this last none can be made but to my royal person, and by the private channel of the Indies; and it must be observed that the superintendent sub-delegate must not be present when there is a motion to appeal from a sentence which he has given as intendant of province in his direct charge, neither can the assessor of the superintendency, if it has been pronouuced by his advice, &c.

ARTICLE 81. The intendants shall also be exclusive judges of the dependencies and causes which may occur in the district of their provinces about sales, compositions, and divisions of lands, whether realengos or of my dominion; the possessors, and those who pretend to new concessions of them, having to represent their rights and reduce to form their demands before the intendants themselves, in order that these, when they are duly informed of these affairs by means of a promoter of my royal fisc whom they shall appoint, they may determine upon them according to right, with the advice of the usual assessor, and admit appeals to the superior junta of exchequer, or render an account to this if the interested do not wish to appeal with the original process when they judge this in a state for despatching the title; in order that, when it is seen by the junta, it may be returned either that it may be despatched, if no objection is made, or that, before despatching it, the alterations may be made which that junta may point out and advise; by which means, and without new impediments, the corresponding confirmations may be made, which will be drawn out by the superior junta itself, it proceeding in the matter, as also the intendants, his sub-delegates, and the others, agreeably to what is ordained in the royal instruction of October 15, 1754, *in as far as it is not opposed to what is now decreed by this*, without losing sight of the salutary dispositions of the laws which are therein cited, and of that 9, tit. 12, lib. 4.

ARTICLE 83. They will likewise take cognizance in all cases of prizes, shipwrecks, vessels in distress, and vacant property, be this in whatever manner it may, as well for the examination thereof as to put it in a way of recovery, and of applying them to my royal exchequer, the necessary steps being first adopted according to right, and giving me an account of all by the private channel of the Indies, in order that, by that way, an understanding may be had with the respective tribunals, and the decrees which may be advisable may be communicated to the intendants themselves.

ARTICLE 306. Gives to this instruction and ordinance the force of law; all other dispositions, establishments, customs, or practices to the contrary are revoked; any interpretation or amplification is prohibited, and it is ordered to be observed by all the tribunals and chiefs, secular and ecclesiastical, and by all and every one whom it concerns, avoiding all discussion or hindrance.

DECEMBER 4, 1786.

"*Custom is unwritten law that has been introduced by use.* In order to be such, and not vicious, (corruptola,) it is required that the usage be that of the people, or of the greater part of them, for the space of ten years, and that it be in harmony with the general utility. Two uniform judgments or sentences are one of the proofs of custom. A legitimate custom has the force of law, derogates the former law that is contrary to it, and interprets the doubtful law; from whence it is said that there is a custom beyond the law, contrary to the law, and according to the law."

Manuel del Abogado, 1 vol., page 3.

Partida I, tit. 2, treats of usage and custom, and accords with the above.

Manuel del Abogado, America, lib. 3, tit. 5, vol. 2, page 16

SEC. 1. Definition of judge.

SEC. 2. Who cannot be judge.

SEC. 3. What age is requisite in order to be judge.

SEC. 4. Concerning the assessor.

SEC. 5. The judge is *ordinary* or *delegated.* Ordinary is *he who exercises jurisdiction in his own name by the proper right of his office.* Delegated is *he who exercises jurisdiction by order of the supreme authority, or of the ordinary judge who commissions him for some particular case.*

SEC. 6. Jurisdiction is *the power of taking cognizance of and deciding civil and criminal causes.* With

it goes united *empire*, (el imperio,) which is *armed power;* that is to say, *the power of causing the decisions to be executed*, and it is divided into absolute and *mixed:* absolute empire is *the power of administering justice in causes in which the punishment may be inflicted of death, loss of member, or perpetual banishment;* mixed is *the power of taking cognizance of and determining civil causes, and criminal causes, in which the sentence is less severe than those above-mentioned.*

Sec. 7. Jurisdiction is divided into *ordinary, delegated, and prorogated.* The ordinary, which is also called *proper*, is *that which belongs to the magistrate by the proper right of his office.* The delegated, which is also called *mandada,* (literally, *commanded or sent,*) is *that which one exercises in the name of the ordinary judge, in the form and with the limitations that he grants for a certain and particular case.* Lastly, the prorogated is *that which, by the express or tacit consent of the parties, is extended to persons or causes to which it was incompetent.*

Sec. 8. It is an axiom that the delegate cannot sub-delegate; but the judge who is delegated by the supreme authority may do it as if he were the ordinary judge; and the judge delegated by the ordinary may also sub-delegate the causes, provided they have been litigated before the latter.

Sec. 9. There are some things which cannot be delegated except under certain limitations. In the first place, the absolute *empire* (el mero imperio) cannot be delegated, except on account of the just and necessary absence of the delegating judge, and then only until sentence, which must be given by him. In the second place, neither can be delegated the appointment of guardians or curators, nor causes in which the matter in controversy exceeds the value of three hundred maravadis of gold, except in the case mentioned, of absence, and that of a great pressure of business in the public service. Law 6, tit. 10, book 11, of the Novisima Recopilacion, permits the ordinary judge to appoint a substitute, if he be sick or absent, for any lawful cause; and if there be regidors in the town, what is observed is, that in such cases the first regidor exercises the jurisdiction, and in default of him the second, &c.

Sec. 10. Delegated jurisdiction is ended: First, by the revocation of the delegating judge. Second, by the death or loss of office of the delegating judge before the citation. Third, by the promotion of the delegated judge, if he equal or exceed in rank the judge by whom he was delegated. Fourth, by the lapse of a year without making use of the delegation. Fifth, by the death of the person delegated, unless it was not granted to him as an individual, but as holding some dignity or office; for, in this case, the successor will continue in the delegation, because the office never dies. Sixth, by the conclusion of the business or time for which it was granted.

Sec. 11. Jurisdiction is prorogated by the express or tacit consent of the parties, as was said in the definition: by the *express*, as if two persons agree to submit themselves to a judge, who, in respect to both or one of them, was not competent, provided the cause can be litigated (puedo actuarse) before him; by the *tacit*, as if the defendant contests the suit before an incompetent judge, without objecting the incompetency, or as if the plaintiff resorts to a judge incompetent as respects himself, and before that judge a cross demand is set up by the defendant, to which cross demand the plaintiff will be obliged to plead. It is disputed whether prorogation can be extended from place to place and from time to time; and the opinion that denies that it can appears more probable, because the judge, when out of the place or time for which he is appointed, is no more than a private person without any jurisdiction.

Sec. 12. It is also usual to divide jurisdiction into *contentious* or compulsory and *voluntary.* The former is *that which is exercised over even those who are not willing;* that is, the jurisdiction which the superior or judge has over those subject to him; the latter is *that which is exercised between those who are willing, without justice being formally administered*, as when there is made before the judge any adoption, manumission, emancipation, or other similar acts. The first is, strictly speaking, jurisdiction, the second not so. Some call the prorogated jurisdiction voluntary. Lastly, there is another division of jurisdiction into *exclusive* and *accumulative;* exclusive is that which deprives other judges of the cognizance of the cause, as that which is possessed by one delegated by a judge superior to the judge of the district; and accumulative is that by which a judge may take cognizance beforehand of the same causes as another, that is to say, anticipate him in taking cognizance of the same.

Sec. 13. As, in order to exercise jurisdiction, it is not sufficient that one be a judge, but he ought also to be competent, it is necessary to know who is so in each cause. In the first place, it is to be observed that every judge has a designated territory, within which, and not out of it, he may exercise his jurisdiction, which neither is extended to all the persons, nor to all the things within his district, because there are many which, being exempted from the ordinary or common, are only subject to some exclusive jurisdiction, as the military, that of the public revenue, (exchequer-hacienda publica,) the ecclesiastical, and various others, which fail not to introduce confusion and to impede the march of the administration of justice.

Sec. 14. These principles being established, a competent judge in civil causes is, 1st, the judge of the place where the defendant is domiciled, or was when he contracted; 2d, he who was mentioned in the contract, or the judge of the place in which it was made, provided the defendant be found there when the action is commenced; 3d, the judge of the place where the things in litigation are situated; 4th, when a moveable thing is demanded with right of ownership, the judge of the place in which the defendant shall be found with it, although he be a resident elsewhere, unless he give sureties de estar à derecho; 5th, in matters of the accounts that guardians or curators ought to give, the judge of the place where the guardianship or curatorship was administered; 6th, in possessory causes of inheritances, the judge of the place where the inheritable things are; 7th, in causes where legacies are claimed, if they are specific, the judge of the place where they are, or where the greater part of the property of the deceased may be, or where the heir may reside; and if they are generic, (in kind,) or of an article which it is usual to count, measure, or weigh, the judge of the two first places indicated, or the judge of the place in which the heir commenced paying the legacies, unless the testator had designated the place.

[The remaining sections of this title are irrelevant.]

Article 83. They (the intendants) will also take cognizance in all cases of prizes, shipwrecks, distress of ships, and *vacant property, in whatever manner it may appear*, as well for the examination thereof as to put them in a state of value, and for applying them to my royal exchequer, taking previously the steps required necessary by law, and giving me information thereof by the private way in affairs of Indies, in order that through that channel instructions may be issued to the respective tribunals, and suitable resolutions may be communicated to the intendants themselves.

Solorzano, lib. 4, cap. 25.

Art. 23. They (the commissaries of cruzade) have also tried, in order to extend their jurisdiction, to

bring under their office, administration, and jurisdiction the stray cattle, and any other property lost or vacant, the owner of which is not known, and which are generally denominated Bienes de Mostrenco; and also of all those who die in the Indies *ab intestate*, or, at least, the fifth part of these. This is likewise denied to them with great reason, and even prohibited by some old cedulas of 14th January, 1536, and 14th February, 1540, renewed by another of 16th July, 1614.—(L. 18, tit. 20, lib. 1; l. 11, tit. 5, lib. 5; l. 6, tit. 12, lib. 8, Recop.)

ART. 24. And in another, given in Lerma, 28th October, 1602, a mandate which the religious order of Merced obtained from the nuncio of the Pope, is ordered to be recalled in its original and sent to the royal council of the Indies, for this property to be exhibited to them and applied to them alone in virtue of their privileges, and for the redemption of captives; and it assigns as the reason the cedula that it is contrary to justice, to the laws, and to the royal cedulas, *agreeably to which all the mostrenco property and effects belong to my camara and fisc.*

ART. 25. In proof of which we have many texts and authors which pronounce them and delare them as Regalias, (L. vacantia et per tot. c. de bon vacant; L. pen c. de petit, bon. Subl. lib. 10, tit. 10, l. 1, L. 7, 3, 8, tit. 13, lib 6, Recop. ubi accv. et laté Sextur. de Regal. lib. 2, cap. 9, Bocer. d. tract. c. 3, n. 26, et seqq. DD omnes per text. en c. 1, quæ sint Regalia in feudis,) and as such they should be picked up, collected, and administered by the royal officers, as they do not belong to other than the fisc, if no especial privilege is shown by which it may appear that this has been conceded, as in Spain is held by some portions of the religious order of Merced and of the Trinity, for the aforesaid redemption of captives; and the council of the *Mesta*, so called for the stray beeves applied to it.

ART. 26. From which it follows, in the opinion of Antonio Nebrixa, (in dect. verb. mostrencos,) the name of this mostrencos, when they ought to be called Mestengos, inasmuch as flocks without owner belong to the order of *Mesta*, whose laws dispose of the same; although Covarrubias (in thes. Linguæ castell. verb mostrencos) is of opinion that they are called mostrencos from the word *mostrando*, (showing) because wherever they are found they must be shown, then manifested and advertised publicly that the owner may be sought; and he not appearing within a year and a day they remain to the King, and are applied and adjudicated to his fisc and royal camara, as is expressed in the laws which I have cited.

ART. 27. Nor in opposition to the above can it be said that in Spain the commissary general and council of cruzade collect and administer this property *mostrenco* and ab intestate, and take cognizance and judge in the processes, because that proceeds from laws, commissions, and private instructions granted to them to that effect. These are related by Perez de Lara, (see note.) *But in the Indies there is no such concession, but on the contrary*, as has been seen.

ART. 28. A case in point.—(Book 6, chapter 6.)

ART. 1. Of the property called *mostrencos*, and the cause of their being so called, I said something in another chapter, where it was spoken of whether in the Indies the collection and administration belonged to the commissaries of the holy cruzade; what I have now to add is, that all moveable and immoveable property is held, and ought to be held as such, which have an owner or not; or, in case of having one, are lost, and without him appearing who may be the owner, after a year and a day, of steps taken, of manifestations, and advertisements in looking for him, which the laws of the Recop. direct, which speak of the matter, and which is treated of at length by Covarrubias, Avendaño, Juan Gutierrez, Bobadilla, and other authors, (see note,) and in particular Licte. Juan de Meneses, who, when he held the office of fiscal of the holy cruzade, upon the occasion of a right to this property being claimed by some titled gentry, and the orders of Merced and Trinidad, printed in the year 1618, a very copious argument and juridical discourse upon the subject.

ART. 2. In this his first and most judicious conclusion is that, at the present time, this property belongs to the fisc and royal camara, like the metals, salt works, and treasures of which I made mention in former chapters; and for this, in the Recop. de las Leyes *de Castilla*, all these things are collected under one title (Tit. 13, lib. 6, Recop. Cast.) which says: "Of the treasurers and miners of gold or silver, or any other metal, and salt works, also property mostrencos and property found."

ART. 3. Because as princes sovereign are universal owners; and also for the protection of all that is held in the provinces by his vassals, as Seneca has well said, and a text which must be explained in this sense, according to Cujacio and other grave authors, (see note;) when the particular owner does not appear, they introduce themselves and put themselves in his stead, and have incorporated, and do now generally incorporate this property of mostrencos with their royal crown, making this of the number and quality of other Regalias of which they have made use, and now use, under the pretext that they want all for the good, the protection, and defence of the same provinces, and the subjects from whom it is derived, as is shown in the chapter upon feudal property (c. 1, Quæ sint Regalia in Feud ibi: Bona vacantia) which, in treating upon the said Regalias, comprehended this one under the name of *vacant property*. Whence Mateo de Aflictis, J. M. Novario, and all who comment upon him, make great mention of this; and also Peregrino, Regnero Sextino, Henrico Bozerio, Camilo Borrelo, and the rest of the authors who have written about them and others at every step, (see note.)

ART. 4. These speak of the customs which exist respecting this in all nations, and the name which is generally given to this kind of property, and the various species into which it is divided, all of which is embraced in one law of the kingdom, (Dict. L. b., tit. 13, lib. 6, Recop. *Cast.*) in these words: "Everything which may be found in any manner mostrenco, abandoned, must be delivered to the justice of the place or of the jurisdiction in which it may be found, and must be kept a year, and if the owner does not appear, it must be given to our camara." Not content with having said *every* and *thing*, which are words or expressions so universal and general, as is notorious, (see note,) it added, "in whatever manner mostrenco, abandoned," which is more universal still, and in its nature, by all the rules of justice, extend the disposition to all cases and to all things found in whatever manner, and comprehend not only things alike, but even those which are not so, or may appear greater than what is expressed; and the same is shown in the following laws, which by only saying things found and mostrenco, it appeared to them to have said all that was necessary to comprehend all those which should be found without an owner, and whose ownership was uncertain, as well animate as inanimate, for it is not permitted, nor are distinctions admitted by the laws which speak in words so general.—(L. de pretio cum. vulg. de publicana in rem act.)

ART. 5. And even more to the purpose is a whole title of the ordenamiento real, (tit. 12, lib. 6;) from which some of the laws of the Recop. have been taken, which title satisfies, by having but a sentence "of the things found, which are called mostrencos;" and with this it was judged to have comprehended as many species of these as could be imagined, and it put us in the line of another doctrine, which teaches (see note) that

the intention of the statute is declared by the words of this sentence: From it it is lawful to form an argument whereby to explain it.

ART. 6. And coming nearer to the municipal justice of our Indies, the same and in the same form is declared, and ordered there to be observed, by the cedulas of the years 1536, 1540, 1602, 1614, which I have cited in the chapter aforesaid, in conformity to which the cruzade and the religious order of Merced are prohibited from interfering or disturbing this property; giving for reason that all belongs to the camara and fisc of his Majesty.

Solorzano, (book 3, cap. 30.)

ART. 20. If the fisc is the plaintiff; if it can lay an action in the royal audience.

ART. 21. Reasons in favor; also the persons and communities who cannot possess Indians.—(Recop. lib. 6, tit. 8; laws 12 and 13.)

ART. 22. Yet I assert the contrary in the case where a private individual, from whom the fisc demands or claims to take away the encomienda, should have some lawful, or at least seeming cause for possessing it; for I find that the meaning is very general of the aforesaid for as many as plead, or would wish to plead about encomiendas in possession and those in property, that they be remitted to the supreme council of Indies. And as this order must be observed when the individual claims against the fisc, so also when the fisc claims from the individual: for these actions should not be unequal or operate defectuously as the laws say, and their doctors, (see note;) and the fisc must not disdain to have its rights equalized with those of an individual, and avail itself of the common law to both, only in cases where it is especially privileged.

ART. 23. In feudal questions of lordship, this and the vassals plead in one tribunal. The fisc uses that common to both.

ART. 24. And to this the cedulas which I have spoken of to the contrary are not repugnant, nor that the fisc never is used to litigate when it is not of possession; for those have their mark, and are used only in the cases which they mention, viz: where the fisc is holder, or enters with this express intention, and he with whom it litigates is not the possessor, but an intruder or unjust detainer of the encomienda without any title, not even pretended. In such case it is right that the royal audiences restore it to the fisc instantly, as they can also do, and ought to restore to all individuals who have been ejected in fact, agreeably to the law of Malinas and its commentaries, which I have cited.

ART. 25. And in this view the fisc can oblige all and whatever possessors of encomiendas by an edict and public advertisement, or in any form which may appear to him most convenient, to appear and exhibit their titles, agreeably to a cedula of 1551, in chapter 18 of the instructions to the viceroy of Peru, (see note,) of which mention is made by Antonio de Leon. For although, in general, nobody is obliged to exhibit to another the title of his possession as the law ordains, (see note,) this is limited to those who pretend possession of things of others, or when opinion is against them; and, consequently, in any case where defence is made under pretext of feudal, gratuitous, or censual right, they are obliged to exhibit it according to the common opinion of the doctors, (see note,) since it is the foundation of their intent; and, in not making the exhibition, the presumption is against him that all things are presumed to be free; so in matters of jurisdiction, says Gregorio Lopez and many others, (see note,) that for the reason that the King enters by founding his claim upon all his dominions, even upon lands of lords and of prelates, he can ask these, and compel them to exhibit the titles by which they claim their rights.

SPANISH LAWS—SOLORZANO'S POLITICA INDIANA.

Extracts from Solorzano's Politica Indiana, a work of approved authority in all Spanish tribunals, and the most celebrated of the Spanish commentators on the laws of the Indies. The translations compared and certified by the translator of foreign languages in the Department of State.

[Translation.]

Book 3, *chapter* 5, *article* 31.

Because, as Carolo Pascalio says, and Calisto Ramirez, subjects have no obligation to investigate or know the orders and instructions of a secret nature which are given to the viceroys, in which bounds are put to their power, for if they do not obey them, they are subject to reprehension or punishment; but what they may perform must be sustained, because they are in quality of factors or substitutes for royalty, for whose actions he who named them is accountable, and put them in that charge which is indeed conformable to right.*

Book 3, *chapter* 9, *article* 14.

But although this, as I said, proceeds with reference to common law, and it is fit that the viceroys and governors of the Indies never cease to bear it in mind, still, as regards the municipal duty of these, the whole, or almost the whole, is left to their discretion and prudence; because, in the conflict or concurrence of these *cédulas* (royal provisions) and orders *de providende*, they have not to attend so much to the dates and orders of these as to that which may appear to them most convenient to execute, as also what the merits and services of those who have presented them ask and require, and the state of things in their countries or provinces, the government of which is committed to them. It is thus recommended to them in the royal cédulas, which I noticed in the beginning of this chapter, and others of the years 1567, 1605, 1610, directed to the viceroys, at that time, of Peru, Toledo, Monterey, Montesclaros.

Book 3, *chapter* 10, *article* 25.

This calls us to another question not less frequent and difficult, upon which I have seen some suits adjourned from a discord of opinions; I mean, who is to have the preference of two, of whom one obtained by favor from the court a special *encomienda* (Indian tribute) by dispensation made to him by his Majesty,

* L. 3, ff. de publicam, § fin. instit. de oblig. quæ es quasi dedic. Cabedus et alii apud Mc. d. c. 4 n. 78.

and another obtained the same in the Indies by grant of the viceroys or governors, having there power to do it, without having notice of the other from his Majesty.

I judge we can examine and easily solve this question as respects the right only by informing ourselves, and looking attentively as to the fact of which of these grants of the same object preceded the other; for if we suppose the vacancy to happen in the Indies, and the viceroy or governor, who *there is as the King himself*, made the appointment lawfully and immediately, and in exercise and use of his faculties, gave the title and possession thereof to some well-deserving person, we must come to the resolution that the grant of this encomienda, which afterwards may be found to be made by the King in his court, is in itself null and of no value or effect, because there is no vacancy to supply, as we said in chapter five, on account of its being previously occupied, and the grant made in proper time; and the concession made in the name of the King, in virtue of authority sufficient and his own commission, must be and must remain always firm and valid as if himself had made it. Of this we have an express text in speaking about what is done by the procurators of Cæsar, (l. 1. de off. Proc. Cæsar,) and others still more expressive, which decide upon what we are saying upon the subject of gifts.*

Book 5, *chapter* 12, *article* 1.

Although it may seem that enough was provided for the maintenance of peace and for justice in the provinces of the Indies by the creation of audiences and magistrates, of which mention has been made in the preceding chapters, still, as those went on peopling and distinguishing themselves so much, it became meet, at least in the principal parts, such as Peru, New Spain, &c., to place governors of greater weight, with the title of viceroys, who should also act as presidents of the audiences there residing, and who should separately have in charge the government of those extensive dominions, and of all the military bodies which might there arrive, as their captain general; and should act, watch, and take care of all which royalty in person would act and take care of if there present; and should be understood to be suitable for the conversion and protection of the Indians, and spreading of the Holy Word, the political administration, and for the peace and tranquillity, and the increase of things spiritual and temporal.

Article 3. And truly, the provinces of the Indies being, as they are, so distant from those of Spain, it became necessary that in these, more than any other, our powerful Kings should place these images of their own, who should represent them to the life and efficaciously, and should maintain in peace and tranquillity the new colonists and their colonies, and should keep them in check and in proper bounds by such a dignity and authority as the Romans did when they spread theirs over the best part of the globe, dividing the most remote into two kinds, which they called *consular* and *pretorean;* the Emperors themselves taking the government of the principal of these in their own hands, and charging the senate with the second; and giving to those who went to govern the first the name of proconsuls and to the others that of presidents, about which we have entire chapters in law, where the commentators speak of this more extensively, and an infinity of authors.

Article 4. Some of those observe (in terms of which we speak) that to those proconsuls or presidents may be likened the viceroys of the present day, although this is not agreed to by Pedro Gregorio, who says that the authority and power is greater of the viceroys, and that in France very rarely was such a dignity granted, except to a brother or child of the prince, or one designated as successor to the empire; and I find Bobadilla of the same opinion—afterwards Alciato and others whom he names.—*(See references.)*

Article 6. But however this may be, (their similitude to other titles,) it is of little importance. What I reckon as certain is, that the person to whom there is the greatest likeness is to the kings themselves who appoint them and send them out, generally choosing them from titled gentry, and the most worthy in Spain of his chamber counsel, causing them, in the provinces which are intrusted to them, to be looked upon, as I have said, as their own person, to be their substitutes; for this is properly signified in the Latin word proreges or vice-reges, which in the common language we call viceroys; and in Catalonia and other parts they are called alterego, on account of this ubiquity of likeness or representation, which is also treated of in some chapters of common law, and the laws of the Partidas, and which are described extensively by Budeo, Casaneo, and other authors.—*(See references.)*

Article 7. From which it happens that regularly in the provinces which are intrusted to them, and in every case, and in all things which are not especially excepted, they possess and exercise the same power, authority, and jurisdiction, with the King who names them; and this not so much as a delegation as in the common way, as is proved by the texts, and by the doctors already quoted, and a number of others which are cited by Avendano, Humada, Cordan, Tollada, Bobadilla, Calisto, Remirez, Berarto, and others of the moderns, and in particular Juan Francisco de Ponte and J. M. Novario, who have written especial and copious treatises upon the office and power of the viceroys, and who reprove Fontancla, who, in too general terms, calls it delegated, and to these I add the latest, Marco Zuerio, who, in one of his political emblems, expressed well this representation with the painting of a seal, which the wax, being warm, receives, in which it is stamped or printed, with the addition of the letters for motto, *alter et idem;* and he applies it to this communication and representation which the Kings make of their Majesty to the viceroys whom they send to govern provinces where themselves cannot be present, they remaining with their power entire, although it be transmitted or transferred from one to others.

Article 8. And, approaching nearer to the municipal right of our Indies, almost everything which relates to this great power and dignity of viceroys will be found in the cédulas which I have already quoted, and in particular that part regarding their representation in one issued at the Escorial, July 19, 1614, from which is inferred "that to the viceroys there is, and must be observed, the same obedience and respect as to the King, without putting the least difficulty, contradiction, or interpretation, under the penalty of those who should contravene, incurring the punishments ordained by law, who do not obey the royal orders, and the others which are there marked and related."—*(See references.)*

Article 9. And all this is very right, for wherever the representation of another is given, there is the true copy of that other, of which the image is produced or represented agreeably to the understanding of a text, and as Tiraquelo explains at great length, and other authors; and, in general, this representation is more resplendent when the viceroys *and magistrates* are further removed from the masters who influence and communicate it to them, as Plutarch finely expresses it by the example of the moon, which becomes of greater size and splendor in proportion as she removes from the sun, which is the object which gives her that splendor.

* C. si is qui, 12 de prob. lib. 6, vide verba apud Mc. d. c. 9 num. 35.

ARTICLE 10. From all which I infer, in the first place, that this viceroyal power and dignity being of this nature, and so great as has been said, and that it has to be exercised in so many and such arduous affairs and cases as occur generally in the Indies, the prince ought to look well to the persons he chooses and sends upon these employments, since even in those of oidors and other ministers of less note, I demonstrated the necessity of the same caution in other chapters; and as to governors who are sent to new or warlike provinces, this is adverted to in elegant expressions by Cassiodoro.—*(See references.)*

ARTICLE 11. And the Padre Josef de Acosta is not less elegant in treating of the qualities of the viceroys, when he says that if the Romans took so much pains to send to their remote provinces, and such as were lately conquered, men of the first choice, perfect and experienced, whom they knew, and scarcely trusted others than the very consuls of their own city; much greater pains are required with viceroys for the New World, which is so much further distant from the eyes of their Kings, and is composed of so many different nations and mixtures of people, and comprehends so many new provinces, in which every day there occurs some new and unthought of affairs; where mutiny and sedition are contemplated; where sudden and dangerous changes are experienced; where municipal laws are not known, or not found sufficient for every case; and if we wish to make use of the Roman code, or the Castilian, these do not square with those of the country, and the very state of the republic is so inconstant, varied, and different in itself every day, that things which yesterday might be judged and considered as very straight and regulated, to-day would become unjust and pernicious.

Book 5, *chapter* 13, *page* 376, *article* 2.

The first established rule and sentence is, that viceroys can act and despatch in the provinces of their government, in cases which have not been especially excepted, all that the prince who named them might or could do, if he were himself present, and for this reason and cause his jurisdiction and power must be held and judged more as a thing established than delegated.—*(See references.)*

ARTICLE 3. All which is indeed conformable to the purpose for which these honorable and pre-eminent employments were instituted, which was, as it appears, that subjects who live and reside in such remote provinces may not be obliged to go and seek the King, who lives so far off; and that they may have near to them a substitute of his, to whom they can apply, with whom and of whom they can treat; they can ask and obtain all which they might expect from the King himself, or obtain from him even in those things requiring power or especial provision, as, after Andres of Milan and Francisco de Ponte, is explained well by Capiblanco, Mastrillo, Gambacurta, and others who treat of this. And speaking of this, the lawyer, Ulpiano, dares to say, in an absolute style, "that there is no case in the provinces which cannot be despatched by them;" and the same doctrine, with many examples to confirm it, are taught to us by many other texts of law, civil, canonical, and royal.—*(See references.)*

ARTICLE 4. In particular passages relating to viceroys of the Indies we have an infinite number of cédulas which decide this and assert the same, which can be seen in the first volume of those in print from page 237; and, besides these, another still of a fresher date given at St. Lorenzo, July 19, 1614, which orders, generally, "that the viceroys, as holding the place of the King, can act and decree in the same manner as the royal person, and must be obeyed as one holding his authority, without replying, without interpretation, under the penalties to which are subjected those who do not obey the royal commands, and such laws as may be imposed by them; and that which they ordain and command, the King will hold as firm and valid."—*(See references.)*

ARTICLE 5. All which is certain, and in such manner that even when they exceed their powers or secret instructions, they must be obeyed, like the King himself, although they may transgress and are afterwards punished for it, as I have already said in other chapters; and Mastrillo expresses it at some length, in speaking of the practice of these secret instructions, and the form which must be observed in them. And the reason of this is because we must almost presume in favor of the viceroys, and what they do we must consider as done by the King who appointed them, as is said in many texts and by several authors.—*(See references.)*

Book 6, *chapter* 12, *page* 482, *article* 13.

And by another cédula in Madrid, October 27, 1535, it is permitted that the ancient conquerors, and *other well deserving* persons in the Indies, be remunerated and accommodated with lands and possession there, and that amongst these the most worthy should be preferred; which cédula is very just, and now can be enforced by the viceroys without contravening that of 1591, *when the merits were worthy of satisfaction*, because the interest of Kings is not small to give compliance to it, nor is it new to give a premium to old services, as I have said in other places.

I certify that I have revised the above translation, and compared it with the original, to which it corresponds minutely.

ROBERT GREENHOW,
Translator of foreign languages to the Department of State.

23D CONGRESS.] No. 1190. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 25, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the application of Simon Rodriguez, reported:

That said Rodriguez claims a tract of land in the State of Louisiana, on the east side of the Mississippi, upon two grounds: an order of survey made to Joseph Bahan for 800 arpents in the parish of St. Tammany, on the 18th of January, 1804, by order of Morales, and was surveyed by him on the 8th of

May, 1806, and also by virtue of his habitation and cultivation under the several acts of Congress upon that subject.

There does not seem to be any ground for the claim by virtue of the survey, and the reasons assigned by the board of commissioners who acted upon the subject are conclusive against the title claimed under the survey.

The second ground, as to habitation and cultivation, the applicant produces the following evidence:

1st. The affidavit of Renez Rahan, who swears that about March, 1804, a survey was made for Joseph Bahan by a Spanish surveyor, and that he obtained a Spanish concession, and labored on said land at different times; and furthermore, that the said tract of land is now and has been in possession of said Joseph Bahan, his heirs or assigns, ever since 1804, and that the said tract of land has been always called his, and known and in possession of Joseph Bahan, and no other person, ever since.

Also the evidence of Henry Cooper, who swears that he was the chain-carrier at the time of survey, in the year 1804, of the land whereon Simon Rodriguez now lives, and that, in the years 1808 and 1809, Joseph Bahan made improvements on said tract of land, and built small cabins thereon, and, as he understood, kept his stock of cattle thereon; and said Joseph Bahan, from his boyhood until his death, lived in the neighborhood, and said land was always known as his; that he paid the taxes, &c.

Simon Rodriguez, the applicant, also is sworn, and declares that he and Joseph Bahan were working on the land in partnership in the years 1808 and 1809, and that he built the two cabins and worked the land; and further, that he has *cultivated and inhabited said land* in the year 1830, and up to the present time, and that he has no other land.

Henry Cooper is again sworn, who proves the cultivation in 1808 and 1809, and two houses on it, and also knows that Rodriguez has occupied and cultivated said land since 1830.

Morgan also testifies that Bahan resided in the parish from 1809 until his death, in 1808, and said tract was always known as his land.

It appears that said claimant sets up title to 800 arpents of land, and the surveys show two different tracts each of 400 arpents. The proof introduced does not show whether the claimants had possession of one or the other, or both, and, besides, the testimony is too uncertain to justify us in acting upon. From the testimony of the witness Bahan, it would seem the applicant, Joseph Bahan, had been in the actual possession of the land since 1804, whilst the other witnesses show that he had only possession in 1808 and 1809, and since 1830. The proof should show the actual state of facts—whether the said Bahan in his lifetime resided on either of the tracts, and cultivated either, and when and how long; or whether he resided in the neighborhood and claimed the lands by his Spanish concessions, and occasionally used it. The committee would be unwilling to confirm the claim upon such testimony; and as the committee have introduced a bill providing for the examination of such cases at the land offices, they therefore recommend a rejection of the claim for the present, that the parties may apply and have their proof properly taken before the register and receiver of the land district.

23D CONGRESS.] No. 1191. [1ST SESSION.

ON APPLICATION FOR THE LOCATION OF A BOUNTY LAND WARRANT IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 27, 1834.

Mr. ASHLEY, from the Committee on Public Lands, to whom was referred the petition of John Jordon and Samuel Fisher, reported:

That John Jordon was a soldier in the service of the United States during the late war with Great Britain; that, in consideration of his services, he is entitled to one hundred and sixty acres of land, to be located in either of the tracts set apart for military bounties in the States of Illinois, Missouri, or the Territory of Arkansas, at his option; that he designated the tract situated in Illinois, and applied for a patent accordingly; but in reply he was informed that, in consequence of the preoccupancy of all the lands in Illinois and Missouri for the purpose of satisfying such warrants, his location must be, without the further action of Congress for his relief, confined to the military bounty tract in Arkansas.

The petitioner represents that he removed to Illinois with a large family, at great expense, and, withal, in indigent circumstances, under the full belief that his land would be assigned him in that State; that he is unable to encounter the additional expense of removing to Arkansas, nor is he disposed so to do. He therefore prays the passage of a law authorizing the location of land warrant No. 26464, issued from the War Department in his favor, upon any of the lands of the United States in the State of Illinois not otherwise appropriated.

Samuel Fisher, the second named petitioner, represents that he is the brother and one of the heirs-at-law of Vincent Fisher, deceased, late a soldier in the service of the United States in the late war with Great Britain, and was entitled, as a part of his bounty, to one hundred and sixty acres of land, a warrant for which has issued in the name of him, the said Samuel, as brother, and one of the heirs-at-law of said Vincent; that he is unwilling to receive said land in the Territory of Arkansas, and therefore prays the passage of an act authorizing the location of the same in the State of Illinois.

The committee, on referring to the General Land Office for information touching the principal facts set forth in the prayer of the petitioners, are fully satisfied of the truth thereof, and as the petitioners cannot be justly coerced to receive their lands in the Territory of Arkansas, report a bill for their relief.

23D CONGRESS.] No. 1192. [1ST SESSION.

APPLICATION OF INDIANA FOR A REDUCTION OF THE PRICE OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 28, 1834.

A JOINT RESOLUTION in relation to a reduction of the price of the public lands.

Be it 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 providing for a graduated reduction of the price of the public lands, where the same shall have remained a reasonable length of time in market, and for an ultimate donation of the residue remaining unsold at the *minimum* price, under such rules and restrictions as will afford a suitable protection and encouragement to actual settlers, prevent monopoly by land speculators, and otherwise best comport with the public welfare.

Resolved, further, That the governor be requested to transmit to each of our senators and representatives in Congress, as soon as practicable, a copy of the foregoing joint resolution.

N. B. PALMER, *Speaker House of Reps.*
AMZ. MORGAN, *Pres't of the Senate pro tem.*

Approved February 1, 1834.

N. NOBLE

23D CONGRESS.] No. 1193. [1ST SESSION.

ON CLAIM TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 4, 1834.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the application of the heirs of Elisha Winter, reported:

That it appears that the said Elisha and William Winter and Gabriel Winter made application to the Congress of the United States in 1816, claiming a portion of the public domain in Arkansas under a paper purporting to be a Spanish grant, a copy of which, as set forth in their petition, accompanies this report, marked A, under which the said Elisha Winter claimed to have been granted to him "*one thousand arpents square of land;*" to William Winter, "*five hundred square;*" to Gabriel Winter, "*five hundred arpents square.*" The grant purports to have been made by El Baron Carondelet, who styles himself "knight of the order of St. John, field marshal of the royal armies, governor general and vice patron of the provinces of Louisiana and East Florida, inspector of the troops, &c., &c." The committee also accompany this report with the translation of the supposed grant, as made by John Graham, marked B, and that made by Mr. Stoughton, at the time attached to the Spanish legation, marked C.

It will be perceived that these purport to be the translations made *of the copy* of the original grant, and certified to be *a copy* of the original by *Don André Lopez de Armesto*, who certifies that the original was found among the papers in the office of the secretary of the Spanish government; his certificate is dated at New Orleans, the 19th of April, 1805, and a copy of it is annexed to this report. The copy is certified by an individual not authorized to have the possession of the original papers, or to give copies of it, and is not accompanied by an oath of the truth of the copy produced; and it is only certified "*to be of the following tenor.*" The survey which accompanies the papers for Elisha Winter is certified by Henry Cassady, a deputy surveyor, to be according to the grant, and that it "*was surveyed* by Don Carlos Villemont, captain commandant, &c., in the year 1798." The plat to William Winter is certified by Godfrey Jones, a deputy surveyor, for *two hundred and fifty thousand* arpents, and who certifies that he "*resurveyed*" in 1805, without any certificate or evidence of its ever having been surveyed. The survey to Gabriel Winter has a similar certificate of Henry Cassady, and refers to order of survey said to have been issued by Trudeau on the 24th of July, 1802, and which is an important paper, and must have been known to the claimants to be such; and if it is not produced, or the loss thereof satisfactorily accounted for, it may be fairly doubted whether there ever was such an order. It is, perhaps, not unworthy of observation here, that the original grant is not produced, nor the original surveys, if any were ever made. These papers were filed before the commissioners of the United States in 1808, and were adjudged by them invalid in June, 1808. These claims were also before the board of commissioners in 1813, the testimony of Don Carlos Villemont taken, which clearly proves that *no survey of either* of said tracts had *ever been made.* According to the regulations of O'Reily, of the 18th of February, 1770, which are believed by the committee to have been in force at the origin of the present claim, (Land Laws, page 979, No. 12,) after directing that all grants shall be made in the name of the King, &c., directs the surveyors to make *three copies* of all surveys, "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 the third to the proprietor, to *be annexed to the titles of his grant;*" and yet the survey or plat said by Cassady to have been made in 1798 for Elisha Winter, the title papers, or the grant, do not seem, from anything before the committee, to have ever been in custody of said Elisha; and it is somewhat remarkable that, in procuring *copies* of the papers from Armesto, there had not also been produced a copy of Elisha Winter's petition upon which the grant was made, and which usually accompanies Spanish titles presented for confirmation.

It will be perceived by an examination of the *translations of the copies* of the grant and the plats and surveys that an essential and a very important difference exists as to the quantity of land claimed by the applicants. According to the copy which accompanies their petition, the grant contains: To Elisha Winter, one million of arpents; to William Winter, five hundred thousand arpents; to Gabriel Winter, five hundred thousand arpents; making in all two millions of arpents. According to the plats and certificates accompanying it, and the claim presented to the board of commissioners in 1808, the said Elisha claims one million, and the said William and Gabriel each two hundred and fifty thousand arpents. The translation of Mr. Graham makes the grant contain: "To the said Elisha, one thousand arpents of land square, (or squared;) to Gabriel Winter, five hundred square, (or squared.") Mr. Stoughton's translation makes it as follows: "To Elisha Winter, one thousand square arpents; to Gabriel Winter, five hundred square arpents." At some subsequent time Mr. Stoughton corrects his translation, by saying that the word square should follow the word arpents, as it stood in the original. According to the evidence before the committee, the word *arpent* is strictly and properly applicable to superficial measure, and meaning, in the Spanish language, the same kind of measure that the word acre does in the United States, and bears the same proportion to it that 750 does to 640; but in Louisiana it is in common use as a measure of length equal to 192 English feet; so that if the word arpent in the grant is to be used as a measure of length, then the grant will contain, according to the translation of Graham and Stoughton: To Elisha Winter, 1,000,000 arpents; to Gabriel Winter, 500,000 arpents. And according to the claim in the petition: To Elisha Winter, 1,000,000 arpents; to Gabriel Winter, 500,000 arpents; to William Winter, 500,000 arpents. And according to the claim made by them before the board of commissioners in 1808: To Elisha Winter, 1,000,000; to Gabriel Winter, 250,000; to William Winter, 250,000. But if the word arpent is used, in its strict and proper sense, as applicable to superficial measure, then the grant, as translated by Graham and Stoughton, contains: To Elisha Winter, 1,000 arpents; to Gabriel Winter, 500 arpents.

It is impossible from the evidence before the committee to ascertain the true meaning and intention of the grant at the time it was made; and where so much property depends upon the construction of the sentence granting the land, there seems to be no excuse for the omission on the part of the claimants to produce the original grant and survey if made; nor does it seem, from anything before the committee, that an application was ever made for them by the Winters, notwithstanding they were entitled to them if the grant had been *bona fide* made, nor is there any reason perceived why the Spanish officers should have wished to retain them; and from the evidence taken, the Winters seem to have been aware of the difficulties arising from the language of the grant; yet no means have been resorted to by them to remove them by the production of the grant itself, or the original survey, if any was ever made.

Most of the lands granted in that section of the country by the Spanish government were upon similar conditions, intending to increase the population of the country and promote its agriculture by inducing emigration to it, and therefore liberal terms were offered to actual settlers. The laws of the Indies, entitled "Recopilacion de las leyes de Indies," seem to have been general regulations for granting the domain of the King in America, (Land Laws, 967,) and specify the conditions and terms upon which it was to have been granted, and direct the governors of provinces to lay off the lands for persons desirous of making settlements, and making a distinction between gentlemen and laborers and others of less merit, and direct the lands to be granted to them in proportion to their merit, and required a residence of four years before the title should be completed and the settler authorized to sell, and direct the lands to be distributed fairly, without specifying the rule by which the Spanish officers were to be guided in the quantity of land allowed to each.

The regulations of O'Reily of February 18, 1770, specify the quantity of land to be granted to each settler who was desirous of settling on the borders of the river, six or eight arpents in front by forty in depth; and to obtain forty-two arpents in front by forty in depth, the applicant must make it 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 be always observed for the grants to be made of greater extent than that declared in the preceding article," which prohibits grants in Attakapas, Opelousas, and Natchitoches, to one league front by one in depth; said regulations also require a residence of three years before the completion of title. These regulations respecting grants in the parishes of Attakapas, Opelousas, and Natchitoches, embracing the *pine* lands of Louisiana, appear to have been predicated upon the fact that these parishes were then considered as more suitable than the river parishes for the formation of vacheries, or large stock farms, while the other regulations have reference to applications for lands on the rivers and bayous for the ordinary purposes of cultivation. These regulations are believed to have been in force at the time the grant was made to the present applicants; and, in addition to this, it seems to have been the uniform custom from the time of the cession of the territory by Great Britain to Spain to allow lands to settlers in proportion to the property brought by them into the province or to the size of the families. And in September, 1797, this custom or usage was rendered more certain, more specific, by the regulations of Gayoso, then the intendant general of Louisiana, by allowing two hundred arpents to each settler who was married, fifty arpents for each child, and twenty arpents for each negro, and prohibiting the issuance of grants for a larger quantity than eight hundred arpents; and these regulations are substantially confirmed by the regulations of Morales in 1799.

The committee have not been able to see any law, custom, or usage, justifying the issuance of grants to settlers for such large quantities of the domain belonging to the King of Spain as was done by the Baron Carondelet to Elisha Winter and sons, if the grant is considered as containing the quantity claimed by them. Nor is there any consideration specified in the face of the grant, or proven, which would have justified it. The regulations of O'Reily, it is believed, limited the power of the Spanish officers to grant one league front by one league deep; in all grants of a larger size it seems to have been the custom, after the survey and sanction of the officers, to have submitted them to the King of Spain for his approbation, as was done in all grants before the ordinance of 1754; and this, from other acts of the Baron de Carondelet, seems to have been his understanding of his own powers as intendant general. He made the grant to Maison Rouge for the consideration of settlement, &c., thirty superficial leagues. In that case the agreement is made in March, 1795, and is approved by the King July 14, 1795, and the final grant is made June 20, 1797. So in the case of Baron Bastrop: on the 20th of June, 1795, application is made to the Baron Carondelet, who on the same day agrees to allow twelve leagues square for the purpose of settlement; the 18th of June, 1797, he suspends the fulfilment of a part of the contract by Baron Bastrop until the pleasure of the King is known in relation to it.

Shortly before the time Baron Carondelet entered upon the duties of his office as intendant, &c., General Wilkinson made an application to Governor Miro, as stated by Martin in his history of Louisiana,

for a large tract of country west of the Mississippi for the purposes of settlement, and this is refused him expressly for the want of authority to do so without first consulting the King of Spain. Upon the applications of the Duke of Alagon, De Vargas, and Count Punon Rostro, the grants were made by the King of Spain; so in the grant to Arredondo, after it was made it was sent to Madrid and approved by the King.

The committee are therefore induced to believe that the ordinance of 1754, which authorized the Spanish officers to make grants in the name of the King, was limited to the ordinary settlement of claims as described in the laws of the Indies, and that the regulations of O'Reily, in 1770, intended to limit their authority to make grants to one league square, and the power was still further limited by the regulations of Morales and Gayoso.

In the absence, therefore, of any express authority from the King of Spain to the Baron de Carondelet, the committee would not feel justified in taking the grant as *prima facie* evidence of authority from the King, and throw upon the government the burden of disproving such an implication. In the opinion of the committee, the absence of such an authority in any of the regulations of the Spanish government for the disposition of the public domain which are known to the government of the United States, the act of the Baron de Carondelet being contrary to the known usages and customs of the Spanish government in Louisiana, and being without any adequate consideration for so extensive a grant, justifies them in requiring the production of some direct authority from the Spanish government for the making of the grant to Winter. This seems to have been the view taken of the Spanish regulations by our own government from the time of the acquisition of that territory to the present time. The act of March 3, 1805, authorizes the confirmation of titles to actual settlers in a quantity not exceeding six hundred and forty acres, and the act of March 3, 1807, limits the powers of the board of commissioners to decide upon claims not exceeding one league square, apparently acting upon the idea that the customs and usages of the Spanish government limited the ordinary claims and grants to the quantity of land specified; and Mr. Gallatin, the Secretary of the Treasury, in his instructions to the board of commissioners, bearing date September 8, 1806, expressly directs them to reject all claims when the tract claimed "contains a greater quantity of land than was generally allowed to actual settlers and their families, agreeably to the laws, usages, and customs of the Spanish government, unless a duly authenticated copy of the ordinance authorizing the officers to grant such greater quantity of land shall have been produced and deposited with the commissioners."

The committee, with all these evidences before them as to the limitation of the power of the Spanish governors to grant, cannot yield to the opinion expressed by Don Luis de Onis, in his letter of February 6, 1816, in which he says he did not know of any limitation of the powers vested in the intendants general and governors of the Spanish provinces. Except the bounds of their respective premises, it may be true that *he knew of no* limitation of their powers; but it is certainly true that a variety of restrictions existed, as heretofore pointed out in this report.

The grant to Winter was evidently not a complete title, and could not have been so intended. The precise import of the Spanish word which has been translated "*grant*" is not known to the committee. The utmost force that could be given to the paper produced to them would be to consider it an authority to settle, with a promise to make a complete title when it was surveyed and actually settled. It was, in truth, the first step towards obtaining a title—the permission to settle upon the lands. The regulations of Morales of July 17, 1799, make provision for a class of cases of which this no doubt was one. The 18th article of the regulations is as follows: (Land Laws, 984.)

"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 surveyor 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 long time, will augment the confusion and disorder which will necessarily result, we declare that no one of those who have obtained the said decree, notwithstanding, in virtue of them, the survey has taken place, and that they have been put in possession, can be regarded as owners of land until their real titles are delivered, completed with all the formalities before recited."

And the 22d article of the regulations declares all such claims void unless application is made within six months and the title completed. The present applicants were evidently within that class who are described as "having obtained the first decree," and do not seem to have taken any steps for the purpose of having their title completed. The Spanish authorities continued in possession until the spring of 1804, and it is probable that a sufficient reason can be found for their omission to do so in the fact that the grant was made by the Baron Carondelet, June 20, 1797, and Gayoso was the intendant general very shortly afterwards, and made his regulations the 9th of September afterwards; and judging from the regulations established by him, among others, that no grant should exceed eight hundred arpents, the present applicant could have had but little chance of success in obtaining the completion of his title by Gayoso, or his successor, Morales.

It appears to the committee that many insuperable objections exist to the confirmation of the claims of the present applicants.

1. There is no survey made, as required by the copy of the paper produced to them and now called the grant.

2. The absence of the original grant itself, if any was ever made, and no sufficient reason given for the omission to produce it.

3. The differences in the translations are too material and important to justify any action of the government upon the copies produced.

4. No evidence is produced to the committee, nor is believed to exist, showing that the Baron Carondelet had any authority to make such a grant.

5. There is no adequate consideration for such a grant in the customs, and usages, and policy of the Spanish government.

6. The grant of such a quantity of land by the governors of provinces is believed to be contrary to the usages, customs, and laws of the Spanish government.

7. No confirmation was made of it, or application for that purpose, under the regulations of Morales, in 1799.

8. The claim of the applicants in the petition being so widely different from their claims before the commissioners in 1808, and so different from the translations of the grant accompanying this report.

The false certificate of Henry Cassady as to the survey of Elisha Winter having been made in 1798, and which must have been known to said Winter to be untrue at the time of its production before the

commissioners; the unusual quantity of land granted to Elisha Winter for his own settlement right, and the unusual quantity allowed his two sons, one of whom seems to have been under age at the time; and the total absence of any authority for the grant or any propriety in it, and just about the time that Baron Carondelet was leaving the province; and no application for a completion of title to his successors, whose regulations required it; and, in addition to all this, there is no evidence before the committee that the conditions of the grant were complied with according to the spirit and intention of the grantor, supposing it to have been made as presented to the committee. The object of the grant seems to have been to promote "the agriculture *of wheat, hemp, and flax;*" and it does not appear that any establishment of the kind was ever made by the Winters. Proof of occupancy within the year is the only proof adduced to show a compliance with the principal objects of the grant; and it is fair to presume that the proviso contained in the grant intended that the grantees should, *within the year*, make establishments for that purpose. All these circumstances taken together, in the opinion of the committee, cast a doubt upon the justness and fairness of the translation upon which the present claim is founded which should forever prohibit its confirmation.

But inasmuch as it is shown to the committee that the said Elisha and Gabriel Winter removed about that time to the Arkansas, and made settlements upon the public domain, and continued there for some time, in the opinion of the committee the same provision should be made for them as has been heretofore made for other settlers upon the public domain, who had settled upon it prior to the 1st of October, 1800, *with the permission of the proper Spanish officers*, and which is declared by the act of the 3d of March, 1807, shall not exceed two thousand acres. The committee therefore recommend that the said tracts of land claimed by the said Elisha and Gabriel Winter be surveyed and sold as other public domain in Arkansas, reserving to said applicants, each, the quantity of land above described, including their respective improvements, and which, if accepted by them, shall be in satisfaction of all future claims under said supposed grant, and have reported a bill for that purpose.

[NOTE.—For the documents submitted with this report, see vol. 3, on Public Lands, p. 289.]

GENERAL LAND OFFICE, *February* 4, 1834.

SIR: I have to acknowledge the receipt of your letters of the 2d and 3d instant, and, in reply to the inquiries contained therein, have to state that the only abstract of French and Spanish titles in this office is an "abstract of concessions and patents granted by the French and Spaniards in the western district of the Territory of Orleans, from 1757 to 1802," which consequently does not embrace the alleged grant to the Winters in Arkansas.

The grant to Winter not being laid down on the maps in this office, I am unable to say what portion of it remains unsold, although I have no doubt of a part of the land included therein being yet undisposed of.

With great respect, &c.,

ELIJAH HAYWARD

Hon. C. JOHNSON, *Chairman Committee on Private Land Claims, House of Representatives.*

23D CONGRESS.] No. 1194. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 4, 1834.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Pierre Lafitte, reported:

That said applicant claims title to about eleven thousand acres in the neutral territory, under a paper signed "Ybanco," military captain and civil and military governor of the town of Nacogdoches and its dependencies, dated the 12th of June, 1784. The paper is a bare permission to settle, and a promise to recommend them to be treated according to their deserts; and in a note to said paper it is said, "it is well understood that the aforesaid grant of land is to extend from the parcel called 'Nodier,' and extends to that which is called Nabarchar, and they are entitled to all the proceeds of the same; of which grant I expect the approbation of the lieutenant governor of the province; and the cost being paid, I conform it on the said day, month, and year." Upon this description the land has been surveyed by John Dinsmore, deputy surveyor, the 6th September, 1823, extending from the Bayou Pierre to the Bayou Nanticot, by irregular lines, and including 11,393.89 acres. There is nothing further before the committee showing the quantity granted, or the manner in which the same should have been surveyed; and there is no reason for supposing that it was intended to embrace that quantity more than any other; and the committee see no reason for surveying the land in the manner in which it has been done, and is now claimed by the applicant; and the committee see no reason why the applicant should not have claimed twenty or five thousand acres as well as the quantity claimed by him. The concession seems to have been a mere authority to settle on the land between the two bayous, through which travellers and traders usually passed in getting into the province, with a view of guarding the province from intruders, and requiring the applicant to give notice to the governor, &c., and states the object of the grant to be, "that they may have firm possession of the said place and lots of land necessary to pasture and rear their flocks of cattle, smaller stock, and horses."

The testimony of Marie De Soto is taken the 15th of November, 1832, before a justice of the peace, who states that he was the commandant of the Bayou Pierre during the time of the Spanish government, and up to the time it was taken possession of by the American government; and that Pierre Lafitte had lived upon the land more than fifty years under a concession from the lieutenant governor of Nacogdoches; and he says the boundaries extended from the Bayou Nordes Hesse to the Bayou De la Bonne Chasse; and he says such titles were always recognized as good under the Spanish government.

The committee do not believe the grant anything more than a bare permission to settle, nor are they aware that the lieutenant governor had any authority to make a title to the land. The committee do not, therefore, consider the applicant entitled to any more than other occupants and settlers in that section of the country; and they therefore report a bill allowing him two thousand acres of land, the quantity allowed by the act of the 3d March, 1807, to those settling by permission of the Spanish government, and which, if accepted by said Lafitte, shall be in full satisfaction of all claim under said supposed grant.

23D CONGRESS.] No. 1195. [1ST SESSION.

ON CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 4, 1834.

Mr. C. JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Jean Baptiste Grainger, reported:

Said applicant alleges that he had a Spanish title for 800 arpents of land in the Opelousas, on the Bayou Plaquemine, which was submitted to the board of commissioners; and that the same was confirmed by the board on May 29, 1811, and a certificate issued to him, (No. 606,) and alleges that he sold the land (400 arpents) to Joseph Read, by deed, dated October 1, 1812; the other 400 arpents to Etienne Robert De Lamorandiere fils, by deed, dated September 22, 1821. He further alleges that Jacob Harman and Henry Harper had each a Spanish title confirmed to them of 400 arpents, and certificates issued to them by the same board of commissioners, (Nos. 515 and 598,) and that these latter claims, when surveyed, cover the land confirmed to him, and by him sold to the parties as aforesaid, and supposes their titles to be best, they having the possession of the land; he alleges that he will be responsible upon his warranty to the purchasers from him, if they lose the land, and asks of Congress to allow them to remove their claims upon some other public lands in the Opelousas.

The facts of the case are proven by the production of certified copies of the certificates, and a plat showing the interference, and also copies of the deeds of conveyance made by the petitioner.

The committee think the applicant entitled to relief, and have reported a bill authorizing the purchasers from the petitioner to locate their lands elsewhere in the Opelousas, first executing a release of warranty to the said petitioner, and the petitioner executing a relinquishment to the government for any further claim by virtue of said confirmation.

23D CONGRESS.] No. 1196. [1ST SESSION.

ON CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 4, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom were referred the petition of L. H. Loriens, attorney in fact for Pelagie Loriens, formerly the widow of Peter Juzon, deceased, and the papers accompanying the same, reported:

That the attorney in fact aforesaid states that he believes the said Pelagie Loriens is the rightful owner of the tract of land on the east and west side of the Mobile river, at a place called Cambir; that P. Juzon, the former husband of P. Loriens, derived his claim to said land from the Spanish government in the following manner: That he petitioned his excellency Estevan Miro, colonel of the regular army and governor of the civil and military of the city and province of Louisiana, for a tract of land of fourteen acres front on each side of the Mobile river, formerly the property of Dugell Cambell, limited on the south by a creek called Cedar creek and another creek called Chansuld, and on the north by a tract of land (Magillivry's) which was abandoned by said Dugell Cambell in the year 1780. It further appears that in pursuance to said petition the Spanish commandant aforesaid did, on the 15th day of May, in the year 1787, direct that the said P. Juzon should establish that part of land of fourteen acres front on each side of the river, with forty, as customary, at the same place mentioned in the petition, as it was abandoned by the proprietor, with the precise conditions of making the road, clearing regularly in the peremptory space of one year. There are, accompanying the petition, two plats of surveys which appear to have been made by James Gordon for said Peter Juzon, one of which contains eleven hundred and thirty-four acres,

and situate on the west side of the Mobile river, in the county of Washington, in the Mississippi Territory, survey dated March 16, 1804; the other plat of survey contains five hundred and fifty-eight acres, and is situate on the east side of the river Mobile, in the county and Territory aforesaid, dated March 17, 1804. These surveys do not agree with the directions given by the Spanish authority to said Juzon to establish himself at the place set forth in the petition. Charles Juzon swears that, anterior to the year 1787, his father, Perie Juzon, resided with his family on the tract of land situated on the east and west of Mobile river, as described in the survey accompanying the papers; that his whole family resided thereon for several years during the occupancy of that country by the British government, and that he verily believes that the conditions of the grant were fully fulfilled, and that he knows that the widow of the said Perie Juzon has ever considered the land as hers; that he knows of no opposing claim since the date of the grant, and that the said P. Loriens is the widow of P. Juzon. This is all the proof before the committee showing that said Juzon was ever in the possession of said land, or that the conditions of the grant were complied with. The permission given by the Spanish authority to said Juzon to establish said land is the only and all the title that is exhibited on the part of the claimant. The committee are not satisfied that the conditions of the grant or permission given to the said Juzon were complied with, nor is there, in the opinion of the committee, sufficient proof to warrant the confirmation of said claim to the legal representatives of the said Juzon. The widow Juzon has appointed, at different periods, four several attorneys in fact to sell or otherwise dispose of said tract of land, and to do anything necessary to be done about the premises. The first power is dated on the 20th of January, 1804, executed at the city of New Orleans; the second power is dated on the 10th day of February, 1818, executed at the same place; the third power is dated the 6th of August, 1821, executed at the same place; and the fourth is dated on the 24th of October, 1833, executed at the same place. George Owen, esq., of Mobile, in a letter addressed to the Commissioner of the General Land Office, April 6, 1831, in which it appears that he enclosed the papers in the above case to the Commissioner of the General Land Office, in which letter he states that, since the application to the register and receiver, the original papers had come to his possession, but that the grounds of objection taken by the *record* at St. Stephen's (to wit, that they have no jurisdiction) prevents from laying the case before them, and asks the department to instruct the officers at St. Stephen's not to grant a pre-emption to any portion of the land claimed. In answer to which the Commissioner of the General Land Office says: "Your letter of the 6th of April last has been received, but as the reports do not exhibit any confirmed claim in the name of Pelagie Lawrence Juzon, I am not able to give any instruction upon the subject." The committee ask to be discharged from the further consideration of said petition.

23D CONGRESS.] No. 1197. [1ST SESSION.

STATEMENT OF PATENTS FOR LAND SOLD IN ARKANSAS THAT HAVE BEEN SUSPENDED.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 4, 1834.

TREASURY DEPARTMENT, *March* 3, 1834.

SIR: In obedience to the resolution of the House of Representatives of the 18th ultimo, directing the Secretary of the Treasury "to inform the House how many patents for land sold, at either public or private sale, in the Territory of Arkansas *have been suspended;* together with the name or names of each purchaser, and the quantity of each purchase or entry, and the reasons which have induced such suspensions," I have the honor herewith to transmit a report from the Commissioner of the General Land Office, to whom the resolution was referred.

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

R. B. TANEY, *Secretary of the Treasury.*

Hon. A. STEVENSON, *Speaker of the House of Representatives.*

GENERAL LAND OFFICE, *February* 26, 1834.

SIR: In obedience to a resolution of the House of Representatives of the 18th instant, in the words following to wit: "*Resolved,* That the Secretary of the Treasury be directed to inform this House how many patents for land sold, at either public or private sale, in the Territory of Arkansas *have been suspended;* together with the name or names of each purchaser, and the quantity of each purchase or entry, and the reasons which have induced such suspensions," which you referred to this office for report, I have the honor to submit the enclosed statements, marked A and B, and a copy of a letter from this office to the register at Batesville, marked C, which afford the desired information.

I am, sir, with great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. R. B. TANEY, *Secretary of the Treasury.*

A.—*Statement of lands sold in the district of Little Rock, Arkansas Territory, the patents for which have been suspended, exhibiting the name of the purchaser, the quantity of each purchase, and the reasons which have induced the suspension of the patents, as required by the resolution of the House of Representatives of February* 18, 1834.

No. of certificate	Name of purchaser.	Tract purchased.	Quantity.	Purchase money.	Cause of suspension.
			Acres.		
384	Joseph Clift	E. fractional ¼ of No. 2 of NE. ¼ 2, 3 S. 16 W.	42.62	$53 28	For want of plat of subdivision.
389	Silas Craig	E. fractional ¼ of No. 2 of NW. ¼ 5, 15 S. 1 W.	43.49	54 36	Do. do.
419	Elias Rector	SE. ¼ of NE. ¼ 4, 1 N. 12 W.	40.00	50 00	Do. do.
422	Danville Branham	SE. ¼ of SE. ¼ 35, 4 N. 14 W.	40.00	50 00	Do. do.
427	Rial Massingill	NE. fractional ¼ of NW. fractional ¼ 6, 2 N. 13 W.	34.25	42 81	For want of plat of subdivision, and certificate to be returned for correction in description of the tract, viz: to be stated whether north or south of Arkansas river.
426	William S. Collins	No. 2 of NW. ¼ of NW. ¼ 19, 1 N. 12 W.	47.04	58 80	For want of plat of subdivision.
436	Abijah Davis	NW. ¼ of NW. ¼ 1, 2 S. 16 W.	37.31	46 63	Do. do.
411	Archibald H. Rutherford	W. ½ S. E. ¼ 21, 1 S. 14 W.	80.00	100 00	This tract having been located January 24, 1829, by a decree of the superior court, in the name of Antoine Hernandes, per certificate No. 35, the sale is therefore erroneous.
448	George Vashon	Excess of NW. fractional ¼ 20, 14 S. 1 W.	1.72	2 12	Quantity does not agree with plat; suspended for explanation.
449	James Erwin	NW. ¼ of NW. fractional ¼ 30, 4 N. 8 W.	55.00	68 75	For want of plat of subdivision.
450	Calvin Clift	No. 3 of NW. ¼ of SW. fractional ¼ 30, 2 S. 15 W.	42.41	53 00	This tract appears to be short paid; from the plat in this office lot No. 3 contains 84.02 acres.
457	Andrew Graham	SE. ¼ of SE. ¼ 31, and SW. ¼ of SW. ¼ 32, 3 N. 13 W.	80.00	100 00	Suspended for explanation; on the SE. ¼ of SE. ¼ 31 is written on the plat *improvement*, and on the SW. ¼ of SW. ¼ 32 is written *pre-emption*.
461	Looney Price	Excess of W. ½ of SE. ¼ 9, 1 N. 12 W.	48.00	60 00	This certificate is erroneously issued. A patent will be issued upon the certificate issued for the location of the decree of the superior court.
463	Valentine Brazil	SW. fractional part of SW. ¼ 6, 1 S. 16 W.	57.24	71 05	For want of plat of subdivision.
472	Stephen Sanders	SE. ¼ of NE. ¼ 14, 4 N. 10 W.	40.00	50 00	The NE. ¼ of this section has been patented to Hugh McClelland, November 27, 1820, as bounty land, per warrant No. 22,154.
474	Clisby R. Jones	E. ½ SW. fractional ¼ 6, 3 N. 9 W.	80.00	100 00	For want of plat of subdivision.
481	Adam Mitchel	E. ½ SW. ¼ 5, 7 S. 5 W.	80.00	100 00	For want of plat of subdivision, and certificate to be returned for correction in description of the tract, viz: to be stated whether north or south of Arkansas river.
484	Emzy Wilson	W. fractional ½ of SW. ¼ 5, 7, 5 W.	78.48	98 10	Do. do. do.
492	William Patterson	SE. ¼ of SE. ¼ 8, 7, 5 W.	52.73	65 91	Do. do. do.
493	Emzy Wilson	E. fractional part of SE. fractional ¼ 6, 7 S. 5 W.	65.40	81 75	Do. do. do.
494	....do....	W. fractional part of SE. fract'l ¼ 6, 7 S. 5 W.	68.33	85 41	Do. do. do.
482	Creed Taylor	SW. fractional ¼ 9, 5, 9 W.	23.70	29 62	Suspended, and to be returned for correction in description of the tract, viz: SW. fractional ¼ 9 S. Arkansas river, 5 S. 9 W.
483	George Flynn	S. fractional ½ of NW. ¼ 26, 4 S. 10 W.	49.73	62 16	For want of plat of subdivision.
489	William Ingram	NW. ¼ of NW. ¼ 19, 2 S. 1 E.	50.29	62 86	Do. do.
490	Dorithese Montgomery.	N. part of the E. fractional 4, 2 S. 4 E.	34.89	43 61	Do. do.
491	William Richie	E. fractional ¼ of SE. fractional ¼ 35, 3 S. 4 E.	42.41	53 00	Do. do.
495	John Evans	NW. fractional ¼ of NW. fract'l ¼ 30, 2 S. 1 W.	69.69	87 22	Do. do.
498	Uriel Clary	S. fractional part of SW. fract'l ¼ 30, 3 S. 5 E.	63.20	79 00	Do. do.
504	Charles Roberts	E. ½ NE. ¼ 21, 4 S. 4 W.	80.00	100 00	The NE. ¼ of this section patented to Joseph Tuttle, brother and heir-at-law of Abraham Tuttle, deceased, (as bounty land, per warrant No. 26,543.)
516	John Robinson	E. ½ SE. ¼ 4, 3 S. 1 W.	80.00	100 00	Suspended for explanation. On the township plat is written *Duke's field* in the above tract.
518	Chester Ashley	SW. fractional ¼ 35, 4 S. 10 W.	63.13	78 91	Suspended, to be returned for correction in the description of plat, viz: (SW. fractional 35 N. Arkansas river,) 4 S. 10 W.
519	John McLain & Noah H. Badjett.	SE. fractional ¼ 33, 2 N. 12 W.	102.95	128 68	The area of this tract not stated on township plat, and is marked pre-emption, (explanation required.)
520	Abijah Davis	SW. NE. & SE. fractional ¼ of NW. fractional ¼ 1, 2 S. 16 W.	113.63	142 03	For want of plat of subdivision.
523	Francis Secrest	W. part of NW. fractional ¼ 7, 2 N. 10 W.	65.54	81 93	For want of township plat.
525	Samuel S. Hall	NW. fractional ¼ 29, 2 N. 12 W.	29.68	37 10	There must be an error in the area of this tract. (See township plat.)
526	William Marcus	SW. ¼ of SW. ¼ 28, 1 N. 15 W.	40.00	50 00	For want of township plat.
164	Jno. Clark and Chest. Ashley.	E. ½ SE. ¼ 11, 10 S. 29 W.	80.00	100 00	These tracts contain salt licks, and the purchase money directed to be refunded.
165	.....do.....do.	W. ½ SW. ¼ 12, 10 S. 29 W.	80.00	100 00	
166	William Hickman	W. ½ SE. ¼ 11, 10 S. 29 W.	80.00	100 00	
167	.....do.....	E. ½ SW. ¼ 11, 10 S. 29 W.	80.00	100 00	
173	.....do.....	E. ½ NW. ¼ 11, 10 S. 29 W.	80.00	100 00	
91	Salmon Ruggles	W. ½ SW. ¼ 7, 11 S. 25 W.	80.00	100 00	Returned for correction, there being a deficiency in each tract. Repayments directed to be made to the purchasers for the deficiency in their respective tracts, April 14, 1827.
108	James Alexander	E. ½ NW. ¼ 7, 11 S. 25 W.	80.00	100 00	
110	Nathan D. Smith	E. ½ SW. ¼ 7, 11 S. 25 W.	80.00	100 00	

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *February* 26, 1834.

B.

Statement of lands sold in the district of Batesville, Arkansas Territory, the patents for which have been suspended, exhibiting the name of the purchaser, the quantity of each purchase, and the reasons which have induced the suspension of the patents, as required by the resolution of the House of Representatives of February 18, 1834.

No. of certificate.	In whose favor issued.	Tract purchased.	Quantity.	Purchase money.	Cause of suspension.
			Acres.		
12	Bazil A. Bovan	W. ½ SW. ¼ 9, 20 N. 1 E.	80.00	$100 00	For want of assignment.
15	Thomas Peel	W. ½ NE. ¼ 26, 13 N. 7 W.	78.90	98 62	Do.
50	Samuel Caruthers	E. ½ SE. ¼ 23, 16 N. 4 W.	80.00	100 00	Do.
69	P. G. Magness and R. Searcy	NE. ¼ 10, 13 N. 6 W.	160.00	200 00	For want of assignment and pre-emption certificate.
73	James Raney	W. ½ SE. ¼ 4, 16 N. 3 W.	80.00	100 00	For want of assignment.
74	....do	S. ½ NE. ¼ 4, 16 N. 3 W.	80.00	100 00	For want of assignment, This tract is not subdivided according to law; explanation required.
76	Lott Davis	E. ½ NW. ¼ 18, 19 N. 2 W.	80.00	100 00	For want of assignment.
77	Thomas Baker	E. ½ SW. ¼ 29, 19 N. 2 W.	80.00	100 00	Do.
79	Joseph Harden	SE. ¼ 36, 12 N. 5 W.	160.00	200 00	Do.
103	Thomas Moore	E. ½ fractional 24, (SW. river,) 13 N. 7 W.	278.80	348 50	Do.
106	George W. Ferebee	E. fractional part of the S. ½ of SE. ¼ 31, (NW. river,) 13 N. 5 W.	74.69	93 37	Do.
108	George Bentley	SW. ¼ 33, 6 N. 16 W.	160.00	200 00	Do.
109	Eli Bentley	SE. ¼ 3, 5 N. 16 W.	160.00	200 00	Do.
111	George Bentley	S. ½ SE. ¼ 32, 6 N. 16 W.	80.00	100 00	For want of assignment. This tract is not divided according to law; explanation required.
114	William Russell	N. fractional part of the N. ½ 2, (N. Ark. river,) 1 N. 12 W.	140.43	175 54	For want of assignment.
115	....do	NE. fractional ¼ (N. Ark. river) 3, 1 N. 12 W.	23.64	29 59	Do.
118	James Marrs	N. ½ NE. ¼ 1, 15 N. 4 W.	80.40	100 50	For want of assignment. This tract is not divided according to law; explanation required.
119	Thomas Culp	N. ½ NW. ¼ 1, 15 N. 4 W.	79.87	99 84	For want of assignment.
120	John Caruthers	E. ½ SE. ¼ 31, 16 N. 3 W.	80.00	100 00	Do.
126	Elisha Wilburn	NE. fractional ¼ (N. Ark. river) 5, 5 N. 16 W.	148.04	185 05	Do.
127	....do	NW. ¼ 4, 5 N. 16 W.	160.00	200 00	Do.
128	Samuel Carnahan	NW. fractional ¼ 5, 2 N. 13 W.	81.21	101 52	Do.
129	....do	E. ½ SW. ¼ 32, 3 N. 13 W.	80.00	100 00	Do.
130	James Pycat	NW. ¼ 32, 3 N. 13 W.	160.00	200 00	Do.
133	Jacob Pycatt	SW. fractional ¼ 31, (N. Ark. river,) 3 N. 13 W.	155.83	194 79	For want of assignment and pre-emption certificate.
144	Joab Harden	SW. fractional ¼ 12, 10 N. 11 W.	141.65	177 06	For want of assignment.
145	....do	NE. fractional ¼ 11, 10 N. 11 W.	44.24	55 30	Do.
148	Lavinia Colville	SE. fractional ¼ 24, (N. Arkansas river,) 3 N. 14 W.	108.92	136 15	Claimed in right of her husband, Andrew Colville, deceased. Suspended for the following cause, viz: On the back of the pre-emption certificate appears the affidavit of Samuel C. Roan, stating that *Lavinia Colvin* is the only legal representative of *Andrew Colvin, deceased.* There is required, in this case, a certificate from the clerk of the court, stating that *Lavinia Colville* is the only legal representative of *Andrew Colville*, deceased.
149	....do	NE. fractional ¼ 25, (N. Arkansas river,) 3 N. 14 W.	154.74	193 42	Do.
160	John McElmurry	NE. fractional ¼ 24, 5 N. 15 W.	12.90	16 12	For want of assignment and pre-emption certificate.
226	Samuel Taylor	NW. fractional ¼ 13, (S. Arkansas river,) 3 N. 14 W.	25.00	31 25	Do. do.
232	Armstrong and Sevier	NW. fractional ¼ 6, (S. Arkansas river,) 2 N. 13 W.)	10.45	13 06	Do. do.
233	....do	NE. fractional 1, (S. Arkansas river,) 2 N. 14 W.	71.63	89 53	Do. do.
236	Archibald McHenry	N. fractional ½ 8, (S. Arkansas river,) 2 N. 13 W.	240.66	300 82	Do. do.
237	....do	SW. fractional ¼ 9, (S. Arkansas river,) 2 N. 13 W.	85.12	106 40	Do. do.
238	Mathers and Sevier	Fractional part of 1, (S. Arkansas river,) 5 N. 15 W.	137.98	172 47	For want of assignment.
240	William Russell	Fractional section 2, (S. Arkansas river,) 1 N. 12 W.	95.70	119 62	Do.
241	....do	S. fractional part of NE. ¼ 3, (S. Arkansas river,) 1 N. 12 W.	95.63	119 53	Do.
242	....do	NW. ¼ 12, (S. Arkansas river,) 5 N. 15 W.	160.00	200 00	For want of assignment and pre-emption certificate.
243	....do	E. ½ section 12, (S. Arkansas river.) 5 N. 15 W.	104.45	130 56	Do. do.
326	Simon Price	SW. fractional ¼ 22, 8 N. 14 W.	91.05	113 81	Do. do.
327	....do	SE. fractional ¼ 21, 8 N. 14 W.	3.24	4 05	Do. do.
328	Thomas McKnight	W. ½ NW. ¼ 22, 18 N. 2 W.	80.00	100 00	For want of assignment. This entry is illegal; purchase money directed to be refunded, January 24, 1827.

B.—*Statement of lands sold in the district of Batesville, Arkansas Territory, &c.*—Continued.

No. of certificate.	In whose favor issued.	Tract purchased.	Quantity.	Purchase money.	Cause of suspension.
			Acres.		
339	Benoni Stafford	E. ½ SE. ¼ 34, 13 N. 7 W.	80.00	$100 00	For want of assignment and pre-emption certificate.
151	Heirs of William D. Simms, deceased.*	W. ½ fractional 12, 1 N. 11 W.	852.80	316 00	
152	do	SE. fractional ¼ 12, 1 N. 11 W.	132.30	165 37	For the same cause as certificate No. 151.
61	Morgan Magness	NW. ¼ 30, 13 N. 5 W.	161.23	201 54	For want of assignment.
62	do	SE. ¼ 25, 13 N. 6 W.	160.00	200 00	Do.
65	do	NE. ¼ 29, 15 N. 3 W.	160.00	200 00	For want of certificate of magistracy to assignment. (Signed Thomas Curran and George Ruddell, justices of the peace.)
136	James Miller	E. fractional ½ of fractional section 5, (N. Arkansas river,) 2 N. 13 W.	219.51	274 39	For want of assignment.
26	Josiah Cravens, assignee of S. S. Hall.	W. ½ SW. ¼ 33, 18 N. 1 W.	80.00	100 00	For want of certificate of magistracy to assignment from Garret to Hall. (Signed Spencer Craven, *J. P.*)
162	William Russell	W. fractional ½ 7, 5 N. 14 W.	132.31	165 38	Suspended for correction in description of the tract, viz: W. fractional ½ 7, (N. Arkansas river,) 5 N. 14 W.
466	Rebecca Stuart	W. ½ SE. ¼ 27, 17 N. 2 W.	80.00	100 00	For want of township plat.
468	Abijah O'Neal	Fractional 8, (N. White river,) 14 N. 8 W.	14.73	18 41	Do.
469	Solomon Hess	NW. fractional ¼ 5, (S. White river,) 13 N. 8 W.	53.78	67 22	Do.
470	Peyton R. Pitman	N. fractional ¼ 6, (N. Current river,) 21 N. 3 E.	76.48	95 60	Do.
474	Lorenzo D. Lafferty	E. ½ NE. ¼ 8, 14 N. 8 W.	80.00	100 00	Do.
476	James Standlee	E. ½ SE. ¼ 32, 4 N. 4 E.	80.00	100 00	Do.
473	Jacob Pevyhouse	W. ½ NW. ¼ 22, 18 N. 2 W.	80.00	100 00	For want of evidence that the purchase money has been refunded to Thomas McKnight, who erroneously entered this tract. (See certificate No. 328.)
477	Matthew Smith	W. fractional ½ SW. ¼ 31, 4 N. 4 E.	104.00	130 00	For want of township plat.
478	John L. Cochran	E. ½ NW. ¼ 29, 20 N. 3 E.	80.00	100 00	Do.
479	Isaac Murray	W. ½ SW. ¼ 21, 20 N. 3 E.	80.00	100 00	Do.
480	Thomas Wideman	E. ½ NE. ¼ 30, 11 N. 2 W.	80.00	100 00	Do.
484	Joseph Taylor	W. fractional ½ 16, (N. White river,) 13 N. 8 W.	93.72	117 15	Do.
486	Isaac Gray	W. ½ NE. ¼ 36, 8 N. 4 W.	80.00	100 00	Do.
487	Joseph Taylor	SE. fractional ¼ 16, 13 N. 8 W.	152.91	191 33	Do.
493	James Knotts	W. fractional ½ NW. fractional ¼ 31, 20 N. 3 E.	84.47	105 58	Do.
489	Townsend Dickerson	SE. fractional ¼ 23, 12 N. 3 W.	143.03	178 78	For want of township plat, and certificate of magistracy to assignment from Trimble to Dickerson, dated Dec. 23, 1824, (signed Nat. Dickerson, *J. P.*)
501	Jonathan Carl	W. ½ NE. ¼ 35, 12 N. 3 W.	80.00	100 00	For want of township plat.
502	Abijah O'Neal	Fractional section 7, 14 N. 8 W.	5.40	6 75	Do.
506	William B. Walker	Fractional section 29, 17 N. 11 W.	43.30	54 12	Do.
507	James Jeffrey	Fractional section 7, 16 N. 10 W.	92.18	115 22	Do.
509	Daniel Harkleroad	Part No. 1, SW. fractional ¼ 31, 4 N. 8 E.	80.00	100 00	Do.
511	Thomas B. White	Part of SE. fractional ¼ 18, (W. St. Francis river,) 5 N. 4 E.	48.85	61 06	Do.
513	Richard M. Anderson	E. ½ NE. ¼ 21, 2 N. 5 E.	80.00	100 00	Do.
523	Weldon Van Winkle	E. ½ SW. ¼ 21, 3 N. 6 E.	80.00	100 00	Do.
524	Alfred G. W. Davis	Part of NE. fractional ¼ 28, (W. St. Francis river,) 4 N. 4 E.	65.63	82 03	Do.
525	Samuel Caruthers	N. fractional ½ of NW. fractional ¼ 4, 10 N. 6 W.	87.18	108 97	For correction in quantity.
526	Radford Ellis, assignor of Robert Bean.	NW. ¼ 36, 6 N. 17 W.	160.00	200 00	For want of township plat.
527	Joshua Fletcher	E. fractional ½ section 8, 4 N. 8 E.	78.84	98 55	Do.
533	Dan'l Duckworth & Michael Shaver.	NE. fractional ¼ 2, 19 N. 2 E.	133.02	166 27	Do.
536	Achan Lefave	E. ½ NE. ¼ 25 1, N. 11 W.	80.00	100 00	Do.
467	Robert Magness	E. ½ NE. ¼ 32, 14 N. 4 W.	80.00	100 00	For cause of suspension, see letter herewith, dated March 6, 1832, addressed to the register.
471	Uriah Smith	W. ½ SE. ¼ 2, 18 N. 2 W.	80.00	100 00	Do. do.
472	John Bridges, John Wells, and William Jarrett.	E. ½ SW. ¼ 2, 18 N. 2 W.	80.00	100 00	Do. do.
475	John Johnson	W. ½ NE. ¼ 13, 6 N. 3 E.	80.00	100 00	Do. do.
481	Richard M. Sanders	SW. fractional ¼ 6, 10 N. 23 W.	149.92	187 40	Do. do.
482	Matthew Adams	NW. fractional ¼ 7, 18 N. 12 W.	63 77	79 71	Do. do.
483	Pearson Brearly	NE. fractional ¼ 30, (S. Arkansas river,) 7 N. 20 W.	42.24	52 80	Do. do.
485	William Johnson	NW. fractional ¼ 27, (N. White river,) 13 N. 6 W.	90.00	112 00	Do. do.
488	John Nicks	SE. fractional ¼ 13, 6 N. 19 W.	126.2[illegible]	157 82	Do. do.

* Evidence is required that Robert Crittenden, who makes the assignment to Simms, is the legally authorized administrator of Wm. J. Orr, deceased, in whose favor the pre-emption certificate issued. The assignment is without a witness, or acknowledgment before a magistrate. This is also required. The patent certificate has issued to the heirs of William D. Simms, deceased. The register is required in this and all similar cases to write the names of all the heirs or representatives in the body of the certificate, and to be accompanied with proof of heirship.

B.—*Statement of lands sold in the district of Batesville, Arkansas Territory, &c.*—Continued.

No. of certificate.	In whose favor issued.	Tract purchased.	Quantity.	Purchase money.	Cause of suspension.	
			Acres.			
490	John Rogers	Fractional section 9, 8 N. 26 W.	70.99	$88 73	For cause of suspension, see letter herewith dated March 6, 1832, addressed to the register.	
491	Wm. P. Moore and Archibald Sharp.	NW. fractional ¼ 7, 10 N. 28 W.	149.96	187 45	Do.	do.
492	Jinkin Williams	No. 2 of NW. fractional ¼ 6, 8 N. 29 W.	80.00	100 00	Do.	do.
494	David Rover	E. ½ NE. ¼ 25, 2 N. 12 W.	80.00	100 00	Do.	do.
495	John J. Nicholson	E. ½ NE. ¼ 3, 8 N. 26 W.	80.00	100 00	Do.	do.
496	....do	SE. fractional ¼ 3, 8 N. 26 W.	83.53	104 41	Do.	do.
497	....do	SW. fractional ¼ 3, 8 N. 26 W.	64.69	80 86	Do.	do.
498	....do	SE. fractional ¼ 4, 8 N. 26 W.	14.20	17 75	Do.	do.
499	William Martin	NW. fractional ¼ 4, 8 N. 26 W.	90.57	113 01	Do.	do.
500	....do	Fractional 5, (N. Arkansas river,) 8 N. 26 W.	10.13	12 66	Do.	do.
503	James Campbell	W. ½ SW. ¼ 26, 18 N. 2 W.	80.00	100 00	Do.	do.
504	Robert Smith	E. ½ SW. ¼ 11, 18 N. 2 W.	80.00	100 00	Do.	no.
505	Thomas Wells	W. ½ NW. ¼ 3, 18 N. 2 W.	80.00	100 00	Do.	do.
508	William M. Fulkerson	W. ½ NW. ¼ 25, 5 N. 3 E.	80.00	100 00	Do.	do.
510	Samuel Hixon	SE. fractional ¼ 5, (S. Arkansas river,) 8 N. 26 W.	25.06	31 32	Do.	do.
512	John Varvil	W. ½ SW. ¼ 24, 5 N. 3 E.	80.00	100 00	Do.	do.
514	David Craighead	W. ½ SE. ¼ 28, 11 N. 11 E.	80.00	100 00	Do.	do.
515	....do	Fractional section 20, 11 N. 11 E.	62.06	77 57	Do.	do.
516	....do	S. fractional ½ 19, 11 N. 11 E.	306.98	383 72	Do.	do.
517	....do	E. ½ SW. ¼ 19, 11 N. 11 E.	80.00	100 00	Do.	do.
518	....do	W. ½ NW. ¼ 18, 11 N. 11 E.	80.00	100 00	Do.	do.
519	....do	W. ½ NE. ¼ 30, 11 N. 11 E.	80.00	100 00	Do.	do.
520	....do	E. ½ NW. ¼ 30, 11 N. 11 E.	80.00	100 00	Do.	do.
521	Peter G. Rives	E. ½ SW. ¼ 34, 11 N. 11 E.	80.00	100 00	Do.	do.
522	....do	NE. fractional ¼ 4, 10 N. 11 E.	102.93	128 66	Do.	do.
528	John H. Blackwell	W. ½ SE. ¼ 8, 5 N. 3 E.	80.00	100 00	Do.	do.
529	John Troy	W. ½ SW. ¼ 18, 11 N. 11 E.	80.00	100 00	Do.	do.
530	....do	W. ½ NW. ¼ 19, 11 N. 11 E.	80.00	100 00	Do.	do.
531	Fielding Stubblefield	NW. fractional ¼ 1, 20 N. 2 W.	150.20	187 75	Do.	do.
532	....do	W. ½ SW. ¼ 12, 20 N. 2 W.	80.00	100 00	Do.	do.
534	Robert S. Gibson	NE. fractional ¼ 13, 8 N. 32 W.	134.79	168 48	Do.	do.
535	Joseph H. Egner	W. ½ NW. ¼ 5, 11 N. 11 E.	80.00	100 00	Do.	do.
167	The whole number of suspended patents for tracts purchased in Arkansas territory.					

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *February* 26, 1834.

C.

GENERAL LAND OFFICE, *March* 6, 1832.

SIR: On examination of your return of lands sold and the certificates accompanying it, for the month of October, 1831, it appears that certificates Nos. 531 and 532, in favor of Fielding Stubblefield, for the northwest fractional quarter 1, 20 north 2 west, and the west half of southwest quarter 12, 20 north 2 west, have been heretofore returned to this office as pre-emptions, the first granted to Bazil Goforth, and the latter to William Looney, and the tracts had been marked on the township plats as such, but no patent appears to have issued in either case, and it is believed that those claims are forfeited. You have, however, omitted to state the facts on the certificates; and presuming there may be others in similar situations, I have caused them to be suspended, together with many others, until you were advised thereof.

You will please transmit a statement as soon as possible in explanation of the above and all others which may have issued in like manner, and in future to state such facts on the certificates when issued.

I am, &c.,

ELIJAH HAYWARD.

H. BOSWELL, Esq., *Register at Batesville, Arkansas.*

23D CONGRESS.] No. 1198. [1ST SESSION.

ON THE APPLICATION OF A SETTLER ON LAND RESERVED FOR MILITARY PURPOSES FOR A PRE-EMPTION RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 4, 1834.

Mr. C. JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of John Knagg, reported:

The petitioner alleges that he is a citizen of Wood county, Ohio, and that he resides on the military reserve north of the Maumee river, and alleges that the same was improved and occupied as early as 1815 by Peter Moore; that he purchased the right of Peter Moore in 1829, and has resided on the land since. He alleges that his improvements are worth $180, and that land in the same neighborhood is offered for sale by the public at $1 25 per acre, and asks the right of pre-emption. Upon examination, it appears that, under the act passed 27th day of April, 1816, the Secretary of War was authorized to have reserved from sale any lands that were deemed necessary for military purposes, and two reservations were made, one designated No. 17, for 160.75 acres, and the other numbered 18, for 94.25, and that said petitioner resides upon one of the reserves in the neighborhood of Perrysburg. The committee are of opinion that said Knaggs is differently situated from other settlers upon the public lands; the present applicant has become the purchaser of an occupancy upon a tract of the public land specifically set apart by law for public purposes, and for the use of the fort in its neighborhood; and, in addition to this, the reservation is in a thickly settled neighborhood in Ohio, and its value has been probably increased by the reservation of that tract so long from sale. The committee do not therefore think that the applicant is entitled to the usual benefits extended to settlers

Upon inquiry at the War Department, it is ascertained that the reservations made by the act of 1816 are no longer necessary for public purposes, and the committee therefore introduce a bill authorizing the President to cause said reservations to be sold.

23D CONGRESS.] No. 1199. [1ST SESSION.

APPLICATION OF OHIO FOR A GRANT OF LAND TO AID IN THE CONSTRUCTION OF THE LAKE ERIE AND MAD RIVER RAILROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 5, 1834.

PREAMBLE AND RESOLUTIONS relative to the Mad River and Erie Railroad.

Whereas by an act of the legislature of the State of Ohio passed January 7, 1832, entitled "An act to incorporate the Mad River and Lake Erie Railroad Company," with power to construct a railway or road from Dayton to Springfield, thence to Urbana, thence to Bellefontaine, thence to Upper Sandusky, thence to or near Tiffin, thence to or near Lower Sandusky, thence to the town of Sandusky; which road, if constructed, will, the greater part of it, pass through a country of excellent soil, and, at present, but thinly peopled; and as the construction of such a road will not only contribute to the conveniencies and advantage of the citizens in the immediate neighborhood of the line, but also of the western part of the State generally, by opening to them easy communication with the lake, and free access to the northern market; and will, moreover, greatly increase the taxable property of the State by inducing the speedy settlement of a large portion of the State, and by increasing the facilities to her citizens for trade and commerce, and will not only bring earlier into market the unsold land belonging to the general government, many tracts of which are now absolutely unsaleable, but will also generally increase the value of such as are saleable; affording, at the same time, facilities to the general government for the transportation of the mail, and, in case of war, of provisions and munitions of war. And whereas, also, by the report of the engineer detailed for the service by the general government, it appears that the route proposed is very favorable, and that a railroad may be constructed upon it at a comparatively small expense; and it being now represented to this general assembly that an amount of stock of the said company has already been subscribed sufficient to justify the commencement of the work during the present year, and the ultimate completion of it, if it shall receive that encouragement which its great importance and usefulness demands of it, the State of Ohio, although true to her policy of fostering and encouraging internal improvements, is unable, at this time, to contribute to the work out of her treasury so as to render to the said company an equivalent for the benefits which will be conferred by it on the State; but as the general government will derive immediate benefit from it in the manner hereinbefore mentioned, and in other respects, and has the ability to contribute by making to the said corporation a grant of land which would be of great value to the incorporation; and by giving which the Treasury of the United States instead of suffering diminution would be in as good if not a better situation. Therefore—

Resolved, by the general assembly of the State of Ohio, That our senators in Congress be, and they are hereby, instructed, and our representatives in Congress requested, to endeavor to procure the passage of an act of Congress granting a quantity of land to aid the said company in making said railroad; the lands to be granted upon such terms and conditions as Congress in their wisdom may think proper.

Resolved, That the governor be, and he is hereby, requested to forward to each of our senators and representatives in Congress a copy of the foregoing preamble and resolutions.

JOHN H. KEITH, *Speaker of the House of Representatives.*
DAVID T. DISNEY, *Speaker of the Senate.*

FEBRUARY 5, 1834.

23D CONGRESS.] No. 1200. [1ST SESSION.

APPLICATION OF INDIANA FOR A GRANT OF LAND TO AID IN THE CONSTRUCTION OF A CANAL OR RAILROAD FROM LAWRENCEBURG, TO CONNECT THE WABASH AND ERIE CANAL WITH THE OHIO RIVER, AND TO THE SOUTH BEND OF ST. JOSEPH'S RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 5, 1834.

A JOINT MEMORIAL and resolution to the Congress of the United States.

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

Your memorialists, the general assembly of the State of Indiana, respectfully represent: That between Lawrenceburg, on the Ohio river, and the Wabash and Erie Canal, in a direction to the southern bend of the St. Joseph's river, there is a vast tract of fertile soil, intersected by no navigable streams, and without roads or other facilities of communication; that the country, for about half the distance, is but thinly inhabited, and that the land belongs chiefly to the general government, and unless the means of intercourse are furnished must remain unsold and unsettled for many years to come; therefore your memorialists are of opinion that it would conduce no less to the advantage of the general government than to this State to make the State of Indiana a liberal donation in lands to aid in the construction of a canal or railroad to connect the above-named important points.

Resolved, That our senators and representatives in Congress be requested to use their best exertions to obtain the object of the above memorial.

Resolved, That his excellency the governor be requested to forward a copy of the foregoing memorial and resolution to each of our senators and representatives in Congress.

N. B. PALMER, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved January 30, 1834.

N. NOBLE.

23D CONGRESS.] No. 1201. [1ST SESSION

APPLICATION OF LOUISIANA FOR A GRANT OF LAND TO REIMBURSE THE EXPENSE OF ERECTING A LEVEE ON THE MISSISSIPPI RIVER, IN THE PARISH OF POINTE COUPÉE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 5, 1834.

Whereas the inhabitants of the parish of Pointe Coupée have undertaken, at a very great expense, the creation of a dyke or levee through the cut-off point in their parish, by means of which works an immense quantity of lands, the greatest part of which are the property of the general government, as well in the said parish as those of St. Landry, St. Martin, St. Mary, West Baton Rouge, and Iberville, La Fourche Interior and Terrebonne, shall be forever protected against the annual inundation at the increase of the waters of the Mississippi:

Be it resolved by the senate and house of representatives of the State of Louisiana in general assembly convened, That our senators and representatives in Congress be requested to obtain from the general government a cession of such a portion of the public lands in the parish of Pointe Coupée as may seem to be a just indemnity to the inhabitants of said parish for the expense incurred by them in erecting the levee on and for the protection of the public lands.

Be it further resolved, &c., That our senators and representatives in Congress be requested to call the attention of the general government to the propriety and expediency of entering into stipulations with the Mexican government, by which the citizens of the United States may recover their runaway slaves that may find shelter in the Mexican territory.

And be it further resolved, &c., That the governor of this State shall, as soon as possible, transmit the present resolutions to our senators and representatives in Congress.

ALCÉE LA BRANCHE, *Speaker of the House of Representatives.*
C. DERBIGNY, *President of the Senate.*

Approved February 26, 1833.

A. B. ROMAN, *Governor of the State of Louisiana.*

23D CONGRESS.] No. 1202. [1ST SESSION.

APPLICATION OF GEORGIA IN RELATION TO A PROPER DISPOSITION OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 5, 1834.

EXECUTIVE DEPARTMENT, GEORGIA, *Milledgeville, January* 1, 1834.

SIR: In compliance with the request contained in a resolution thereto appended, I have the honor to transmit to you a copy of a report embracing the views of the public authorities of Georgia in relation to proposals for disposing of the public lands belonging to the United States.

Very respectfully, your obedient servant,

WILSON LUMPKIN.

HON. THOMAS F. FOSTER.

IN SENATE.

The Committee on the state of the republic, to whom was referred so much of the governor's message as relates to the resolutions of the State of Tennessee, and the report and resolutions thereon by the legislature of the State of Massachusetts, on the subject of the public lands of the United States, have attended to the duty assigned them, and beg leave to make the following report:

That without specifically inquiring into the means by which the United States government became possessed of the public lands, or the causes which, after the war of the revolution, induced several of the States to transfer to that government all, or a great portion of their unoccupied lands, under certain limitations and restrictions specified in the several deeds of cession or relinquishment, your committee deem it sufficient to state that those deeds and relinquishments, and all other purchases of lands by the United States government, were made for the common benefit of the several States; that it is a common fund to be distributed without partiality, and to enure to the equal benefit of all the States. Your committee cannot perceive that an immediate sale of all the public lands, as proposed by the resolutions of the State of Tennessee, would be expedient or beneficial, however laudable the object the legislature of Tennessee had in view in the proposed disposition of the proceeds thereof as a permanent fund for the purposes of education. Yet your committee are of opinion that the disposition of the lands would interfere with the true policy of the government with regard to its western territory, to wit, the speedy occupation of that territory by actual settlers; and further, that such an immense body of lands at once thrown into the market at reduced prices, as is contemplated by those resolutions, would place it in the power of a combination of wealthy individuals to purchase up those lands for the purpose of speculating upon their fellow-citizens who might wish to become, and who, under the present system, can become, however poor they may be, the actual settlers of the country.

Your committee cannot perceive that the land bill introduced into the Senate of the United States by Mr. Clay, and passed by that body, provides for the distribution of the public lands in that equitable manner contemplated by the States in their several deeds of cession.

The government of the United States has already acted upon a liberal policy towards the new States in admitting them into the Union upon an equality with the old States as speedily as their numerical population would warrant their admission. There can therefore be no good reason why those new States should be entitled to any advantages in the distribution of the proceeds of the public lands over the original States by whom these lands were purchased or ceded.

However acceptable to the people of Georgia the receipt of her dividend from the proposed sales might be, yet your committee regret that they perceive in this proposed distribution of a large portion of the revenues of the general government among the several States only another method about to be adopted to reduce those revenues, and thereby create a necessity and furnish an excuse to the majority in Congress for entailing still longer upon the people of the south the unjust and odious tariff system.

Your committee therefore respectfully recommend the adoption of the following resolutions:

Resolved by the senate and house of representatives of the State of Georgia in general assembly met, That the general assembly disapprove of the resolutions of the general assembly of the State of Tennessee of the 21st December, 1831, in relation to the sale and disposition of the public lands of the United States.

Resolved, That the general assembly admit the correctness of the views taken on the subject in the four first resolutions of the general assembly of the State of Massachusetts of the 28th March, 1833, but cannot admit the policy or expediency of a distribution of any part of the revenues of the general government among the several States so long as any part of those revenues is raised upon the principle of a protective tariff of duties on foreign imports.

Resolved, That our senators in Congress be instructed, and our representatives requested, to oppose the passage of any law having for its object the distribution of the proceeds of the sale of the public lands of the United States among the several States; and that his excellency the governor be requested to transmit a copy of this report to the President of the United States, the governors of each of the States, and to each of our senators and representatives in Congress.

In senate, December 20, 1833, agreed to.

JACOB WOOD, *President of the Senate*

Attest: JOHN A. CUTHBERT, *Secretary.*

In the house of representatives, December 20, 1833, concurred in.

THOMAS GLASCOCK, *Speaker of the House of Representatives.*

Attest: JOSEPH STURGES, *Clerk.*

Approved December 23, 1833.

WILSON LUMPKIN, *Governor.*

23D CONGRESS.] No. 1203. [1ST SESSION.

ON GRANTING TO INDIANA LANDS FOR THE CONSTRUCTION OF A CANAL FROM THE WABASH RIVER TO LAKE ERIE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 6, 1834.

Mr. SLADE, of Illinois, from the Committee on Roads and Canals, to whom was referred a resolution of this House, directing them to inquire into the expediency of granting to the State of Indiana each alternate section of land heretofore reserved to the United States by the act of March 2, 1827, for the purpose of insuring a speedy completion of the canal undertaken by the State of Indiana, to connect at navigable points the waters of the Wabash river with those of Lake Erie, reported:

That by an act of Congress approved on the 26th day of May, in the year 1824, the State of Indiana was authorized to survey and mark through the public lands of the United States the route of a canal as above mentioned; that, by an act of March 2, 1827, in pursuance of the first named act, there was granted to the State of Indiana, for the purpose of aiding her in opening such canal, after the line thereof had been surveyed, a quantity of land equal to one-half of five sections in width, on each side of said canal, from one end thereof to the other, with a provision that the same, when completed, should be and forever remain a public highway for the use of the government of the United States, free from any toll or other charge, for property of the United States or persons in their service passing through the same; and a further provision that the said canal should be commenced within five and completed within twenty years.

The State of Indiana, by her legislature, has in good faith accepted the grant, and commenced the excavation of the canal with every degree of energy that could be required. During the past year thirty-two miles of the work were put under contract, and are rapidly progressing; in the course of the present year upwards of sixty miles in length will be under contract; and at its late session the Indiana legislature authorized the commissioner of the canal fund to negotiate a loan of four hundred thousand dollars to facilitate the progress of the work, a large loan having been previously effected.

According to a fair calculation, the land granted to the State of Indiana must fall far short of realizing the sum necessary to complete the work; the lands have necessarily been sold upon a long credit, and tardiness in prosecuting the undertaking will hereafter, under such a state of things, become almost the inevitable consequence. Without aid, either that which is now asked or some other from the general government, the State will, in all likelihood, be ultimately involved in a heavy debt, in order to accomplish the object, and the rate of toll must necessarily be proportioned to meet and finally reimburse the State for her expenditure. That the lands should have been sold upon a long credit, and that they should not have commanded more than an ordinary price, were consequences produced by the immense quantity of public lands in market throughout the western States.

Of the importance of this canal in a general sense, the committee deem it only necessary to remark that when completed it will constitute the most direct route from the lakes, and from New York to New Orleans; that thereby a large proportion of the people of the United States must be benefitted, and in any moment of peculiar exigency the government would be benefitted in the highest degree by the increased facilities of transportation.

Heretofore large grants of land for canal and other purposes have been made to many of the new States; that given to the State of Indiana has fallen far short of the amount granted either to Ohio, Illinois, or Alabama. The alternate section lying along the line of the canal, within the limits of Indiana, which was reserved to the government by the act of March 2, 1827, is now asked for the purpose of enabling the State of Indiana to complete the canal. In addition to the public benefit bestowed by now aiding in the completion of a work which, when finished, may be regarded as one of the great and leading thoroughfares in the interior of this republic, the committee consider that the public domain in that quarter would, as a matter of course, become more immediately valuable, and an increased impulse would be given to the energies of that young and flourishing State in the prosecution of so important a work.

The committee would further remark that a portion of the proposed canal runs through the State of Ohio, the legislature of which State has at its last session accepted a proposition made by Indiana to take so much of the canal grant of 1827 as lies within the limits of Ohio, and under her own direction prosecute that portion of the work extending from the Indiana State line to Lake Erie. In order, therefore, that both should be placed upon a footing of equality in the undertaking, the committee have thought proper to report a bill granting to each State the reserved sections within their respective limits.

23D CONGRESS.] No. 1204. [1ST SESSION.

ON CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 6, 1834.

Mr. LEAVITT, from the Committee on Public Lands, to whom was referred the petition of Samuel Carter and Ransom McElroy, reported:

That the petitioners represent that they emigrated to Alabama at a very early period, and have undergone all the difficulties and privations incident to the first settlement of a country; that, being poor, they were unable to compete, at the public sales of lands of the United States, with wealthy men, and have consequently been driven from several valuable improvements heretofore made by them; and that

they have never yet obtained for themselves and their families a permanent home. They also state that each of them had an improvement on the northwest quarter of section 25, in township 23, and range 9 east, in the county of Bibb, in the State of Alabama, which quarter section was situated near a flourishing village, at the falls of the Cahaba river, and therefore valuable; that said quarter section had never been offered at public sale, and that they would have been entitled to a pre-emption of the same, if they could have kept possession thereof till the passage of the "Act to grant pre-emption rights to settlers on the public lands," which passed on the 29th May, 1830; but that on the 8th of August, 1829, (near ten months before the passage of said act,) the commissioners appointed to fix the permanent seat of justice for said county of Bibb entered said land by virtue of an act of Congress giving to the counties and parishes of each State and Territory in which the public lands are situated, the right of pre-emption to one quarter section of land for seats of justice, and thereby defeated the claim which they would otherwise have had to the right of pre-emption to said quarter section. The petitioners, on these grounds, ask permission to enter one quarter section of land, at the minimum price, in any of the land offices of the State of Alabama where the public lands have not heretofore been offered for sale.

The act of 29th May, 1830, (referred to by the petitioners,) restricted the right of pre-emption to those who were *in possession at the time of its passage*, and who had cultivated some part thereof in the year 1829. Its provisions extended to *every* such occupant of *any* of the public lands. The petitioners were not in possession at the passage of the act, and the land they had improved had been sold, pursuant to law, between nine and ten months before. Much of the public land had been disposed of in the year 1829, both at public and private sale; and many tracts sold during that year were probably occupied and cultivated by persons who did not, or could not, purchase them, but were bought by others to their prejudice; yet, if these occupants could have retained possession till the passage of the act alluded to, they would have had the right to pre-emption. If the petitioners in this case are entitled to the relief they ask, on the same principle, all others who occupied and cultivated portions of the public lands in 1829, which were purchased by others to their exclusion, would be entitled to similar relief, and we should have hundreds of applications for the passage of such acts of special relief. And if the occupants of 1829, who lost their rights of pre-emption because the lands on which they lived were sold and bought by others before the passage of the act to grant pre-emption rights, are entitled to such relief, could we refuse the occupants of 1828, whose claims were defeated in like manner?

Under this view of the case presented by the petitioners, desirous as the committee are to secure every occupant of the public lands in the right of pre-emption to such quantity as would at least embrace his improvements, they are constrained to believe such retrospective legislation as would be required to afford the relief which is asked inexpedient and injurious in its tendency; they therefore ask to be discharged from the further consideration of the subject.

23D CONGRESS.] No. 1205. [1ST SESSION.

ON CLAIM TO LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 11, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of Henry Stoddard, the legal representative of Francis Duchoquet, reported:

That the chiefs of the Shawanoese nation of Indians, of Wapaghkonetta, in the State of Ohio, did, on the 20th day of March, 1821, grant to the said Francis Duchoquet, and to his heirs and assigns forever, one half section of land, of three hundred and twenty acres, at a place called Co-to-se-ka, on the north side of the Auglaise river; that said chiefs for themselves, their nation, their heirs and successors, relinquished all their claim to said tract of land, and forever vested the right and title thereof in the said Francis Duchoquet; nevertheless, he was not to sell, convey, or dispose of the said tract of land, or rent or lease it to any person or persons without the consent and approbation of the agent for the Shawanoese nation of Indians for the time being; and it was further agreed that, should the said nation at any time dispose of their lands at Wapaghkonetta, the chiefs bound and obliged themselves and their successors, and their nation, to procure from the government of the United States a title in fee-simple for said tract of land to the said Francis Duchoquet, his heirs or assigns. This grant or deed appears to have been executed on the 20th day of March, 1821, in the presence of John Johnston, Indian agent, and James McPherson, assistant agent, and approved by James Monroe on the 12th day of December, 1822, then President of the United States. There is before the committee a certified copy of a deed of conveyance for said land by said Francis Duchoquet to one Nicholas Smith, dated the 9th day of September, 1825; and also a deed of conveyance for said tract of land by the said Nicholas to the petitioner, Henry Stoddard, bearing date on the 7th day of November, 1833.

The eleventh article of the treaty with the Shawanoese nation of Indians, on the 8th day of August, 1831, for the purchase of the Wapaghkonetta reserve, &c., reads as follows: "It is understood by the present contracting parties that any claim which Francis Duchoquet may have, under former treaties, to a section or any quantity of the lands hereby ceded to the United States, is not to be prejudiced by the present compact, but to remain as valid as before."

It is also in evidence before the committee that, in pursuance of said treaty, a tract of land of three hundred and twenty acres has been surveyed for Mr. Duchoquet, so as to embrace parts of sections Nos. 30 and 31, in township No. 5 south, of range No. 6 east, in the late Wapaghkonetta reservation. The committee are of opinion that the legal representative of the said Francis Duchoquet ought to be confirmed in his claim to the above described tract of land, and for that purpose have reported a bill authorizing the Secretary of the Treasury to cause a patent to be issued to Henry Stoddard for the same.

23D CONGRESS.] No. 1206. [1ST SESSION.

ON CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 11, 1834.

Mr. C. JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of John Campbell, reported:

That under the provisions of an act of Congress passed 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," there was confirmed to the heirs of John Campbell six hundred and forty acres, "being seven arpents in front and rear, bounded in front by the rear land claimed by Joseph Rolette and by the heirs of James Aird, it being farm lot number twenty, and commonly known by the name of Campbell's coulée, and extending up said coulée on each side of it ninety arpents from the front of the bluff;" which said tract of land was situated in the neighborhood of Fort Crawford. That the surveyor general deputed Lucius Lyon, the present delegate from Michigan Territory, to survey said tract of land for the heirs of Campbell; that said Lyon proceeded to survey, and reserved for the use and benefit of Fort Crawford, under the directions of General McNeil, then the commanding officer of the fort, about four hundred and seventy-one acres, and said Lyon only surveyed one hundred and fifty nine acres and six hundredths of an acre, and which was afterwards patented to the heirs of John Campbell by patent bearing date the 12th day of October, 1830, and recorded in volume 4, page 240, in the General Land Office. The petitioner now alleges that the reservation for Fort Crawford was not directed by General McNeil, and that the surveyor was mistaken or misunderstood the directions of the said commanding officer and made the reservation improperly. General McNeil says he gave no such instructions, in a letter addressed by him to Mr. Rolette from Boston on October 11, 1830, which is presented to the committee. A letter is also addressed by Mr. Lyon to the committee, saying that he was deputed to survey the private land claims at Prairie du Chien, and had instructions to call on the commanding officers of the military post there to point out the limits of the ground which he might think necessary for military purposes, and not to include the same within the boundary of any confirmed claim; and if he had not understood General McNeil to say that all the back part of said lot No. 20 would be required for the use of the military post, he should have surveyed the whole claim so as to include all the ground now claimed as well as that which has been patented. The committee are of opinion that the said heirs of John Campbell are entitled to the balance of the tract of land confirmed to them, and report a bill authorizing a patent to issue accordingly.

The application is made in this case by Joseph Rolette, who claims to be a purchaser from the heirs of Campbell; but as no evidence is offered of his title from them, this committee think it proper to let the confirmation be in their name, and leaving said Rolette to his assignment or contract with them.

23D CONGRESS.] No. 1207. [1ST SESSION.

ON APPLICATION OF THE REPRESENTATIVES OF A REVOLUTIONARY OFFICER FOR SCRIP FOR THE BOUNTY LAND DUE THE DECEASED, HIS LAND WARRANT HAVING BEEN ILLEGALLY LOCATED.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 13, 1834.

Mr. HARDEN, from the Committee on the Judiciary, to whom was referred the petition of H. B. Tyler, reported:

That the Commonwealth of Virginia, on the 1st day of July, 1784, issued to Nathaniel Tyler a military land warrant for two thousand six hundred and sixty-six and two-third acres of land, to be located in the district set apart for the satisfaction of the military land warrants of the officers on continental establishment, situate between the Little Miami and Big Scioto; that the said warrant was put into the hands of an agent for location; that the agent neglected to locate said warrant in the lifetime of said Tyler, who died previous to the year 1796; that, after the death of said Tyler, entries were made on said warrant in his the said Tyler's name, part within the military district, and part out of said district; the entries have been surveyed, but not yet carried into grant. In this situation the heirs of the said Tyler petition Congress for scrip, alleging the entries and surveys made thereon are void, because the same were made in the name of Nathaniel Tyler, after his death, and that there is now no vacant land in the district to satisfy said warrant.

The committee, upon examining the authorities, and also upon principle, have no doubt but that the entries and surveys made in the name of Nathaniel Tyler, after his death, are void; in fact the authorities are conclusive.—(See the case of McCraken's heirs against Beall and Brown, 3d Marshall's Report of Kentucky Cases, and Galt and others against Gallaway and others, 4 Peters.)

From the above facts and authorities, the committee are of opinion that the heirs of Nathaniel Tyler are entitled to scrip to the amount of the warrant, which is two thousand six hundred and sixty-six and two-thirds acres, upon the condition that no patents shall ever issue on the entries and surveys made on said warrant, which issued on the 1st of July, 1784. The committee therefore report a bill.

23D CONGRESS.] No. 1208. [1ST SESSION.

ON CLAIM FOR BOUNTY LAND FOR A CANADIAN REFUGEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 14, 1834.

MR. GALBRAITH, from the Committee on Private Land Claims, to whom was referred the petition of Aaron Hubbell, a citizen of New York, reported:

That they have given the case due deliberation and consideration. The petitioner claims, as a Canadian volunteer, bounty land from the government. The act of Congress of March 5, 1816, provides "that all such persons as had been citizens of the United States anterior to the late war, and were at its commencement inhabitants of the province of Canada, and who, during the said war, joined the armies of the United States as volunteers, and were slain, died in service, or continued therein until honorably discharged, shall be entitled;" &c., "a musician or private to three hundred and twenty acres," &c. The act of the 3d of March, 1817, provides that after the passage thereof "no bounty in land shall be given to any Canadian volunteer, except where it shall appear that the full term of six months' service shall have been performed in some corps in the United States service, and whose names shall appear upon the muster roll of said corps," &c., "and reduces the quantity to a musician or private to one hundred and sixty acres." It appears from the testimony exhibited to the committee that the petitioner had been an industrious citizen of the United States anterior to the late war, and came from Canada in the autumn of 1813, and was employed in the service of the United States, and continued to be so employed during the year 1814; but it does not appear to your committee what the nature or extent of that service was, or how he was employed; and he was confessedly not on the muster rolls of any corps of the United States. Your committee believe it probable that the petitioner performed important services to the United States, but what they were is not specifically stated; and they consider themselves bound by the strong prohibiting terms of the act of March 3, 1817; and they are of opinion, that to allow the petitioner in this case bounty land as a Canadian volunteer, after so great a lapse of time, upon testimony so vague and indefinite as that furnished in this case, would open a wide door to claims which it would seem to have been the intention of the act of Congress last referred to to close.

Your committee therefore ask to be discharged from the further consideration of the subject.

23D CONGRESS.] No. 1209. [1ST SESSION.

ON CLAIM TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 15, 1834.

MR. FELDER, from the Committee on Private Land Claims, to whom was referred the petition of Selah Handy and sisters, heirs of Peter Handy, deceased, reported:

That it appears to your committee there was patented to the petitioners, as heirs of Peter Handy, deceased, on the 21st day of December, 1826, the northwest quarter section 34, township 2 south, range 2 east, in the Territory of Arkansas. There was no error or mistake in the patent thus issued; which patent clearly showed to the petitioners on what land they were bound to pay the taxes according to law. By some mistake the petitioners, instead of paying the taxes on the land thus patented to them, paid the same, by their agent, on another quarter section of land, in consequence of which their land was sold for non-payment of the taxes. The petitioners allege, and as your committee believe truly, that a clerk in the department of the public lands, in sending on to the government of Arkansas a transcript of the lands patented in that Territory, made a mistake in the description of the land patented to your petitioners, by which the taxes due from them were erroneously paid on another quarter section of land than the one granted to them.

Your committee are of opinion it was the duty of the petitioners to look to their patent, when they would have readily perceived the lands on which they ought to have paid the taxes, and that their omission to do so was the cause of the sale of the land. The transcript sent on from the public land office is for the information and benefit of the government of the Territory of Arkansas, and not for that of the patentees, whose duty it was to look to their patents and pay their taxes accordingly. Your committee are of opinion the petitioners ought to look to the government of Arkansas for redress and not to Congress, and pray to be discharged from the further consideration of the subject.

23D CONGRESS.] No. 1210. [1ST SESSION.

ON CLAIM TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 15, 1834.

Mr. FELDER, from the Committee on Private Land Claims, to whom was referred the petition of John E. McCreary, reported:

That it appears to your committee that a military land bounty warrant was, on the 24th of October, 1825, issued to William Starkey for the southeast quarter of section 2, in township 2 south, of range 4 east, in the Territory of Arkansas; that the said Starkey duly conveyed the said land to the said petitioner, John E. McCreary. There was no allegation of error or mistake in the patent. It is, however, alleged that there was an error in the books in which the patent was recorded, and in the transcript of the patent sent to the government of Arkansas; that the petitioner regularly paid taxes on another tract of land, and that the said land patented to Starkey, as aforesaid, was sold for non-payment of taxes. Your committee are of opinion it was the duty of the petitioner to look to his patent and be guided by it as to the land on which he was bound to pay taxes; that for a redress of his grievances he ought to look to the government of Arkansas, and therefore pray to be discharged from the further consideration of the said petition.

23D CONGRESS.] No. 1211. [1ST SESSION.

ON CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 18, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of James Keytes, reported:

That the petitioner sets forth that he purchased of William Ashley a quarter section of land in the State of Missouri, which was conveyed to him in fee-simple by said Ashley, and described in the deed of conveyance as being the northeast quarter of section No. 11, of township No. 54 north, of range 20 west; that said land had been previously conveyed in fee-simple to said Ashley by a certain Grant Weed, to whom it had been granted by the United States by patent bearing date the 11th day of May, 1819. Petitioner represents that the land intended to be granted is misdescribed in the patent for the tract to which said Weed was entitled, and which ought to have been granted, as appears from the records in the General Land Office, lying in range twenty-one instead of twenty. Petitioner states that he regularly paid the taxes on the quarter section described in the patent as lying in range twenty, and the corresponding section in range twenty-one, on which no taxes were paid, was sold for the non-payment thereof, and is irredeemable. Since that time petitioner has discovered the mistake made in the Land Office, and the Commissioner has caused an alteration in said patent, by inserting therein range twenty-one instead of twenty, thus making it conform with the records in the office, but said this alteration was not made at his instance or request; that, owing to the mistake aforesaid committed in the Land Office, he has been entirely deprived of whatever title he might have had to the tract in range twenty-one, by the sale thereof for the non-payment of taxes. The alteration made in the patent, by inserting range twenty-one instead of twenty, appears to have been made, as per certificate of the Commissioner of the General Land Office, on the 3d day of January, 1834.

The petitioner prays that a like quantity of land may be granted to him, to be located in the State of Missouri, upon any of the public lands in said State subject to private entry. The committee are of opinion that the petitioner is entitled to relief, and for that purpose report a bill.

There is in evidence before the committee a statement of S. A. Shurlds, auditor of public accounts, State of Missouri, bearing date January 26, 1834, showing that a part of the northeast quarter of section No. 11, township No. 54, range 21, was sold for the taxes in 1825, part in 1828, and 160 acres in 1829.

23D CONGRESS.] No. 1212. [1ST SESSION.

ON CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 18, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition and papers of John A. Barnes, assignee of John Anderton, reported:

That on the 22d day of March, 1804, said John Anderton presented to the board of commissioners west of Pearl river, established by an act of Congress passed March 3, 1803, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of Tennessee,"

a notice in writing of his claim to a certain tract of land under and by virtue of the provisions of the second section of the above entitled act, describing the same as being situate on Big Black river, in the county of Claiborne, in the State of Mississippi, estimated as containing six hundred and forty acres, accompanied by a plat describing the boundaries thereof. On the 28th day of October, 1806, the commissioners confirmed the said John Anderton in his title to said tract of land, and gave him a certificate in the usual form as evidence of the confirmation.

An order of survey was issued by the surveyor of the public lands south of Tennessee. Pursuant to such order of survey, and in conformity with the certificate of the commissioners aforesaid, Charles De Frame, deputy surveyor, on the 8th day of September, 1806, surveyed the said tract of land so claimed by said John Anderton, and returned a plat thereof, agreeing and in conformity with the courses and distances and limits as described in the plat presented to the commissioners, to the office of the surveyor of the public lands south of Tennessee, which appears to have been examined by him; said tract of land is described in the plat as being on the waters of Big Black river, in township No. 13, of ranges 2 and 3 west of the basis meridian, and bounded as follows: Beginning at a lind tree, and running from thence north seventy-five chains and fifty links to a red oak; thence south sixty degrees east thirty-five chains to a red oak; thence north sixty degrees east forty-four chains and fifty links to a hickory; thence north fifty degrees east twenty-four chains to an ash; thence north seventy-five degrees east ten chains and fifty links to a post; thence south sixty-seven chains to a post; thence south sixty-one degrees west sixty-five chains to a mulberry; thence west thirty-nine chains and fifty links to a lind, the place of beginning.

It further appears that said John Anderton lived upon said land as early as 1794; that he occupied and cultivated the same for many years previous to the evacuation of the country by the Spanish troops; and that himself and assigns have continued to live upon and occupy the same ever since. It further appears that on the 4th day of February, 1831, Thomas D. Jeffers, a deputy surveyor, resurveyed the said tract of land by order of the surveyor of public lands south of Tennessee, and made a return and plat thereof, which conforms very nearly (the courses precisely) to the lines as represented in the plat presented by the said Anderton to the commissioners accompanying the notice of his claim, and also as nearly agreeing with the lines and boundaries as surveyed and platted by Frame in 1806, but found to contain eight hundred and twenty-three acres and twenty-four hundredths, instead of six hundred and forty acres, according to the former survey. The surveyor of public lands south of Tennessee ordered the excess of one hundred and eighty-three and twenty-four hundredths acres to be severed and dismembered from the south side of said tract upon the assumed principle that it is a part of the public domain, and subject to sale and entry by any individual as any other unappropriated lands belonging to the United States.

The said John A. Barnes represents himself as the owner and purchaser, for a fair and valuable consideration, of the said tract of land; protests against such dismemberment of his land; denies the right of the general government to resume or claim any portion of a tract of land which it has so expressly granted and abandoned.

He urges that the plat of survey accompanying the notice of Anderton, calling for the courses and boundaries which it has ever had and continues to have up to this time, was presented to the commissioners; and that, although it called for only six hundred and forty acres, the decision of the commissioners was predicated on and made in reference to the boundaries described in the plat presented by Anderton, and subsequently surveyed by order of the government, in conformity with the certificate of the commissioners, by Frame, in 1806; he states that it seems to be an acknowledged principle in the courts of our country that possession of the land up to certain described courses and lines enables the occupant to retain possession accordingly, although in the origin a smaller number of acres was intended to be conveyed, and cites, as authority in support of the principle laid down, Jackson *ex dem.*, Overaker et al. *vs.* Cale, 18 Johnson's Reports, 259. The said Barnes represents that he purchased the said tract of land with reference to its shape, situation, and boundaries, as it appeared on examination, without a knowledge of the excess in quantity; that the line severing the one hundred and eighty-three and twenty-four hundredths acres will cut off a portion of the cleared land of great value, and a line in any other direction would have the same effect—dismember from the remainder of the tract either his buildings or cleared land. The committee are of opinion that said John A. Barnes is not entitled legally to the excess contained within the limits of the aforesaid boundaries. It appears that Anderton only claimed six hundred and forty acres, and the proviso of the second section of the act of the 3d of March, 1803, upon the subject, expressly limits the quantity to be confined to that amount; the fact, therefore, that the holders under Anderton have had the possession of one hundred and eighty-three and twenty-four hundredths acres more than was confirmed to him cannot be recognized as giving them any title to that excess; but inasmuch as the said Anderton and those who claim under him have had possession of the same since the year 1794, and to dismember or sever it from the balance of the tract would greatly damage the petitioner, the committee are of opinion that he is entitled to a pre-emption right to said excess, and therefore report a bill authorizing him to purchase the same at $1 25 per acre.

23D CONGRESS.] No. 1213. [1ST SESSION.

ON CLAIM TO LAND IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 18, 1834.

Mr. CASEY, from the Committee on Private Land Claims, to whom was referred the petition of John Dement, reported:

The petitioner sets forth that he did, in September, 1831, enter, at the land office at Edwardsville, in the State of Illinois, the west half of the southeast quarter of section twenty-three, township six north, of range one west of the third principal meridian; that in December, 1833, upon a survey being made, it

was found not to include the land intended to be entered by him—the land so intended to be entered being the northeast fourth of the northwest fourth of section twenty-six, in township six north, range one west of the third principal meridian, and the northwest fourth of the northeast fourth of the same section. The petitioner also states that he has made valuable improvements upon the land he intended to have entered. He prays to be permitted to relinquish to the United States the land so erroneously entered, and to enter in lieu thereof the same quantity of any of the unappropriated land in the (now) Vandalia land district. The facts being proved to the satisfaction of the committee, and the case in their opinion requiring it, they report a bill for his relief.

23D CONGRESS.] No. 1214. [1ST SESSION.

ON CLAIM FOR COMPENSATION FOR SERVICES RENDERED AS A BOARD OF COMMISSIONERS TO ADJUST LAND TITLES IN THE CITY OF DETROIT.

COMMUNICATED TO THE SENATE MARCH 19, 1834.

Mr. TIPTON, from the select committee, to whom was referred the memorial of Henry Chipman and William Woodbridge, late judges of the Michigan Territory, reported:

That by an act of Congress approved 21st April, 1806, to provide for the adjustment of titles to land in the town of Detroit, and for other purposes, the governor and judges of said Territory were constituted a board to lay out a town, including the old town of Detroit, and ten thousand acres of land adjoining thereto, excepting such parts as the President of the United States might direct to be reserved for the use of the military department, and to hear, examine, and finally adjust all claims to lots in the old town of Detroit that was burned on the 11th day of June, 1805; to give deeds for lots in said town; to apply the proceeds of lots disposed of by them to building a court-house and jail in the town of Detroit; and to report their proceedings to Congress. By virtue of the powers conferred the governor and judges proceeded to lay out a town, to satisfy claims for donation lots, to adjust and settle conflicting titles, to confirm pre-existing rights, and to adjust them in conformity with the plan of the present city of Detroit, to enter into contracts for the building of a court-house and jail, and to make provision out of the funds arising from the sale of lots to discharge contracts entered into by them for building the court-house and jail.

By the operations of said act the deeds made by the board have become the foundation of title to property now of great value. In discharge of the trust imposed by said act the members of the board were compelled to incur heavy responsibilities and to perform great labor, as they contend, and the committee believe beyond what was required of them in the discharge of their duties as governor and judges aforesaid.

The committee have been informed that the duties of the board have been performed by various persons and at different times, as the offices aforesaid were transferred to different hands, all of whom rendering service are entitled to a suitable compensation, to provide which the committee report.

23D CONGRESS.] No. 1215. [1ST SESSION.

ON CLAIMS TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 19, 1834.

TREASURY DEPARTMENT, *March* 14, 1834.

SIR: I have the honor to transmit duplicate copies of a report from the register and receiver of the land office for the district of St. Stephen's, prepared in obedience to the third section of an act of Congress approved March 2, 1829.

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

R. B. TANEY, *Secretary of the Treasury.*

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

LAND OFFICE, *St. Stephen's, Alabama, February* 16, 1834.

SIR: We have forwarded with this a report upon the claim of Andria Demetry, under the third section of the act of March 2, 1829.

Very respectfully, &c.,

JNO. B. HAZARD, *Register.*
J. H. OWEN, *Receiver.*

Hon. ELIJAH HAYWARD, *Commissioner of the General Land Office.*

No. 3.

Abstract of claims to land situate east of Pearl river, west of the Perdido, and below the thirty-first degree of north latitude, presented to the register and receiver of the land office for the district of St. Stephen's, in the State of Alabama, acting as commissioners under the authority of the third section of the act of Congress of the 2d of March, 1829, entitled "An act confirming the report of the register and receiver of the land office for the district of St. Stephen's, in the State of Alabama, and for other purposes."

By whom claimed.	Original claimant.	Nature of claim.	Tract claimed and where situate.	Quantity claimed.	Possession.
Andria Demetry in right of his wife Marie Anne, daughter and sole heir of Michael Dragon.	Michael Dragon.....	Spanish grant from Morales, bearing date May 29, 1802.	Bay of St. Louis...	5,040 arpents.....	From 1798 to 1821.
	Don Francisco Saucier.	Spanish grant from Manuel Gayoso de Lemos, governor of Louisiana, dated November 17, 1798.	.....do.....	700 arpents.....	.....do.....
	Philip Saucier.....	Spanish grant from Manuel Gayoso de Lemos, governor of Louisiana, dated December 20, 1797.	.....do.....	228 arpents.....	.....do.....

It appears that the two last-named tracts were regularly transferred from the original grantees to Michael Dragon previous to the 15th of April, 1813, and that the said Michael Dragon was in possession of the three tracts above named on the 15th of April, 1813, and on that day was resident in that part of Louisiana situated east of Pearl river, west of the Perdido, and below the thirty-first degree of north latitude; that the said tracts had been in the possession of the original grantees and their assigns for ten consecutive years previous to the 15th of April, 1813. It further appears that the said three tracts are connected and form one body of land.

The undersigned therefore recommend that the aforesaid claim be confirmed to the heirs of Michael Dragon for a quantity not exceeding one league square, to include such lands as may have been heretofore confirmed under the foregoing grants.

All of which is respectfully submitted.

JNO. B. HAZARD, *Register.*
J. H. OWEN, *Receiver.*

LAND OFFICE, *St. Stephen's, Alabama, February* 16, 1834.

23D CONGRESS.] **No. 1216.** [1ST SESSION.

ON CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE SENATE MARCH 22, 1834.

Mr. SMITH, 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, reported:

That the subject embraced in their petition has been frequently before the Senate, and bills for their relief have more than once been reported. For the information of the Senate, they submit a history of the facts out of which this application arises.

On the 26th of January, 1795, the legislature of Georgia passed an act, under which the governor of the State made a grant or sale of a large tract of land lying between the Mississippi and Tombigbee rivers, in the then Territory of Mississippi, to a number of persons who were associated under the name of the Georgia Mississippi Company.

On the 26th of January, 1796, this company, by their agents, entered into a contract with certain persons in Boston for the sale to them of eleven million three hundred and eighty thousand acres of the said land, at ten cents per acre. The stipulations of the contract were that two cents per acre should be paid in cash on the 1st of May, 1796; and for this payment, being one-fifth of the whole, all the purchasers were held mutually responsible. It was agreed that on the 12th of February a deed should be executed by the grantors, and placed in the hands of George R. Minot, esq., to be held by him *in escrow*, and delivered to the purchasers or their agents on the said 1st of May, in case the said cash payment should be made. The balance of the purchase money was to be secured by the notes of the individual purchasers, to be well indorsed and made payable at various periods, the last of which was to be on the 1st of May, 1799. The notes were given in accordance with this agreement; a deed was executed and placed *in escrow;* the cash payment was made, and on the 1st of May, 1796, Mr. Minot, by direction of the grantors, delivered over the deed to the agents of the grantees or purchasers.

On the 13th of February, 1796, the legislature of Georgia passed an act rescinding the former act, believing it to have been obtained through improper influences, and therefore void. A knowledge of this fact, however, did not reach Boston until the 12th of March following, and of which the petitioners had no notice until after said purchase.

After the purchase was made, but before the delivery of the deed, the purchasers formed themselves into an association under the name of the New England Mississippi Land Company, and executed sundry articles of agreement, and rules relative to the management and control of the said lands; and, among other things, agreed that the several purchasers should execute deeds for their respective shares in the land to three persons therein named, to hold in trust, and with power to sell and dispose of them agreeably to the order of the directors chosen by the company. These trustees being thus clothed with the legal estate, were to give to each proprietor a certificate in a certain prescribed form, stating his amount of interest in the land, and this certificate was to be "complete evidence to such person of his right in said purchase," and was to be transferable by indorsement.

Thus stood the title to these lands prior to the cession made by Georgia to the United States in 1802.

It was a title which is declared by the Supreme Court in the case of Brown and Gilman, (4th Wheaton,) to be, throughout, a strictly legal title in these purchasers. By the articles of agreement and cession of the 24th of April, 1802, it was provided that the United States might appropriate not exceeding five million of acres for the purpose of satisfying the claims upon it, commonly known as the Yazoo claims, and including those of the said New England Mississippi Company. In pursuance of this provision, an act of Congress was passed on the 3d of March, 1803, appropriating, for the purpose for which they were reserved, so much of the said five million of acres as should be necessary to satisfy the said claims. This act prohibited the application of these lands to the satisfaction of any other claims but those the evidence of which shall have been exhibited, on or before the first day of January subsequent thereto, to the secretary of state, and recorded in his office.

Pursuant to the provisions of the act last mentioned, the claims to the said land were exhibited to the secretary of state, including those of the present petitioners; but the final passage of the act providing for their adjustment and satisfaction was delayed until the year 1814.

On the 31st of March, 1814, Congress passed an act entitled "An act providing for the indemnification of certain claimants of public land in the Mississippi Territory."

Among the provisions of this act were the following:

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 the public lands to the persons claiming in the name of or under the Georgia Mississippi Company, a sum not exceeding one million five hundred and fifty thousand dollars.

Second. The claimants 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 claims 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 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 Georgia as may be found to have accrued to the United States by operation of law."

The releases, assignment, and transfer to the United States required by this act were duly executed by the petitioners.

The commissioners appointed were Thomas Swann, esq., Francis S. Key and John Law, esqs., of the District of Columbia. Before this board, the commissioners, as trustees of the New England Mississippi Land Company, appeared and claimed, as the persons entitled thereto, the one million five hundred and fifty thousand dollars directed by the act to be issued to those representing the Georgia Mississippi Company. Their claim to indemnity was resisted on behalf of the Georgia Mississippi Company, on the ground that the consideration money for said land had not been wholly paid, and that therefore they were in equity entitled to the indemnity provided by the act of Congress. It appeared on the investigation that of the notes given, about one-tenth part, say $95,760 then remained unpaid, and belonged to the original grantees, the said Georgia Mississippi Company; most of the members of whom (to wit, three-fourths in amount) had surrendered to the State of Georgia, and received from the treasury of that State, the sum they had paid; but the other members of that company had released to the United States, in virtue of the said act of Congress of the 31st of March, 1814, and they claimed, in *conflict* with the petitioners, such proportion of the indemnity as was equal to their interest in said notes. The notes unpaid were chiefly those of a Mr. Wetmore, who, as early as 1800, had assigned all his interest in the said land, and is represented to have availed himself of the benefit of the old bankrupt act of the United States. The commissioners decided that, although no mortgage had been given therefor, and notwithstanding that the signers had so assigned their interest in the 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, these notes *created a lien upon said lands;* and in consequence of such decision they deducted from the claim of the petitioners the sum of $130,424, and distributed the same as follows:

To the individuals of the Georgia Company who released as aforesaid, they awarded the sum of $35,022 as their proportion of interest in said notes, and the residue, say $95,760, they ordered to remain in the treasury as representing the owners of said notes, who had surrendered to Georgia as aforesaid, and as thus "*accruing by operation of law*" to the United States.

By this decision, to which the petitioners object as erroneous, they think themselves aggrieved, and they ask to have the said sum of $130,425 paid to them by the United States, or that their release to the extent of 950,600 acres of land, being the proportion which would be covered by that sum at the original price, cancelled, so that they may assert their title to the lands in a court of law.

These are the facts of the case, as far as they appear material to a just understanding of the claim; and they present, for the consideration of the committee, the broad question whether the petitioners are entitled to the relief they seek.

It may be assumed that the petitioners, in making their release to the United States under the act of the 31st of March, 1814, and relying upon the indemnity thereby provided, looked for their security to an execution of the act upon the well-known and universally received principles of law. To such an execution of it they had a right to look. They knew what they had to release, and that the release was a preliminary; but for the consideration or equivalent which they were to receive in return they had no security but in the faith of the government, and the confidence that the trusts reposed in its agents would be executed agreeably to those known and intelligible principles. Their title to the land was one which the Supreme Court in the case of Brown and Gilman, 4th Wheaton, 256, have declared to be a legal one. Mr. Justice Story says in that case "the estate acquired by the first grantees [the petitioners] under the conveyance to them by the Georgia Mississippi Company was beyond all question a legal and not merely an equitable estate." And the court further say that there was no pretence of any intermediate encumbrance upon this estate, they being unanimously of opinion that the unpaid notes alluded to did not form a *lien* upon the land.

The petitioners, then, were possessed of a title judicially decided to be an unencumbered legal title, which they might have held; but, for purposes important in the view of Congress, it was thought desirable that this title should be acquired by the United States. The government held out inducements to the claimants to part with their rights in it; it appropriated a large sum of money to pay or "make

indemnification" to them for it. And as it was seen that claims apparently conflicting might be preferred, it appointed a commission, with power—

First. "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."

Second. "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."

These were their powers. Did the commissioners err, as alleged by the petitioners, in the exercise of them, and thereby prejudice them? That they did err in their judgment upon the law of the case, we are saved the necessity of an argument to show, since it is so declared by the Supreme Court, and even admitted by the surviving commissioners themselves.—(See the certificates of Thomas Swann and F. S. Key, esqrs., hereto annexed.) And the committee are satisfied that this decision of the court is in accordance with the general principles of law applicable to the subject. If it be so, it seems necessarily to follow that a right to this land, to the extent of the claim in question, which the commissioners suppose to have "accrued to the United States by operation of law," did not so accrue, and that, consequently, the United States holds it without consideration—because without having "*indemnified*" those from whom they have taken title.

It only remains to inquire whether this error gives to the petitioners a right to redress, and to that mode of redress which they seek. The money which they claim, it will be recollected, is in the Treasury of the United States. Under the act of 1814 it was within the control of the commissioners, subject to their adjudication, agreeably to that act and the sound principles of law by which it was to be interpreted. They, (erroneously, as they admit,) awarded it to the United States, who still hold the money.

It has been objected to this claim that, as the said act contemplated a *final* end and termination of all controversies, &c., respecting claims released on the judgment of the commissioners, that there can be no appeal from their decision. The committee think this objection valid as to that part of the claim which seeks a repayment by the United States of the money awarded to the individual members of the Georgia Company, whose claims were found "to conflict with, and be adverse to," those of the petitioners. Upon such conflicting claims the commissioners appear to have been empowered to decide *finally*, and their decisions in relation to them must stand. But in regard to such portion of this claim as is supposed to have accrued to the United States "by operation of law," no such conclusive effect is given by the act to the award of the commissioners; and even if it were intended to be final, the committee do not think it becoming to the dignity of the United States to defend their possession of this fund by a judgment which is acknowledged to be erroneous.

Before closing their report the committee would advert briefly to the specific prayer made by the petitioners. It is that they may be paid the amount of money which they allege to have been wrongfully withheld from them by the commissioners, or that they may be reinstated in their original title to such portion of the land released to the United States as this money represents. Their agents have urged the reasonableness of this alternative by a reference to the terms of the act, and of the release under it. The release and assignment to the United States were "*to take effect on the indemnification of the claimants according to the provisions of that act;* and they allege that if indemnification were not made the release would have no effect. The committee regard the act of 1814 as intended, first, to secure to the United States a transfer of all the title which the claimants had in this land, and an assignment of their rights as against Georgia; and, secondly, by the above clause, to assure to the claimants themselves adequate justice in case the indemnification should not be made. The release was made, as it was required to be, in advance, but to give it effect agreeably to the terms of the act indemnification should follow, which, as we have seen to a certain extent, has not been the case. Can it be said then to be a valid release? Can the United States equitably hold both the money and the land? The committee cannot believe that it was the intention of Congress to entrap claimants into a surrender of their rights on a promise of compensation, and then take advantage of an error committed by their servants to deny that compensation. On the contrary, they think it is the part of justice that this error should be corrected, and the petitioners reinstated in their rights as effectually as they would have been if an unexceptionable judgment had been rendered by the commissioners. This can now be done only by awarding to them the money which, under the decision complained of, went into the Treasury of the United States. And the committee believing, from the view they have taken of the subject, that they are entitled to that relief, do, in accordance with that opinion, report a bill in their favor.

(For the papers submitted with this report, see antecedent No. 701.)

23D CONGRESS.] No. 1217. [1ST SESSION.

APPLICATION OF OHIO FOR A GRANT OF LAND TO AID IN THE CONSTRUCTION OF A CANAL TO CONNECT THE PENNSYLVANIA AND OHIO CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 24, 1834.

PREAMBLE AND RESOLUTIONS relating to a canal to connect the Ohio and Pennsylvania canals.

Whereas, by an act of the legislature of Ohio, passed January 11, 1828, a company was incorporated to construct a canal from a point on the Ohio canal, at or near the mouth of Big Sandy creek, thence to the waters of Little Beaver, and thence to the eastern boundary of the State of Ohio, to intersect the route of the Pennsylvania canal; and whereas, before that time, to wit, on the 10th day of January, 1827, an act was passed by the same legislature incorporating a similar company for constructing a canal from the Portage Summit of the Ohio canal to the waters of the Mahoning river, and thence to meet or intersect the Pennsylvania, or Chesapeake and Ohio canal, at or near the city of Pittsburg, in Pennsyl-

vania, with liberty—that in case either of said canals shall be continued from Pittsburg down the Ohio river and up the valley of the Big Beaver towards Lake Erie—there to intersect either of said canals, constructed as aforesaid, at the most suitable point; which act of incorporation was conferred by an act of the legislature of Pennsylvania, passed the 14th day of April, 1827; and whereas such a connexion of the Pennsylvania and Ohio canal as is contemplated by either of said acts of incorporation would be of the first importance to the government of the United States, especially in time of war, as well as to the citizens generally, at all times, and consequently decidedly national in its character; therefore—

Resolved by the general assembly of the State of Ohio, That our senators in Congress be instructed, and our representatives be requested, to endeavor to procure the passage of an act of Congress granting to the State of Ohio five hundred thousand acres of the public lands, to aid in the construction of a canal on such one of the above-mentioned routes, connecting the said Pennsylvania and Ohio canals, as the legislature shall deem most practicable and best calculated for the public good.

Resolved, That the governor be and he is hereby requested to forward to each of our senators and representatives in Congress a copy of the foregoing preamble and resolution; and also to the governor of the State of Pennsylvania, requesting that the same be laid before the legislature of that State, inviting their co-operation.

JOHN H. KEITH, *Speaker of the House of Representatives.*
DAVID T. DISNEY, *Speaker of the Senate.*

MARCH 3, 1834.

23D CONGRESS.] No. 1218. [1ST SESSION.

APPLICATION OF FLORIDA FOR A GRANT OF LAND TO AID IN THE CONSTRUCTION OF THE FLORIDA PENINSULA AND JACKSONVILLE RAILROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 25, 1834.

To the Senate and House of Representatives of the United States:

The legislative council of the Territory of Florida beg leave, again, respectfully to ask the attention of the federal government to the important project of effecting a communication between the Atlantic ocean and the Gulf of Mexico across the Florida peninsula. The excavation of the ship channel, so long and so anxiously contemplated, it is believed, will not probably be undertaken by the United States. If it is to be abandoned, your memorialists respectfully present to the attention and favorable consideration of Congress a project for creating such a communication, which they deem feasible, to wit, by the construction of a railroad across the upper neck of the peninsula from the town of Jacksonville, on the St. John's river, to the Gulf of Mexico, at the disemboguement of the river St. Mark's. The district of country through which the railroad would pass affords advantages certainly not surpassed, perhaps not equalled, in any portion of the United States of the same extent throughout the whole distance. The country is level, of firm, solid foundation, and the few rivers which the road would cross are never subject to high or rapid freshets. In every portion of the route is found in the greatest abundance the finest timber in the world for such a construction, and a mild and delightful climate, where frost and ice never occur to impede its operation.

The legislative council, impressed with the belief that it is a measure perfectly practicable in its accomplishment and highly important in its consequences, not only with reference to the interests and prosperity of the Territory of Florida, but, viewed in a national light, as forming the most important link in the chain of inland communication between the extreme north and south, have, at their present session, incorporated "The Florida Peninsula and Jacksonville Railroad Company," to construct a railroad from Jacksonville to Tallahassee, a distance of about one hundred and forty-five miles in a straight line, to be there connected with the Tallahassee and St. Mark's railroad, also chartered at the present session. Without the aid of the general government this great undertaking will be retarded for many years, or, perhaps, totally fail of accomplishment. They therefore pray the attention of your honorable body to the following resolutions:

Be it therefore resolved by the governor and legislative council of Florida, That the delegate in Congress be requested to obtain from the Congress of the United States the appointment of an experienced engineer to survey the route of the contemplated railroad from Jacksonville to Tallahassee, and also to obtain the relinquishment on the part of the United States in favor of said company of one mile on each side of the said route of the public lands through which it may pass.

And be it further resolved, That the delegate be further requested to obtain from Congress such appropriations of money, donations of land, or subscriptions to the stock of said railroad company, as their wisdom and the importance of the object may suggest or justify.

Be it further resolved, That the foregoing memorial and resolutions, when signed by the governor and president of the legislative council, shall be certified by the chief clerk and forwarded to our delegate in Congress.

JOHN WARREN, *President of the Legislative Council.*

Passed February 15, 1834.

JOS. B. LANCASTER, *Clerk.*

Approved February 16, 1834.

WM. P. DUVAL, *Governor of the Territory of Florida.*

I certify the foregoing to be truly copied from the original on file in my office, February 18, 1834.
J. D WESTCOTT, JR., *Secretary of Florida.*

23D CONGRESS.] No. 1219. [1ST SESSION.

APPLICATION OF FLORIDA FOR A GRANT OF LAND TO AID IN THE CONSTRUCTION OF THE FLORIDA, ALABAMA, AND GEORGIA RAILROAD

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 25, 1834.

Whereas the connexion of New Orleans with the commercial cities of the north by a continuous line of railroad is, in a national point of view, a most important object; one which has long merited the attention of Congress, and which the growing prosperity of the nation, the rapid march of improvement, the gigantic results which would flow from it, the hidden resources it would develop, the Gordian knot with which it would bind the threatened Union of the States, the identity of interest it would produce, must, at present, press upon the consideration of Congress with irresistible force. And whereas a company has been incorporated at the present session of the council, by the name and style of "The Florida, Alabama, and Georgia Railroad Company," for the purpose of constructing a railroad from Pensacola to Columbus, a distance of one hundred and eighty miles, nearly one-fourth of the whole distance from New Orleans to Washington; the contemplated route of which will pass, in a great portion of its extent, through public lands, fertile and peculiarly adapted to the cultivation of the great staple of the south, but from their interior situation and the absence of natural channels of transportation have not yet been sold; which lands will necessarily acquire a great additional value from having, as it were, an artificial river flowing through their centre; and in a few years an immense district of country, now sparsely and poorly populated, will vie with the other fertile parts of Alabama, and contribute its proper share to the national independence and wealth. And whereas (though the topography of the country throughout its whole extent presents natural advantages and facilities for the construction of railroads, superior, perhaps, to any other portion of the United States,) the company will have to encounter numerous obstacles in the completion of this link in so great and desirable a scheme of internal improvement. And whereas it is believed and hoped that the enlightened and liberal views of policy entertained at the present day will induce Congress to extend all constitutional aid in effecting an improvement more completely national and entirely practicable than any other heretofore projected; therefore—

Be it resolved by the legislative council of the Territory of Florida, That the delegate in Congress be, and he is hereby, requested to use his most active endeavors to present the subject in its proper light, and to obtain the passage of an act authorizing a survey (by a competent engineer) of a route between Pensacola, Florida, and Columbus, Georgia, and granting to the company a donation of all public lands through which the same may pass, not exceeding —— yards on each side of the road.

Be it further resolved, That the above preamble and resolution be duly signed and forwarded to the delegate from this Territory.

JOHN WARREN, *President of the Legislative Council.*

Adopted February 15, 1834.

23D CONGRESS.] No. 1220. [1ST SESSION.

ON CLAIM TO LAND IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 28, 1834.

Mr C. JOHNSON, from the Committee on Private Land Claims, to whom were referred the petition and accompanying documents in behalf of the heirs of Philip Renault, reported:

That the heirs of Renault set up claim to a tract of land within the State of Illinois, one league and a half front by six leagues deep. A copy of the grant accompanies this report, marked A. This grant purports to have been made the 14th of June, 1723, by "Bois-briant and Des Ursins," the first a commandant of the province, and the latter an officer of the "*Company of the West.*" Nothing is known to the committee of this company, or the powers of the officers, further than is stated in Martin's History of Louisiana and Charlevain's History of France, which show that such a company was incorporated the 6th of September, 1717, by Louis XV of France; and these authors state that the officers had not only extensive commercial privileges conferred, but also the power to make titles in fee simple to the soil in Louisiana. The evidence before the committee of the existence of such a grant is the statement of the commissioners acting for that section of country in 1810. They say, the "board is in possession of a document belonging to the office of the register of Randolph county, purporting to be a record of ancient French grants made in the Illinois, between the years 1722 and 1740; in which document, under the entry of each grant, is written the names of *Bois-briant and Des Ursins,* as grantors." This is presumed by the board to be a correct history of grants issued at or about that time, from the fact that other grants of a similar character were produced and land claimed by the citizens by virtue of them, as descending to them from their ancestors, and the board of commissioners think the handwriting in the several documents is the same as in the grant to Renault; no other information is given to the committee as to that record upon which the board of commissioners were called to act, and a copy of which is now before the committee. It appears, from the authors above referred to, that the Company of the West surrendered its grant in 1731. The applicants allege that Renault took possession of some portions of the land granted to him; that he made some establishments upon it, and that he sold portions of it to other individuals; and that

about the year 1744 he left the continent of America, and returned to France, where he remained until his death, which took place some short time after, and that his heirs have not since that time resided in America.

By the war of 1756, and the treaty at Paris, in 1763, Great Britain acquired the tract of country including these lands, and by the war of the revolution and the treaty of 1783, the United States (or the State of Virginia) acquired the same territory, and by the cession of Virginia the United States acquired the title to it. It is now more than one hundred years since the grant to Renault, about one hundred years since the Company of the West surrendered its grant or charter, and but little short of one hundred years since Renault left the lands granted to him, and the continent of America, as stated by the applicants; within the latter period neither himself nor heirs appear to have made any claim or cast a thought upon the territory now sought to be secured, until within a few years past, when, from the unexampled growth of the western portion of the United States, its value seemed to present an object worthy of the ambition of princes, and, from the known liberality of this government, a prospect was opened for reviving a claim which had been neglected or forgotten for near a century. That the heirs of Renault should have remained in ignorance of this claim during so long an interval seems scarcely possible, when we reflect that so remarkable a circumstance, in the history of their ancestor, as his residence in the New World for such a number of years immediately preceding his death, must have been well known, and its causes and incidents could not have failed to excite both interest and curiosity, while the means of information must have been perfectly certain and accessible to them. It is difficult to reconcile this knowledge, which we cannot but believe existed, with the fact of utter silence or non-claim for near a century, except upon the supposition that the claim was lost or forfeited, by reason of some fact which has itself been forgotten, or as surrendered by some act, the evidence of which may still exist on the other side of the Atlantic, or that it was abandoned by Renault and his immediate descendants, on account of its distance or want of value at the time. The causes now set up on the part of the claimants to account for this delay are wholly insufficient. It is true that some years after the death of Renault, as stated by them, a war broke out between the French and British governments, of which this continent was the principal seat; but it is not true that the war extended to the vicinity of the territory in question, or in any manner obstructed the communication between that territory and the more populous parts of the province of Louisiana, to which it was attached, and it was not until about twenty years after the death of Renault that the territory was ceded to Great Britain, by the peace of 1763. But if it was at that time considered a valid and subsisting claim, no sufficient reason is assigned for not asserting the claim in the interval of peace which succeeded; if the title was then a valid one against France, and obligatory upon Great Britain after the conquest, and by the law of nations, and the claimants looked to it as such, every prudential consideration must have admonished them of the necessity of making known their claim to the British government, to prevent a disposition of their property by the British government, inconsistent with their rights, as other public domain belonging to the Crown. The war which broke out between Great Britain and the colonies, after an interval of ten or twelve year's peace, is no sufficient answer for the continued neglect of persons having so extensive a claim as the one in question.

The committee do not deem it necessary to examine the question whether, upon conquest or cession of an uninhabited territory, the acquiring nation is bound to respect grants of the losing nation to persons not inhabiting the ceded territory, not holding possession of the lands granted to them, either by their own occupancy or that of their tenants, and being, and continuing to be, inhabitants and subjects of the losing nation; and whether such grants, if not provided for in the act of cession or treaty, would or would not entirely be dependent upon the humanity or liberality of the acquiring nation, it would seem at least to be necessary that they should at the earliest opportunity be brought before it for its recognition, and that the neglect of this necessary act of respect and caution would of itself amount to a dereliction of all benefit claimed from the grant. By the war of the revolution and the peace of 1783, the country was again transferred, and, from being a part of the domain of the British crown, became the property of the United States, or of some of them, and after this peace a period of more than twenty years again elapsed before this claim is, for the first time after the death of Renault, in any manner asserted or brought to the notice of the government claiming the dominion of the territory. The observations already made apply with equal force to this second change in the condition of the country, and the committee can but repeat that admitting the claim, in point of legal validity, to have been unaffected by the transfer of the country by conquest or treaty from one sovereign power to another to which the claimants were, and continued to be, aliens, they cannot account for so palpable a neglect, not only of duty but of that caution which self-interest would have dictated to every reasonable claimant, as has been exhibited and repeated in this case, but upon the supposition that at the periods of their several transfers the heirs of Renault were not, in fact, and did not consider themselves to be, claimants of the lands in question by virtue of the grant to their ancestor.

The committee beg leave to refer briefly to some of the public acts of the governments claiming successively the dominion of this territory, as evincing that no such claim as is now set up was contemplated as valid or subsisting, and as showing incontestably the necessity the claimants were under if they had any claim of making it known and suing for its confirmation.

The treaty of Paris of 1763 makes no provision for the confirmation or security of any such claim.

The proclamation of Governor Gage, December, 1764, made upon taking possession of this territory on the part of the British government, declares "that his Majesty agrees that the French inhabitants, or others who have been subjects of the most Christian King, may retire in full safety and freedom wherever they please, &c., and may sell their estate, provided it be to subjects of his Majesty, and transport their effects as well as their persons, &c. That those who choose to retain their lands and become subjects of his Majesty shall enjoy the same rights and privileges, the same security for their persons and effects, and liberty of trade as the old subjects of the King," &c. This proclamation, which is to be considered as an exposition of the rights which Great Britain considered herself as possessing over the ceded territory and the French claimants, shows clearly what would have been the fate and what was the law of the present claim, held not by any inhabitants of the country but by subjects of the King of France, residing in France and having no intention of becoming subjects of the King of Great Britain. To retain their lands it was necessary for even the inhabitants to become subjects. On what condition can it be supposed that non-resident aliens not intending to become subjects would have been permitted to assert their claim to lands or to sell them? It is to be inferred that such persons were not considered as vested with any right, unless it might be to appeal to the liberality of the government to permit them to sell to its subjects, or to persons about to become its subjects; that they certainly had no right as aliens and non-

residents to hold the lands, and that as it seems suitable on a transfer of territory of this character that those claiming lands under the old sovereign, and especially those claiming by mere grant without possession, should themselves do some act for the security of their titles and gaining the protection and sanction of the new sovereign. No act on the part of the new sovereign, except that of taking possession of the country, is necessary for ascertaining or fixing any forfeiture on account of alienage. To be more particular, no alien can hold lands in the British dominions. A territory is acquired, inhabited, or claimed by alien individuals; those who become subjects may retain their lands; those who do not become subjects cannot retain their lands; an opportunity is given for taking the oath of allegiance and thus perfecting the title to the land. If, being in possession, he refuses to take the oath, some act may be necssary on the part of the government for asserting or ascertaining its title, or for ascertaining or asserting his want of title, because, being in possession, some act is necessary for displacing him, and because some act is also necessary for negativing the presumption of title, arising from the fact of possession, and some act may be necessary to negative the presumption that a man actually upon the soil is a subject of the sovereign of that soil.

But in the case of uncultivated lands claimed by a non-resident alien none of these reasons exist, nor are any other perceived which render any act necessary for ascertaining the title of the sovereign; individuals are connected with the sovereign either by being on the territory, which implies allegiance, or by being by birth or oath expressly under his allegiance; an alien born, continuing to reside in a foreign country subject to another sovereign, can have no such connexion with a new sovereign but by actually assuming by positive act the duty of allegiance; no presumption or implication can help him; in the case of land occupied the presumption is that the occupant is a subject until the contrary appears, therefore inquisition is necessary.

In case the occupant dies, the presumption is that he has heirs capable of inheriting until the contrary appears, therefore inquisition is necessary; and in the case of improved land lying derelict the same presumption arises as to a capable owner.

The treaty of 1783 contains no provisions upon this subject, not at least which protects, preserves, or recognizes his claim.

The cession of this territory by the State of Virginia to the United States contains the following clause, which is considered by the committee as having an important bearing on the present inquiry. The act of cession provides that the French and Canadian inhabitants, and other settlers of the Kaskaskias and St. Vincent and the neighboring villages, "*who have professed themselves citizens of Virginia,* shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties," but it contains no provisions for claimants under a foreign government not citizens of Virginia.

On June 20, 1788, a report was made to the old Congress of the United States by a committee, to which was referred the memorial of George Morgan and his associates, respecting a tract of land in the Illinois country. The report states "that there are sundry French settlements on the river Mississippi, within the tract which Mr. Morgan and his associates propose to purchase." After mentioning other settlements at Kaskaskias, Prairie des Roches, and Kahokia, it proceeds: "There are also four or five families at Port Chartres and St. Phillippo, which is five miles further up the river. The heads of families in those villages appear, each of them, to have had a certain quantity of arable land allotted to them, and a proportionate quantity of meadow and wood land as pasture." The report recommends that, from any general sale of the land on the Mississippi, there be reserved enough to satisfy all just claims of these ancient settlers, and that they be confirmed in the possession of such lands as they had at the beginning of the late revolution, and as had been allotted to them according to the laws and usages of the governments under which they respectively settled. An additional allowance of land is also recommended. It is then proposed that the board of Treasury be authorized to contract with any person or persons for a grant of a tract of land, of which the boundaries are described, out of which separate tracts are to be reserved for satisfying the claims of the ancient settlers, which shall be included within a prescribed boundary. That immediate measures be taken for confirming in their possessions and titles the French and Canadian inhabitants, and other settlers on said lands, who, on or before the year 1783, *had professed themselves citizens of the United States, or any of them,* and for laying off the several tracts which they rightfully claim within the prescribed limits, and for laying off the three additional reserved tracts, sufficient to give each family, residing at either of the five villages, 400 acres; that, when this shall be done, all that remains of the three additional reserved tracts be considered as part of the general purchase; and that the governor of the western territory be instructed to repair to the French settlements at and above Kaskaskias; that he examine the titles and possessions of the settlers to determine the quantity of land which they claim, which shall be laid off to them at their expense; and that he ascertain the number of families, to determine the quantity to be laid off in the several reserves, &c.

This report, and the resolutions for carrying its provisions into effect, were adopted by Congress, though the purchase appears never to have been made. But it is evidently deducible from the measures that the Congress asserted claim to the whole of the land embraced within the general boundary, except so much as was held in possession by such of the French and Canadian and other settlers at the five named villages as had, in 1783, or before, professed themselves citizens according to the laws and usages of their respective governments; that they recognized no claim, except such as was accompanied with actual possession and belonged to citizens; that they considered themselves authorized to grant, and did by these resolves actually propose to grant, all the rest of the described territory—thus actually resuming, if any such resumption were necessary, any lands in said boundary which may have been granted fifty years before by a foreign government, and were then claimed by non-resident aliens, who neither had possession, nor had, in 1783, nor before, nor since, professed themselves citizens of the United States, or any of them. The committee are satisfied that the general boundary of the land thus offered for sale includes at least one of the tracts which had been granted to Renault.

By the 2d section of the act of Congress of March 3, 1791, it is enacted that the heads of families at Vincennes, in the Illinois country, in 1783, who afterwards removed from the limits of the Territory, are, notwithstanding, entitled to the 400 acres of land given by the resolves of Congress, &c., provided that, if they or their heirs do not return and occupy these lands within five years, they shall be considered as forfeited.

The 4th section of the same act provides that where lands have been actually improved and cultivated at Vincennes, or in the Illinois country, under a supposed grant, by any commandant or officer claiming authority to make such grant, the lands supposed to be granted may be confirmed to the persons who had improved them, and their heirs, not exceeding to any one person 400 acres.

These acts, relating particularly to the Illinois country, have been quoted, and the whole legislation of Congress may be referred to as evidencing the uniform distinction that has prevailed in favor of those who improved, and continue to occupy the soil, over any and all others who might have claims to it. If those who, by improvement, and occupancy, and citizenship, in 1783, had entitled themselves to the 400 acres of land, given by the resolve of 1788, but who had subsequently left the Territory, were required, under penalty of forfeiture, to return and occupy, upon what imaginable condition could those who had left the Territory in 1743 or 1744, who were not citizens, but alien foreigners, be permitted to hold claim to unimproved portions of the soil? There is nothing in any of these acts which gives countenance to any such claim. It finds no sanction or recognition in any of the treaties or cessions by which the country changed owners. On the contrary, from the omission of such claims, while the rights of persons actually in possession are guarded and secured, the inference is very strong against the validity of any such claim. The argument is, that the actual inhabitants of a ceded territory, who are seated upon and enjoying lands granted to them under the former sovereignty, and so continue under the new, present so strong a claim for the confirmation of their titles by the new power as scarcely to require provision for such confirmation in the act of cession. And, indeed, if they continue to occupy, the confirmation itself seems to be an act of supererogation. Very different is the claim of the alien non-resident. To say the least of it, it is extremely doubtful whether it retains any validity against the new sovereign. If, then, the act of cession provides for the confirmation of the occupants, and makes no provision for the non-resident claimant, the inference is strong that the claim of the latter is abandoned. In this there is no injustice. The acquiring sovereign knows no claimants of the soil but such as are upon it, or such as are expressly provided for in the cession. Any other claimant may justly look to the ceding sovereign under whom he claims, and whose duty, therefore, it was to guard his claim in the cession, if it was intended to be valid against the new sovereign, to reimburse to him any loss consequent upon this neglect. Suppose, in 1740, when the Illinois country was claimed and possessed by France, a French subject had purchased 1,000,000 acres, paid for it, and received from the King a *grant* to him and his heirs forever; that he never came to the Illinois, but kept the grant in his pocket, leaving the 1,000,000 acres unsettled; that, in this condition of things, the whole country is, some twenty years afterwards, acquired by Great Britain, by conquest and by cession from the crown of France, no provision being made for him, nor notice given of the grant. If the grant were considered as subsisting and valid against France, the grantee might well claim remuneration from that government for transferring the whole country to a foreign power, and thus disabling him from taking the benefit of the grant. But on what ground could he, continuing a non-resident of the ceded territory and a subject of France, demand of Great Britain either the land itself, or remuneration for the price that he paid to the French government? If the land is given to him, for what purpose is it? Is it that, remaining a non-resident alien, he may hold a large tract of territory, either waste and uncultivated, or occupied by his tenants, owing him annual rent or duty? Or is it that he, a foreign alien, may receive from resident subjects the price of the land? The first supposition is entirely inadmissible; the last is to suppose that the acquiring sovereign would gratuitously confer upon an alien and non-resident the right of selling land which he could not hold, and the price of which would otherwise belong to the sovereign himself. Upon the acquisition of territory by any power, the individual owners of the soil must be under allegiance to that power, or its sovereignty is imperfect, and the acquisition incomplete. When the individual owners are upon the soil and continue there, that fact itself places them in some degree under allegiance to the new sovereign, and entitles them to protection; and it being inconsistent with the humanity and liberality of modern nations, even in case of acquisition by conquest, to invade private possessions any further than the public safety requires, the possessors of the soil are entitled to become subjects and retain their lands, and the privilege is generally conceded, in point of fact, that if they do not choose to become subjects may sell their lands and depart. But it is conceived that this power of sale is a privilege by concession, or, if a right at all, that it is derived from, and depends on, the fact of their being inhabitants, actually found in possession of the soil which they have cultivated and improved to the benefit of their country, and therefore of the new sovereign, and not in consequence of a bare, naked grant from the former proprietor; and that therefore no such right belongs to, and no such privilege can be expected by, the non-resident alien, much less that such non-resident alien can be permitted to hold lands for an indefinite period, waste and uncultivated, withdrawn from the uses of a growing population, and from the control and disposition of the territorial sovereign. In order that the sovereignty be perfect, all land owners must be subjects of the territorial sovereign. Sovereignty is presumed to be perfect, and is, in fact, so unless restrained by the superior force of another sovereign, or limited by convention. In acquisitions by conquest the sovereignty is, of course, complete; in acquisitions by cession it is complete, except so far as restricted by the instrument of cession, or other compact relating to it. Suppose a territory ceded which has not a single inhabitant, but the whole of which has been granted by the former sovereign owner to various individuals, its subjects, and that they continue to be its subjects, have they any right to demand of the new sovereign a recognition or confirmation of their grants? Can the new sovereign recognize such non-resident aliens as the proprietors of the soil? What would be the condition of the new sovereign should he make such recognition? The principle is the same, whether the whole or a part of the ceded territory is thus claimed by non-resident aliens under a mere grant from the former sovereign. If the new sovereign is bound to confirm or recognize as valid such a claim to 100 or 1,000,000 acres, it would be equally bound to confirm similar claims to the whole territory, and would thus be acquiring a territory, the whole of which is, at the time, and might be forever, owned by foreign, and alien, and non-resident proprietors. No such obligation can be admitted; no such limitation of sovereignty as would follow can be presumed.

The committee have thus reviewed the principles which appear to them applicable to the claim of Renault's heirs, as it is affected by their own acts, and by the various changes which have taken place in the political condition of the country, and by the acts of the last and present sovereign up to the passage of the act of March, 1804, which they are now about to notice. By that act the three land offices of Detroit, Vincennes, and Kaskaskias were established, and land districts annexed to each, within the last of which the lands granted to Renault lie. The —— section of that act provides that all persons claiming land within either of those districts under legal grants made by the French government prior to the treaty of 1763, or by the British government between that event and the treaty of 1783, or under any act or resolution of Congress subsequent to the last treaty, shall, on or before the 1st day of January, 1805, present to the register of the land office at the district within which the land claimed lies a notice describing the nature of his claim, and the papers evidencing his title, which shall be recorded. By the same act a tribunal is erected for determining the validity of the titles presented, and describes the mode of their proceeding and limits

their action. The committee is disposed to think that it was in consequence of this act that the attempt has been made to resuscitate a claim which, however legal it may have been in its origin, had long before the passage of the act lost all its validity. The committee do not believe that the act gives sanction to any such attempt, or that it can be considered as possessing any such virtue. If this title was not, previous to the passage of that act, such as this nation was bound, by the principles of justice or policy, or national law, to recognize and confirm as subsisting and valid against itself, there is nothing in that act which makes it so, and there is nothing in the act which binds the nation to recognize or confirm a title which, independently of that act, it was not bound to recognize. The act merely erects a tribunal for the adjudication of titles, and prescribes the mode of bringing them forward; under that act the present claim was presented to the commissioners, who made a detailed report upon it, not confirming it, but stating the facts relating to it, and examining various questions supposed to affect the legality of its origin and its then subsisting validity. The report of the commissioners was favorable to the title, but did not confirm it, and, therefore, was neither conclusive nor final. It did not examine any of the questions which have been noticed in this report, except as to the abandonment or forfeiture of the claim by Renault and his heirs, and the necessity of an inquisition to ascertain the fact, or produce the legal consequences of escheat or forfeiture; and these questions it left in doubt. As that report appears to have been the basis of an act of Congress confirming the title of Renault's heirs as to one of the tracts embraced in the grant to him by the Company of the West, and of several reports in favor of confirming the title as to the tract now in question, which is embraced in the same grant, the committee think it due to the case to examine the facts and conclusions of that report.

The facts which were before the board of commissioners, and upon which they come to the conclusion, were the following:

1st. The "*ancient record*," as it is called by them, "and said to belong to the office of the recorder of the county of Randolph, purporting to be a record of ancient French grants, made in the Illinois between the years 1722 and 1740;" and under each grant is written the names of "Bois-briant and Des Ursins as grantors."

2d. Four other grants of a similar character were presented to them by French settlers, claiming their lands by virtue thereof as descending from their ancestors.

3d. The handwriting in the last documents corresponds with the handwriting of the ancient records first mentioned.

These seem to have been the only facts before the commissioners, from which they conclude that the copy of the grant accompanying this report, and which is copied from the ancient record in the recorder's office in Randolph, is a genuine grant in fee-simple to Renault, made according to the laws and usages of the French government at that period.

There seems to have been no proof before the commissioners in relation to the ancient record; who had made it, or who had charge of it, during the continuance of the French government, British or Spanish governments, or how it came into the office of the recorder of Randolph. There seems to have been no evidence before them as to the time Renault left America, or when he died, except the date of the deed made by him in 1740. There was no evidence before them whether Renault died with or without heirs, nor any authority produced for an application, in their name, by the individual who undertook to act as their agent and file this claim before the board, and the committee have no reason to believe that any such authority existed; nor was there any evidence before them showing that Renault had ever taken possession of the lands now claimed in the name *of his heirs*, nor is any such evidence before the committee.

Upon the face of the paper, relied on as the grant in fee-simple, doubts exist whether it was intended to have been upon condition of his establishing and working the mines, or whether it was granted to aid him in making such an establishment. The former construction would seem the most probable, as the second tract is granted to him "to raise provisions to supply all the settlements which he may make at the mines." It is most probable that the paper produced was intended as a concession authorizing him to take possession, and which was afterwards to be completed by a title from the governor general when the conditions had been complied with; and this idea is confirmed by the deed, made by him in 1740, of a portion of the land in the grant. When describing his title in the deed, he speaks of it as a title derived from Bienville, the governor general, and makes no allusion to the paper now produced, signed by Bois-briant and Des Ursins, and, in the deed, describes himself as "director of the mines." Upon such a paper, produced under such circumstances, and with no other evidence than was before the board of commissioners, and after the lapse of a near a century, the committee do not perceive that any presumption could arise favorable to the claim of the applicants; indeed, if the paper had been of unquestionable origin and authenticity, and a conveyance in fee-simple, the non-claim for near a century, and the actual sale of a portion of the property by the British government more than half a century since, as stated by the board of commissioners, would have created an irresistible presumption that the property had been retroceded by the grantees, or forfeited or abandoned, and should have been so treated by the board of commissioners.

The board of commissioners make other statements of some facts of which there is no evidence before the committee, to wit: "That portions of the property granted to Renault were from time to time conveyed away by him to individuals by various *notarial and judicial acts*, and it appears that the conveyances from Renault were respected as good both by the French and English governments," and from this concludes the grant was good; these *conveyances* and *recognitions* should have been presented to the committee to enable us to decide to what weight they were entitled.

The board of commissioners examine the doctrine of escheat, abandonment, or forfeiture, and come to the conclusion, that as "*no judicial act* or other act, that we know of, took *place to annex this property to the domains of the Crown of England*," that the grant must be subsisting and valid, notwithstanding in a previous part of the report they state the fact that a portion of the land granted to Renault "was considered by the officers of the British government *forfeited*," and granted by them to others; but they do not consider these transactions as weighing anything, because "they seem never to have received the sanction of the British King," thus on the one hand considering the grants of the Spanish governors making the grant to Renault good, without the slightest evidence of the sanction of the French King, and those acts of the British governors on the same subject void, because they do not "seem to have been sanctioned by the Crown of England."

The position assumed by the board of commissioners that, upon the conquest of a country, there is

some act necessary on the part of the acquiring sovereign to produce a forfeiture of real estate, claimed by individuals of the losing nation, is not, in the opinion of the committee, warranted by reason, justice, or policy, as has been heretofore shown in this report; and in addition to this the committee beg leave to refer the House to the doctrines upon that subject as laid down by Chief Justice Kent, in the 2d volume of his Commentaries, page 46, in which he says, "an alien cannot acquire title to real property by descent or by other mere operation of law," and "cannot be even inherited from an alien by a citizen, and upon the death of an alien would instantly, and of necessity, without any inquest of office, escheat and vest in the State, because he is incompetent to transmit by hereditary descent." This doctrine has been repeatedly recognized in our courts.—(Reed *vs.* Reed, 1 Mumf., 225; Dawson *vs.* Godfry, 4 Cranch, 321; Jackson *vs.* Burns, 3 Binney, 75; Blight *agt.* Rochester, 7 Wheaton, 535.

This is believed by the committee to be the true and proper doctrine on that subject, and conclusive against the present application.

The committee cannot but feel surprised that the board of commissioners should have permitted a claim to have been filed in the name of the *heirs of Renault*, by some unknown person claiming to be an agent, and without the production of any authority, without knowing or specifying their names, or where they resided, or anything about them. So far as the committee can see, from all the information before them, or which was before the the board of commissioners, there is no reason to believe that any authority existed from them for setting up the claim, nor, indeed, that such *persons* existed as the heirs of Philip Renault. The committee cannot but suspect said claim was filed by some individual or individuals unknown to the committee, under the hope of getting a confirmation of the title from the government, and afterwards searching for the owners and purchasing upon speculation, and they have reason to believe, from verbal statements made to them, that said tract is now claimed by citizens of the United States, who pretend to have purchased from the heirs of Renault.

The committee are of opinion that no further attention should be paid to said claimants, and the said land should be surveyed and sold as other public lands of the United States.

The committee therefore report a bill directing the survey and sale of said land

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23D CONGRESS.] No. 1221. [1ST SESSION.

APPLICATION OF OHIO FOR DONATIONS OF LAND TO THE OFFICERS AND SOLDIERS OF THE WAR OF 1812–'15.

COMMUNICATED TO THE SENATE APRIL 7, 1834.

PREAMBLE AND RESOLUTIONS of the legislature of Ohio relating to the officers and soldiers of the late war.

The Select Committee, who were instructed to inquire into the expediency of reporting resolutions instructing our senators and requesting our representatives in Congress to use their exertions to procure the passage of a law appropriating a portion of the public domain to the officers, militiamen, and volunteers who served in the late war, their widows and orphans, report:

That whether the subject be viewed with reference to the claims of justice and gratitude in favor of those proposed to be relieved, or with reference to the effect which the granting or withholding the aid contemplated must have upon the minds of our citizens and of posterity, it appears to your committee to be of great importance, and justly to deserve the attention of this legislature and of the general government. That class of persons who are proposed as the fit subjects of national gratitude and bounty are most meritorious, if exalted patriotism, dauntless courage, and patient endurance of suffering in the hour of trial and of danger, directed and applied to the defence of our beloved country and the preservation of her free institutions, can confer such a title. If a comparison should be instituted between the class of persons relieved by the provisions of the act of Congress of June, 1832, and those engaged in the late war, especially those engaged in the defence of the northwestern frontier, it is believed that the latter will be found to be, in many respects, equally entitled to the favorable consideration of the government as the former. And that if the officers, musicians, soldiers, and Indian spies, who served a period of six months in the war of the revolution, are entitled to the bounty of the government, without reference to the services they rendered or to their present circumstances, those citizen soldiers, whose sufferings and achievements in the service of their country are as well known and as fresh in our recollection as that they were then poorly paid, and are now, many of the most worthy of them, in obscurity, poverty, and want, are alike entitled, not only to the gratitude of their countrymen who are now in the full enjoyment of that liberty which they fought and suffered to defend, but also to remuneration from that government in the service of which they enlisted, and for which they were willing not only to suffer, but, if necessary, to offer the libation of their blood in defence of her rights and of her injured honor. And whilst the nation, at peace with all the world, has an overflowing Treasury, and is at a loss to determine upon the best method of disposing of her vast domain, your committee know of no use to which a portion of it can be better applied than by rewarding her brave and patriotic citizens who proved their devotion to the cause of liberty in the late war, and who, in that noble service, besides privation and bodily sufferings, sustained great losses and sacrifices of property. Such a measure on the part of the government, while it would have but little comparative influence upon her resources, would contribute more to exalt her character for justice, gratitude, and magnanimity, than any other disposition of a like quantity of her public land that can at this time be made. Your committee therefore recommend the adoption of the following resolutions:

Resolved by the general assembly of the State of Ohio, That the senators of this State in Congress be,

and they are hereby instructed, and our representatives requested, to endeavor to procure the passage of a law appropriating a portion of the public domain to the officers, militiamen, and volunteers who served in the late war for a period of three months or upwards; also to the widows and orphans of those who were killed by the Indians during that war, and to those who enlisted and served for twelve or eighteen months, and who have not received the bounty land.

Resolved, That his excellency the governor be, and he is hereby, requested to forward to each of our senators and representatives in Congress a copy of the foregoing report and resolution.

JOHN H. KEITH, *Speaker of the House of Representatives.*
DAVID T. DISNEY, *Speaker of the Senate.*

FEBRUARY 28, 1834.

23D CONGRESS.] No. 1222. [1ST SESSION.

APPLICATION OF OHIO FOR A DISTRIBUTION OF A PART OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AMONG THE SEVERAL STATES FOR PURPOSES OF EDUCATION.

COMMUNICATED TO THE SENATE APRIL 7, 1834.

RESOLUTION relating to schools.

Resolved by the general assembly of the State of Ohio, That our senators be instructed, and our representatives in Congress be requested, to use their exertions to induce the general government to grant to the respective States, in proportion to their representative numbers, a part of the proceeds of the national domain for the purposes of education.

Resolved, That his excellency the governor be requested to transmit to each of our senators and representatives in the Congress of the United States a copy of the foregoing resolution.

JOHN H. KEITH, *Speaker of the House of Representatives.*
DAVID T. DISNEY, *Speaker of the Senate.*

MARCH 3, 1834.

23D CONGRESS.] No. 1223. [1ST SESSION.

ON CLAIM TO A BOUNTY LAND WARRANT FOR THE MILITARY SERVICES OF A SLAVE BY HIS OWNER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 7, 1834.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of Benjamin Oden, reported:

That a slave named Frederick, belonging to Benjamin Oden, ran away from his master in the spring of 1814, and enlisted as a common soldier, by the name of William Williams, by ensign Martin, of the 38th infantry, on the 5th of April, 1814, during the war; that he continued in the service until the 19th of March, 1815, when he died in the hospital at Baltimore, his master never having recovered the possession of said servant.

The questions presented to the committee are, whether the master of said servant is entitled to the bounty land to which said William Williams or his heirs would have been entitled if he had been a free man, and to the balance of pay to which said William Williams was entitled at the time of his death.

The committee do not think proper to examine these questions and decide them upon what might be considered strict principles of law applicable to them; but inasmuch as the government has actually received the services of said Williams, for which, if he had been a free man, he would have been entitled to his pay and bounty land under the laws of the land, they think the same should be paid over to his master, who was the actual sufferer by the improper conduct of the servant, if not also of the officer who enlisted him, and report a bill accordingly.

23D CONGRESS.] No. 1224. [1ST SESSION.

ON CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 8, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of Eliza S. Williams, widow of Isaac Williams, deceased, reported:

That the petitioner sets forth that on the 10th day of December, 1816, Isaac Bush purchased of the United States, at the land office at Washington, Mississippi, the fractional sections Nos. 39 and 41, in township No. 1, of range No. 1 west, in the land district west of Pearl river; that said Isaac Williams, as assignee of the said Isaac Bush, obtained a certificate of further credit from the register of said land office, under the act of Congress of the 2d of March, 1821, prolonging the time of payment until the 31st of March, 1829; that previous to the time so limited for the completion of the payment by the act aforesaid, two claims in the names of Catharine Surgett and Charles Surgett, derived from the Spanish government, were presented upon the map of said township and range by the surveyor general, by which the greater part of the land claimed under the purchase of said Bush was embraced. Thus circumstanced, the representatives of Isaac Williams were prevented from completing the payments for said land at the time required in the certificate granting further credit, &c.

Petitioner further represents that the claimants under the Spanish warrants of survey to the said Catharine Surgett and Charles Surgett having, by an act of Congress passed on the 3d of July, 1832, obtained the right of locating other lands in lieu of that surveyed for them in said township and range, conflicting with the land claimed by the petitioner in behalf of the legal representatives of her deceased husband, there is now no adverse claim or any impediment to the payments of the balance due on said land which has hitherto existed. The act passed for the relief of land debtors having expired, petitioner prays that the legal representatives of Isaac Williams, deceased, may be authorized by law to re-enter or become the purchaser at private sale of so much of said fractional sections Nos. 39 and 41, in township No. 1, of range No. 1 west, not disposed of since the forfeiture thereof. The register of the land office aforesaid certifies to the assignment of the certificate to Williams, and of the further credit, and exhibits a diagram showing that the lands of said Catharine and Charles Surgett do not interfere with those lands which the petitioner wishes to purchase.

From the evidence before the committee, in addition to the facts set forth in the petition, the committee are of opinion that the prayer of the petitioner ought to be granted, and for that purpose report a bill.

23D CONGRESS.] No. 1225. [1ST SESSION.

ON CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 8, 1834.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred, on the 25th March, the petition of Daniel Whitney, James Porlier, John P. Arndt, Augustus Grignon, Louis Grignon, and Michael Dousman, reported:

That said petitioners represent themselves to be the owners of certain lands in the vicinity of Fort Howard, at Green Bay, which were confirmed by the acts of the 21st February, 1823, and 17th April, 1828, to Jacques Porlier, Louis Grignon, Peter Grignon, James Veaux, Alexis Gardipier, and Francis Lavanture, for which lands they are entitled to patents from the United States, and for which patents would have been issued at the same time that patents for similar claims in that vicinity were issued, had not the officer in command of Fort Howard, at the time when the claims at Green Bay were surveyed, pointed out to the surveyor and reserved much more land than was actually occupied for military purposes, thereby preventing the surveyor from surveying and returning plats of all the lands actually confirmed to the claimants.

By reference to the report of the commissioners appointed under the act of 11th of May, 1820, to investigate titles and claims to land at Green Bay, the committee find that the claims of Jacques Porlier and Louis Grignon were recommended for confirmation by the said commissioners, and were actually confirmed by a subsequent act of Congress, of 21st February, 1823, subject, however, to any reservation that might have been made for public uses. As no such reservation had been made, so far as the committee have been informed, they are of opinion that the confirmation of title to those claimants was complete, and that they should have received patents for the land confirmed to them at the same time that patents were issued for other claims in the same vicinity.

By reference to the report of the aforesaid board of commissioners, while acting under the law of 21st February, 1823, the committee find that the claims of Peter Grignon, James Veaux, Alexis Gardipier, and Francis Lavanture are recommended for confirmation by the board with the usual limitations; and on referring to the act of 17th April, 1828, it will be perceived that the title of these claimants was confirmed to all the land recommended to be confirmed to them by the commissioners, with the exception of such lands as were "occupied for military purposes."

From the testimony adduced, the committee are not fully satisfied that a part of the land thus recom-

mended for confirmation, and thus confirmed, was not, at the time when the survey of private land claims was made in that vicinity, occupied for military purposes; but as the fifth section of the act of 21st February, 1823, aforesaid, grants the land to the claimants positively, on certain conditions, and without any qualification as to its being occupied at a subsequent period for military purposes, it is believed that the claimants have an equitable claim upon the government for such portions of their respective farms as are now required for the use of the government, and that it is but justice that the remainder of their claims, which is not occupied or required for military purposes, should be patented to them according to law; and for this purpose, and that the claimants may receive a fair compensation for whatever part of their lands may be required for the use of the garrison, the committee report a bill.

23D CONGRESS.] No. 1226. [1ST SESSION.

ON CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 8, 1834.

Mr. ASHLEY, from the Committee on Public Lands, to whom was referred the petition of Peter Alba, reported:

That in the year 1817 the Spanish authorities exposed to public sale a number of lots situated in the city of Pensacola, when Joseph Swett being the highest bidder, ten of said lots were struck off to him; but in consequence of his failure to attend and comply with the terms of sale, the ten lots, together with five others, were adjudged and conveyed to the petitioner, Peter Alba, by the governor of Pensacola, for a valuable consideration. After the cession of Florida, Alba submitted to the board of commissioners appointed to examine and adjust land titles in that Territory, certain papers under which he claimed title. The commissioners rejected the claim on the ground that the papers exhibited were fraudulent and antedated. It, however, appears from documents accompanying Alba's petition that he had, at the time of presenting his claim to the board, sufficient evidence of title to establish his right to the property claimed, but perhaps did not exhibit the same as fully as he should have done. It also appears that a portion of the property has been sold to innocent purchasers for a valuable consideration.

The foregoing facts being supported by the subjoined statement of the Hon. Joseph M. White, the committee are of opinion the prayer of the petitioner ought to be granted, and report a bill accordingly.

Mr. White, of Florida, having understood that it was the wish of the Committee on Public Lands that he should state what he knows of the claim of Peter Alba, has the honor to say that he was one of the commissioners in Florida to whom the claim was presented. The claim originated in a sale of out lots made by the governor of the province in 1817. There is no question of the authority of the governor, nor of his right to sell, or that he did sell these lots, and that the original purchaser having failed to comply with the condition of the sale, they were adjudicated to Peter Alba, who has since sold them, or a part of them, to innocent purchasers. If Alba had presented this record to the commissioners, the title would have been confirmed, as all the other titles depending on that record, and similar in all respects to his, were confirmed. He, however, forged a complete royal grant, in the name of the governor, to make his title better than the others, and in letting go the substance and grasping at the shadow, the commissioners having no other than his grant, forged as I have represented, rejected the title. He, and those who claim under him, now exhibit the same evidence on which similar claims have been confirmed, and Mr. White thinks this title ought to be confirmed, and that it is a valid title under the treaty with Spain, and has been so decided by the commissioners and Congress heretofore in other cases in all respects the same.

HOUSE OF REPRESENTATIVES, *March* 4, 1834.

23D CONGRESS.] No. 1227. [1ST SESSION.

IN RELATION TO SALES OF THE PUBLIC LANDS ACQUIRED FROM THE CHOCTAW INDIANS.

COMMUNICATED TO THE SENATE APRIL 9, 1834.

To the Senate:

I transmit herewith a report from the Commissioner of the General Land Office, made in compliance with the resolution of the Senate of the 29th ultimo, calling for "the dates of the proclamations, and the times of sale specified in each of the sales of the public lands in the district of country acquired from the Choctaw tribe of Indians by the treaty of Dancing Rabbit creek, and from the Creek tribe of Indians in Alabama; and also the causes, if any existed, of a shorter notice being given for the sale of these lands than is usual in the sale of the other public lands."

ANDREW JACKSON.

WASHINGTON, *April* 8, 1834.

GENERAL LAND OFFICE, *April* 7, 1834.

SIR: In compliance with your request to report to you on the resolution of the Senate of the 28th ultimo, in the following words, to wit: "*Resolved*, That the President of the United States be requested to communicate to the Senate the dates of the proclamations, and the times of sales specified in each, for the sales of the public lands in the district of country acquired from the Choctaw tribe of Indians by the treaty of Dancing Rabbit creek, and from the Creek tribe of Indians in Alabama, and also the causes, if any existed, of a shorter notice being given for the sales of these lands than is usual in the sales of the other public lands," I have the honor to state that the proclamation of the President for the sale of the lands acquired from the Choctaw Indians under the treaty of Dancing Rabbit creek bears date August 12, 1833, and that the sales, as appointed in said proclamation, took place at the times and places as follows:

At Chocchuma, on the 3d Monday of October, 1833.
At Chocchuma, on the 1st Monday of November, 1833.
At Columbus, on the 2d Monday of November, 1833.
At Columbus, on the 4th Monday of November, 1833.
At Augusta, on the 3d Monday of October, 1833.
At Augusta, on the 1st Monday of November, 1833.
At Mount Salus, on the 2d Monday of October, 1833.

These notices of the sales of the public lands acquired from the Choctaw Indians were considered at the time amply sufficient, and were not unusually short; and it is not yet known to the Executive that they were not sufficient for every purpose, as to time, the interest of the government, and that of individuals who became, or contemplated to become, purchasers.

The proclamation of the sales of the lands acquired from the Creek Indians in Alabama was issued on the 17th of December, 1833, directing the sales at Montevallo and Montgomery on the second Monday (the 13th) of January, 1834. This proclamation did not give so long previous notice of the sales as is usual, owing to the peculiar circumstances of the case, and an ardent desire not to resort to *coercive* measures to remove, unnecessarily, intruders from the public lands, and to enable actual settlers not interfering with the rights of the Creek nation, and individual Indians having reservations, to secure to themselves their domicil and improvements, and to the express obligations of the general government under the treaty ceding that territory to the United States. It is believed that these sales at the time, and under the circumstances of the case, have produced the beneficial effects anticipated so far as to dissipate the popular excitement previously existing in favor of the actual settlers, and to render unnecessary, in a great degree, the resort to active and coercive measures to remove intruders.

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

ELIJAH HAYWARD.

The PRESIDENT *of the United States.*

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of law, I, Andrew Jackson, President of the United States of America, do hereby declare and make known that public sales will be held at the undermentioned land offices in the State of Mississippi, and at the several periods hereinafter designated, for the disposal of such lands as have been officially reported by the surveyor general as having been surveyed within the limits of the tract of country ceded to the United States by the mingoes, chiefs, captains, and warriors of the Choctaw nation, under the treaty concluded at Dancing Rabbit creek on the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty, to wit:

At Chocchuma, the seat of the land office for the *northwestern district*, created by the act of Congress approved on the 2d of March, 1833, commencing on the third Monday in October next, (October 21,) for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, viz:

North of the base line and east of the meridian of Choctaw district.

Township twenty, of range one.
Townships twenty, twenty-one, twenty-two, and twenty-three, of range two.
Townships twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range three.
Townships twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five, of range four.
Townships twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five, of range five.
Townships twenty, twenty-one, twenty-two, twenty-four, and twenty-five, of range six.

At the same place, in continuation, commencing on the *first Monday* in *November* next, (4th November,) for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, viz:

Townships twenty, twenty-one, twenty-two, and twenty-five, of range seven, *north* of the base line, and *east* of the meridian of the Choctaw district; also the undermentioned townships and fractional townships situate *north* of the base line, and *west* of the meridian of the Choctaw district, viz:

Fractional townships twenty-eight and twenty-nine, of range five.

Fractional township twenty, (southwest of the old Indian boundary,) townships twenty-six and twenty-seven, and fractional township twenty-eight, of range six.

Township twenty, and fractional township twenty-one, (southwest of the old Indian boundary,) township twenty-two, and fractional townships twenty-five, twenty-six, and twenty-seven, of range seven.

Township twenty, and fractional townships twenty-one, twenty-two, and twenty-three, of range eight.

Fractional townships twenty, twenty-one, and twenty-two, of range nine.

Fractional townships twenty and twenty-one, of range ten.

At Columbus, on the Tombeckbee river, the seat of the land office for the northeastern district of Mississippi, created by the act approved on the 2d day of March, 1833, commencing on the second Monday in November next, (11th November,) for the disposal of the public lands within the limits of the undermen-

tioned townships and fractional townships situate *north of the base line, and east of the meridian of the Choctaw district, viz:*

Fractional township fifteen, and townships sixteen, seventeen, and eighteen, of range one.

Fractional township fifteen, and townships sixteen, seventeen, eighteen, and nineteen, of range two.

Fractional township fifteen, and townships sixteen, seventeen, eighteen, and nineteen, of range three.

Fractional townships twelve and thirteen, and townships seventeen, eighteen, and nineteen, of range four.

Fractional townships ten and eleven, and townships twelve, thirteen, seventeen, eighteen, and nineteen, of range five.

Townships ten, eleven, twelve, thirteen, seventeen, eighteen, and nineteen, of range six.

Townships twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen, of range seven.

At the same place, in continuation, commencing on the *fourth Monday in November next,* (25th November,) for the disposal of the public lands within the limits of the undermentioned townships and fractional township, *north of the base line, and east of the meridian of the Choctaw district,* viz:

Townships nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen, of range eight.

Townships nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen, of range nine.

Townships nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen, of range twelve.

Townships seventeen, eighteen, and nineteen, of range thirteen.

Townships seventeen, eighteen, and nineteen, of range fourteen.

Townships seventeen, eighteen, and nineteen, of range fifteen.

Townships seventeen and eighteen, and fractional township nineteen, of range sixteen.

At the land office at Augusta, commencing on the third Monday in October next, (21st October,) for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, forming a portion of the country ceded by the Choctaws under the provisions of the treaty aforesaid, situate *north of the base line, and east of the meridian of the Choctaw district, viz:*

Fractional townships one, two, three, four, and five, of range six.

Townships one, two, three, four, and five, of range seven.

Townships one, two, three, four, five, and six, of range eight.

Townships one, two, three, four, five, and six, of range nine.

Townships one, two, three, four, five, and six, of range ten.

Townships one, two, three, four, five, and six, of range eleven.

Also at the land office at Augusta, in continuation, on the first Monday in November next, (4th November,) for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, situate *north of the base line, and east of the meridian of the Choctaw district, viz:*

Townships one, two, three, four, five, and six, of range twelve.

Townships one, two, and three, of range thirteen.

Townships one, two, and three, of range fourteen.

Townships one, two, and three, of range fifteen.

Townships one, two, and three, of range sixteen.

Fractional township one, of range seventeen.

Fractional township one, of range eighteen.

Also the undermentioned townships numbered north *from the thirty-first degree of latitude, and situate between the old Indian boundary and the extended base line of the Choctaw district, and west of the meridian of the St. Stephen's district, viz:*

Fractional township ten, of range six.

Fractional township nine and township ten, of range seven.

Fractional townships nine and ten, of range eight.

Fractional townships ten, of ranges nine, ten, eleven, twelve, thirteen, fourteen, and fifteen.

Fractional township nine and township ten, of range sixteen.

At the commencement of the first sale at Augusta there will be offered to the highest bidder such lands formerly *sold at St. Stephen's,* situate within the present limits of the *Augusta district,* as *have been relinquished* to the United States, or *have reverted* for non-payment, and which have not been exposed to public sale subsequent to the relinquishment or reversion thereof.

At the land office at Mount Salus, on the second Monday in October next, (October 14,) there will be exposed to public sale the public lands within the limits of the undermentioned townships *north of the base line, and west of the meridian, viz:*

Townships sixteen and nineteen, of range one.

Township nineteen, of range six.

Township nineteen, of range seven.

Townships sixteen and nineteen, of range eight.

The reservations authorized by the treaty will be indicated on the official plats of survey prior to the commencement of the public sales.

Each sale will be kept open for a period *not exceeding two weeks,* and no longer than may be found necessary to offer all the lands, with the exception of the sale at Mount Salus, which will be kept open for one week, and no longer.

Lands reserved by law for the use of schools, or for other purposes, are to be excluded from sale.

Given under my hand at the city of Washington, the twelfth day of August, A. D. 1833.

ANDREW JACKSON.

By the President:

ELIJAH HAYWARD, *Commissioner of the General Land Office.*

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of law, I, Andrew Jackson, President of the United States, do hereby declare and make known that public sales will be held at the undermentioned land offices in the State of Alabama, at the periods hereinafter designated, for the disposal of lands within the undermentioned townships and

fractional townships, in the tract of country ceded to the United States by the treaty made and concluded at the city of Washington on the twenty-fourth day of March, in the year of our Lord one thousand eight hundred and thirty-two, between the United States and the Creek tribe of Indians, to wit:

At Montevallo, the seat of the land office for the Coosa district, on the *second Monday in January next*, for the sale of the lands in the following described townships and fractional townships, to wit:

Fractional townships twenty-one and twenty-two, of range one east.

Fractional townships twenty, twenty-one, and twenty-two, of range two east.

Fractional townships seventeen, eighteen, nineteen, twenty, and twenty-two, of range three east.

Township twenty-one, of range three east.

Fractional townships fifteen, sixteen, seventeen, eighteen, and twenty-two, of range four east.

Townships nineteen, twenty, and twenty-one, of range four east.

Fractional townships thirteen, fourteen, fifteen, sixteen, and twenty-two, of range five east.

Townships seventeen, eighteen, nineteen, twenty, and twenty-one, of range five east.

Fractional townships twelve, thirteen, fourteen, fifteen, and twenty-two, of range six east.

Townships sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one, of range six east.

Townships thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one, and fractional township twenty-two, of ranges seven, eight, nine, ten, and eleven east

Townships seventeen, eighteen, nineteen, twenty, and twenty-one, of range twelve east.

Fractional township twenty-two, of range twelve east.

At Montgomery, the seat of the land office for the Tallapoosa district, on the *second Monday in January next*, for the sale of the lands in the following described townships and fractional townships, to wit:

Fractional townships twenty-one, twenty-two, twenty-three, and twenty-four, of range sixteen east.

Fractional townships nineteen, twenty, and twenty-one, of range seventeen east.

Townships twenty-two, twenty-three, and twenty-four, of range seventeen east.

Fractional townships eighteen and nineteen, of range eighteen east.

Townships twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range eighteen east.

Fractional township eighteen, of range nineteen east.

Townships nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range nineteen east.

Fractional townships sixteen, seventeen, and eighteen, of range twenty east.

Townships nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range twenty east.

Fractional townships fifteen and sixteen, of range twenty-one east.

Townships seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range twenty-one east.

Fractional townships fourteen and fifteen, of range twenty-two east.

Townships sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range twenty-two east.

Fractional townships thirteen and fourteen, of range twenty-three east.

Townships fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range twenty-three east.

Fractional townships twelve and thirteen, of range twenty-four east.

Townships fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range twenty-four east.

Fractional townships eleven and twelve, of range twenty-five east.

Townships thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range twenty-five east.

Fractional townships ten and eleven, of range twenty-six east.

Townships twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range twenty-six east.

Fractional township ten, of range twenty-seven east.

Townships eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, of range twenty-seven east.

Fractional township nine, of range twenty-eight east.

Townships ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one, of range twenty-eight east.

Fractional townships eight, nine, ten, eleven, twelve, nineteen, twenty, twenty-one, and twenty-two, of range twenty-nine east.

Townships thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, of range twenty-nine east.

Fractional townships eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen, of range thirty east.

Fractional townships fourteen, fifteen, and seventeen, of range thirty-one east.

The reservations authorized by the treaty will be indicated on the official plats of survey prior to the commencement of the public sales.

Each sale will be kept open for two weeks, and no longer, and the lands reserved by law for the use of schools, and other purposes, are to be excluded from sale.

Given under my hand at the city of Washington, this seventeenth day of December, A. D. 1833.

ANDREW JACKSON.

By the President:

ELIJAH HAYWARD, *Commissioner of the General Land Office.*

23D CONGRESS.] No. 1228. [1st SESSION.

ON GRANT OF LOTS OF GROUND TO THE CITY OF NEW ORLEANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 9, 1834.

Mr. BELL, of Tennessee, from the committee to whom was referred the memorial of the mayor, aldermen, and inhabitants of the city of New Orleans, reported:

The city of New Orleans represents, according to its original plan, a square of about a mile in extent at a small distance from the river Mississippi, upon the exterior of a bend or crescent formed by the river in front of it, and, of course, leaving a narrow space between the front row of buildings and the river, increasing in width from the centre towards both extremities.

A question has arisen between the municipal authorities and the United States as to which has the better title to the open space or parcel of land between the front range of buildings and the river. In 1825 the city authorities proposed to lay off into lots and sell such part of it as was supposed to be no longer necessary for the public uses to which it was originally appropriated—the quantity having been considerably augmented by alluvial formations since the city was founded—but were prohibited by an injunction issued from the district court of the United States, at the instance of the district attorney, claiming the land as the property of the United States. The decision of the district court was in favor of the title set up by the United States, and an appeal was taken to the Supreme Court, where the cause is still pending.

The application to Congress for a release or grant of the land is made in behalf of the corporation of New Orleans upon two grounds: 1. Upon the ground that the title is in the city, or, at all events, that the municipal authorities and inhabitants of the city have a property in the use of the premises, which neither the courts nor the government of the United States can interfere with, or in any manner alter or control the disposition which they may think proper to make of them; and that Congress, by releasing the title set up by the United States, will prevent further and useless litigation, and thereby do an act of magnanimity becoming the government of the United States. 2. Assuming that the title is in the United States, it is alleged that the bank of the river has been preserved and the alluvial formations greatly facilitated by the dike or levee which the city has been compelled to make and keep in repair from the foundation of the city up to this time, at its own expense; and that this fact gives the city a claim, in equity and justice, to the land in dispute. It is further urged that a grant of the premises to the city by Congress would inure to the public and general use, inasmuch as the whole commercial community especially, and all other classes interested in the health and prosperity of this great mart for the products of the west, would share in the benefits of the donation.

The city of New Orleans was founded in 1720, and a plan of it, as laid off according to the practice of the French government, appears to have been returned by the engineer or public surveyor of the province to an office attached to the department of the marine, in which all maps, charts, and plans of towns in the colonies were deposited. This plan, an authenticated copy of which has been exhibited to the committee, corresponds not only with other and private plans of the city which have been preserved, but with the city itself as it now is. In reference to this plan, all the lots in the city appear to have been sold. The margin of the river, and the open space between it and the range of lots fronting the river, are embraced in the original plan, and upon it the open space or parcel of land above described is designated by the word "Quai," distinctly written at two points equidistant from the centre. Quai, in the French language, is defined to be a shore of a seaport, used for loading and unloading merchandise. In the cities of France situated upon rivers, the space between the front row of houses and the river appears to be universally designated by the same term; and this practice of France and her colonies in leaving open spaces, denominated quays, between the front streets or range of houses and the river, to be used as a place of deposit for heavy articles of trade, and for the convenience of the public in loading and unloading vessels, appears to have been general. The space appropriated to this use in New Orleans was of greater extent towards the extremities than was absolutely necessary; but as the square figure was adopted in laying off the city, the quay could not be adapted in quantity at all points to the uses for which they were destined, by reason of the curve made by the river in front of the city. But to have diverted the ground or open space towards the upper and lower angles of the city to any other use, public or private, would have been to derange the original plan, and cut off the inhabitants on a large portion of the front of the city from that open and direct communication with the river which it would seem the faith of the government was pledged to preserve. From the earliest date of the city up to the year 1769, when the province of Louisiana passed, according to the stipulations of the treaty of 1763, from France under the dominion of Spain, it appears that the premises in dispute were respected by the crown as property appurtenant to the city, and destined to public uses. It appears to be the custom the of towns of France, as well as of those in the colonies, to permit buildings for public convenience, such as market-houses, fountains, baths, &c., to be erected on the quays, and, in conformity to this custom, some buildings for public use and convenience were erected upon the land in dispute at an early period of the city, and have been continued thereon up to this time; but it may be affirmed, as a general proposition, that the land in question has, under all the sovereignties to which it has at any time been subject, until very recently, been regarded as belonging to the city, and appropriated to the public or common use of its inhabitants. Most of the exceptions to be found in the practice of the governors of the province and of the city council, in the opinion of the committee, strongly corroborate the general truth of this proposition. In 1783 Etienne Plauche, a carpenter and calker, was permitted by the cabildo, or city council, to build an open shed, to be used as a workshop, on a part of the disputed premises. The memorial upon which this privilege was granted shows that the ground upon which it was proposed to build a shed was then known and designated as a wharf or quay, and the privilege was granted upon the express condition that it was to be enjoyed at the will of the city council. In 1788 the governor permitted Antonio Baltran, whose house had been burnt in a recent conflagration, to build a small house on a part of the same premises. A like privilege was allowed Thomas Bertrand, after a similar calamity, in 1794; but in neither of these cases do the proceedings show an intention to make a concession or permanent grant of the land. After

the conflagration in 1788, and again in 1794, many small cabins or sheds were erected by the destitute inhabitants of the city near the water's edge, in front of the city, by the permission in some cases of the governor, and in others of the city council. In 1789 Arnaud Magnon was authorized by the governor of the province to build a house upon a lot or small piece of this land; but the grant was expressly made upon the grounds of public policy and expediency, the grantee being a ship-carpenter, and a ship-yard being considered indispensable. In the opinion given by the assessor or law officer of the royal treasury upon this application, it is stated expressly that the cabildo, or city council, might object, "as the lot was situated within its precincts." Some further evidence of the original destination of the land in controversy is furnished by the descriptive clauses in numerous recorded conveyances and other muniments of title to property in the lots of the city fronting the river, in a series of which, commencing at an early date, these lots are described as lying upon or adjoining or fronting the wharf or quay.

In the opinion of the committee, some consideration is also due to the policy and practice of the French and Spanish governments in making concessions or appropriations of land on the Mississippi river. The lands on both banks of the river in Louisiana are alluvial, and when in a state of nature were subject to an annual inundation of several feet in depth. To drain these lands by ditches, and to confine the waters of the river by embankments or levees, necessarily preceded cultivation. To accomplish this object, the regulations, according to which appropriations of this part of the royal domain were made, required that the concessions should be restricted to a narrow front on the river, and the grantees were required, within a limited time, to clear the land bordering on the river, and to construct a levee or mound of earth along the entire front of their respective concessions to prevent the overflow of the river; and that the lands appropriated at any one point on the river might not be subject to inundations for the want of a levee on the adjoining lands, concessions were in general required to adjoin each other. The government at no time was at any charge in making or repairing these levees. The city of New Orleans could not be exempted from the condition to which other grantees were subject without violating established policy. The site of the entire city would be liable to annual inundations of five or six months' continuance but for the dikes or levees thrown up in front of it. These dikes or levees have been made and kept in repair by the municipal authorities of the city, as the proprietors of the soil bordering on the river. In no other way could the city be bound to this duty but as the owners of the adjoining lands. To have laid off a city and to have left a strip or tract of land between it and the river unappropriated would have been leaving the city and country on that bank of the river exposed to annual inundations and consequent destruction. That the city authorities were required, as the owners of the adjoining soil, by the government to construct and keep in repair a levee upon the bank of the river in front of the city is manifest from several ordinances or regulations which remain of record in the archives of the late province of Louisiana. If a question should be made as to the title to the new or alluvial formations in front of the city, it will, the committee suppose, have to be decided in conformity with the general and known principles of both the common and civil law, which give to the proprietor of the adjoining land all small and gradual alluvial additions, and to the sovereign all sudden and considerable formations of the same kind. It is not pretended in this case that the alluvial deposits in front of the city have been either so sudden or considerable as to let in a claim of the sovereign under the principles stated.

The grounds upon which the United States claim the land in controversy as a part of the public domain will now be briefly noticed.

The 2d article of the convention of the 30th April, 1803, between the United States and France, declares that the cession made by the preceding article 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." To this it is answered that the 3d article provides that the inhabitants of the ceded territory should be "maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess;" and that the land in dispute is, and was at the date of the cession, the common property of the inhabitants of the city of New Orleans. If the concluding words of the clause of the 2d article—"private property"—shall be considered conclusive evidence that all "public lots and squares" of the city not appropriated to private use were intended to be transferred, still the United States, the new sovereign, could derive from the transfer only such right and property in them as France held; and if the premises in dispute were appropriated to the common and public use of the inhabitants of the city, France, before the cession, and the United States afterwards, could only be considered as holding the fee subject to the use designated when the city was founded; and to assert any other or greater interest would be a violation of the public faith.

But it is alleged that the Spanish government, while Louisiana was under the dominion of Spain, and the United States since the cession by France, exercised such authority and ownership over the land in question as are inconsistent with the titles set up by the city of New Orleans, and afford a strong presumption that it has always been viewed as vacant and unappropriated. In 1792 the Baron de Carondelet assumed the right to grant, in the name of the King, a small lot or parcel of the open space between the front row of buildings and the river to one Liatou; but the granting clause of the patent is preceded by the *recital* that he had thought proper, "for the benefit of the public" and "for the greater increase of the population of the city, to make divers arrangements to measure and grant vacant lots situated among the royal lands of the city." Reference is also made, in the description of the lot granted, to a "figurative plan," which was probably a plan of lots laid off between the front range of lots, agreeably to the original plan, and the river, and which had been made out in conformity with his declared intention "to measure and grant the vacant lots situated among the royal lands of the city." The only "royal lands of the city" which the King, or the governor in his name, could legally grant, if the open space between the front range of lots and the river, according to the original plan of the city, was designated and set apart upon that plan as a quay, would be those which remained unsold of the lots laid off as such in the original plan, for the property in all the lots continued in the crown until sold. Therefore, whether the governor did or did not exceed his authority in 1792, in disposing of the lot to Liatou as a part of the "royal lands of the city," seems to depend upon the degree of credit which is to be given to the evidence already referred to, going to show that the land in dispute was originally designated as quays, and as such appropriated to the public and common use and convenience of the city. It is material to remark that the grant is made expressly upon the assumption that the lot granted was embraced in the original plan of the city. The governor did not assume to add to the original limits of the city. In 1795 a similar grant was made to one Mentzinger. These appear to have been the only grants made in pursuance of the determination of the governor, in 1792, "to measure and grant the vacant lots situated among the royal lands of the city." No other grants having been made creates a strong presumption that the two actually

made were without legal authority. Since the cession of Louisiana to the United States the title has been confirmed to most, if not to all, of the lots which were either granted or permission given by the Spanish government to the claimants to occupy or build upon.

To the above instances of assumed ownership by the governments respectively having the sovereignty of the country at different periods may be added the fact that a custom-house was erected at an early period upon the land in controversy, which has been occupied by the government of the United States. This act of ownership, however, does not appear to be inconsistent with the title set up by the city, a custom-house being one of that class of buildings which, according to the custom of the cities of France and her colonies, are allowed to be erected on the quays. The same remark may be made in relation to the erection of barracks by the Spanish government on the premises in question.

The authority of the commissioners of land claims for the eastern district of Louisiana is adduced in support of the title set up by the United States. It appears that the corporation of New Orleans applied to the commissioners for a confirmation of title to a parcel of land adjoining the city, in which they allege that they had a right of common by grant from the crown of France, as appurtenant to the city when it was founded, and which had been enjoyed by the inhabitants of the city without interruption. The commissioners decided against the claim of the corporation, and in the terms of the decision embraced the open space between the front range of buildings and the river; but it does not appear that the question of title to this land was submitted to the commissioners. The claim to common was a distinct question, and dependent upon distinct principles and proofs for its support. Again, in 1812, the city authorities petitioned Congress for the privilege of erecting water works upon the disputed premises, and this has been supposed to imply an admission of title in the United States. The terms of the memorial or resolution of the corporation upon which the application was founded do not, in the opinion of the committee, show any such admission. The right of the inhabitants to the open space in question, to be used for the public and common convenience of the city, is clearly asserted, and the application to Congress appears to have been founded in part in a desire on the part of the chief city in the newly-ceded territory to avoid any collision with the new sovereign.

The committee have noticed all the prominent and most material points, both of evidence and of argument, upon which the decision of the question of title to the premises in dispute has heretofore been thought to depend. There is one other view of the subject, however, which, in the opinion of some of the members of the committee, deserves to be considered. It appears that the open space between the front range of lots in the city and the river has been considerably increased by alluvial formations since the city was founded, and therefore it is that the whole of this open space is no longer required or necessary to be employed for the use to which it was originally destined. The use being no longer enjoyed or required by the inhabitants of the city, it is contended that the complete title reverts to the sovereign or original grantor, and that the land in this case thus withdrawn from the purposes of its former destination may be disposed of as a part of the public domain. If this doctrine were well founded in any case, a question might still arise whether it can be sustained in the present one. Although there may be a greater extent of land than may be necessary for quays, the practice both of France and her colonies at the time the city of New Orleans was founded appears to have been to apply such parts of the space which were usually designated as quays to all buildings of public utility and convenience; and the owners of the lots fronting the river might with reason complain of a violation of the public faith if they should be deprived of any advantage they derive from the space between them and the river being kept open. But who is to decide when the use to which land in such a case has been once appropriated is abandoned, or when the absolute property in it may be resumed by the grantor of the use? May the grantor or sovereign be safely allowed to decide such a question? Such a right in the sovereign would scarcely be consistent with the safety of private rights. But if the opinion of the resulting rights of a sovereign in such a case were sound, another question of quite a novel and delicate character will be presented in this case by the fact that all or nearly all the alluvial increase of the soil in front of the city has taken place in consequence of works erected by the city for the preservation of the bank of the river, and since the Territory of Louisiana was admitted into the Union as a State upon the usual terms. Do those sudden and considerable alluvial formations, which by the common and civil law and by the law in force in Louisiana belong to the sovereign, become the property of the State of Louisiana or of the United States? If of the former, then the United States in this case could have no title in virtue of the resulting rights above suggested, as it will scarcely be contended that the reservation of the right of property in the vacant lands or public lots and squares, in the terms upon which Louisiana was admitted into the Union, extends to alluvial formations which take place after that time, or to any resulting rights of property in lands then appropriated to public use, and which might or might not be abandoned at some future period early or remote. This would be giving a construction to the reservation much beyond any desirable or reasonable object or intent which the general government can have in reserving the proprietary interest in the public domain of the new States.

But after all, it cannot be denied that some doubt exists as to which of the contending parties has the better title to the land in dispute; and the committee propose, in order to put an end to the litigation which has grown out of the question, and to promote to some extent the interests of both parties, that each shall continue to enjoy such part of the land in controversy as is now and has for a long time been in the possession and enjoyment of each. For this purpose they report a bill.

23D CONGRESS.] No. 1229. [1ST SESSION.

ON CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 11, 1834.

Mr. C. JOHNSON, from the Committee on Private Land Claims, to whom was referred the petition of James Caulfield, reported:

That an act of Congress passed April 20, 1818, allowing Peggy Baily to enter 320 acres of land on the river Alabama, being part of section number seven, township five, range five, including the improvements made by Dixon Baily, a half Indian, who had been killed at Fort Mimms whilst in the service of the United States, with a proviso in the following words: "Provided, that neither the said Peggy Baily nor her heirs shall have power of alienating said land, or any part thereof, in any manner whatever; and in case of the voluntary abandonment of the possession and occupancy of the said tract of land by the said Peggy Baily, or her heirs hereafter, the said land shall revert to the United States." The petitioner alleges she intermarried with Richard Robinson, and occupied said land until September, 1828, when they removed west of the Mississippi; a deed of conveyance is presented, signed "Peggy Baily, by her agent and attorney in fact, Benjamin Hawkins," dated September 23, 1828, in Montgomery county, Alabama, conveying the said land to the petitioner for the consideration of one thousand dollars.

A power of attorney is also produced, bearing date March 4, 1828, signed by said Robinson and Peggy Baily, reciting that they had lately removed to Arkansas, and authorizing said Hawkins to sell their interest in said tract of land. The said petitioner further alleges that he knew nothing of the proviso in the act of Congress at the time of the purchase.

The committee do not perceive the slightest ground, either in law or equity, for a confirmation of the claim of said Peggy Baily to the said James Caulfield. After the voluntary abandonment of said land by said Peggy Baily, which must have taken place prior to March 4, 1828, if the recitations in the power of the attorney are to be relied on, the land became a part of the public domain, and the said Peggy Baily and her husband had no more claim than any other of the emigrants from that section of the country; and it can hardly be presumed that Benjamin Hawkins, who acted as her agent in the sale of the land, could have been ignorant of the provisions of the act of Congress of 1818, or that he would have committed so gross a fraud upon the present applicant. But if the truth was so, and the said Caulfield uninformed as to the provisions of that act, it furnishes no ground in law or equity for the United States to pay him for the fraud committed by said Hawkins in the sale of said land to him. And if the said Caulfield became the purchaser, as he alleges, and paid his money without having examined the title he was purchasing, it furnishes no good reason why the United States should pay him back the losses sustained by such gross neglect.

The committee report a bill authorizing him to purchase the land at the government price, in consideration of the settlement and improvements made by him on said land.

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